

**As Reported by the Committee of Conference**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Am. Sub. H. B. No. 51**

**Representatives McGregor, Patmon**

**Cosponsors: Representatives Wachtmann, Amstutz, Beck, Grossman,**

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

**Speaker Speaker Batchelder**

**Senators Manning, Balderson, Beagle, Brown, Cafaro, Hite, Hughes, Lehner,**

**Patton, Peterson, Schaffer, Uecker**

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**A B I L L**

To amend sections 9.33, 126.06, 126.503, 127.14, 1  
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5739.02, 5747.01, 5751.01, 5751.02, 5751.051, and	36
5751.20; to enact sections 4501.031, 4503.192,	37
4503.83, 4582.171, 4765.59, 5517.021, 5537.18,	38
5553.051, and 5577.044 ; and to repeal sections	39
126.60, 126.601, 126.602, 126.603, 126.604,	40
126.605, 3791.11, 4766.02, 4766.20, 4981.36,	41
4981.361, and 5540.151 of the Revised Code; to	42
amend Section 10 of Am. Sub. H.B. 386 of the 129th	43
General Assembly; and to amend Sections 203.80 and	44
203.83 of Sub. H.B. 482 of the 129th General	45
Assembly; to amend the versions of sections	46
4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of	47
the Revised Code that are scheduled to take effect	48
January 1, 2017, to continue the amendments by	49
this act on and after that effective date; to make	50
appropriations for programs related to	51
transportation and public safety for the biennium	52

beginning July 1, 2013, and ending June 30, 2015, 53  
and to provide authorization and conditions for 54  
the operation of those programs. 55

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

**Section 101.01.** That sections 9.33, 126.06, 126.503, 127.14, 56  
153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 505.375, 57  
505.44, 505.72, 718.01, 2913.01, 2913.02, 2913.51, 2937.221, 58  
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4517.021, 4561.01, 4561.06, 4561.07, 4561.08, 4561.09, 4561.12, 65  
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4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 71  
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4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 5501.51 74  
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5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 5537.13, 78  
5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 5537.21, 79  
5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 5537.30, 80  
5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 5751.01, 81  
5751.02, 5751.051, and 5751.20 be amended, and sections 4501.031, 82

4503.192, 4503.83, 4582.171, 4765.59, 5517.021, 5537.18, 5553.051, 83  
and 5577.044 of the Revised Code be enacted to read as follows: 84

**Sec. 9.33.** As used in sections 9.33 to 9.335 of the Revised 85  
Code: 86

(A) "Construction manager" means a person with substantial 87  
discretion and authority to plan, coordinate, manage, and direct 88  
all phases of a project for the construction, demolition, 89  
alteration, repair, or reconstruction of any public building, 90  
structure, or other improvement, but does not mean the person who 91  
provides the professional design services or who actually performs 92  
the construction, demolition, alteration, repair, or 93  
reconstruction work on the project. 94

(B)(1) "Construction manager at risk" means a person with 95  
substantial discretion and authority to plan, coordinate, manage, 96  
direct, and construct all phases of a project for the 97  
construction, demolition, alteration, repair, or reconstruction of 98  
any public building, structure, or other improvement and who 99  
provides the public authority a guaranteed maximum price as 100  
determined in section 9.334 of the Revised Code. 101

(2) As used in division (B)(1) of this section: 102

(a) "Construct" includes performing, or subcontracting for 103  
performing, construction, demolition, alteration, repair, or 104  
reconstruction. 105

(b) "Manage" includes approving bidders and awarding 106  
subcontracts for furnishing materials regarding, or for 107  
performing, construction, demolition, alteration, repair, or 108  
reconstruction. 109

(C) "Construction management contract" means a contract 110  
between a public authority and another person obligating the 111  
person to provide construction management services. 112

(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 143  
for, construct, or maintain roads, highways, or bridges. 144

(G) "Open book pricing method" means a method in which a 145  
construction manager at risk provides the public authority, at the 146  
public authority's request, all books, records, documents, and 147  
other data in its possession pertaining to the bidding, pricing, 148  
or performance of a construction management contract awarded to 149  
the construction manager at risk. 150

**Sec. 126.06.** The total operating fund consists of all funds 151  
in the state treasury except the auto registration distribution 152  
fund, local motor vehicle license tax fund, development bond 153  
retirement fund, facilities establishment fund, gasoline excise 154  
tax fund, higher education improvement fund, highway improvement 155  
bond retirement fund, highway obligations bond retirement fund, 156  
highway capital improvement fund, improvements bond retirement 157  
fund, mental health facilities improvement fund, parks and 158  
recreation improvement fund, public improvements bond retirement 159  
fund, school district income tax fund, state agency facilities 160  
improvement fund, state and local government highway distribution 161  
fund, state highway safety fund, Vietnam conflict compensation 162  
fund, any other fund determined by the director of budget and 163  
management to be a bond fund or bond retirement fund, and such 164  
portion of the highway operating fund as is determined by the 165  
director of budget and management and the director of 166  
transportation to be restricted by Section 5a of Article XII, Ohio 167  
Constitution. 168

When determining the availability of money in the total 169  
operating fund to pay claims chargeable to a fund contained within 170  
the total operating fund, the director of budget and management 171  
shall use the same procedures and criteria the director employs in 172  
determining the availability of money in a fund contained within 173

the total operating fund. The director may establish limits on the 174  
negative cash balance of the general revenue fund within the total 175  
operating fund, but in no case shall the negative cash balance of 176  
the general revenue fund exceed ten per cent of the total revenue 177  
of the general revenue fund in the preceding fiscal year. 178

**Sec. 126.503.** All state agencies shall control ~~nonessential~~ 179  
travel expenses by doing all of the following: 180

(A) Complying with any travel directives issued by the 181  
director of budget and management; 182

(B) Using, when possible, the online travel authorization and 183  
expense reimbursement process; 184

(C) Conducting meetings, whenever possible and in compliance 185  
with section 121.22 of the Revised Code, using conference calls, 186  
teleconferences, webinars, or other technology tools; 187

(D) Using fleet vehicles for official state travel whenever 188  
possible; and 189

(E) Following restrictions set by the department of 190  
administrative services regarding mileage reimbursement pursuant 191  
to section 125.832 of the Revised Code. 192

In addition to the methods of travel expense control listed 193  
above, a state agency may use a state-contracted rental vehicle 194  
provider for employee vehicle travel exceeding one hundred miles. 195

The director of budget and management shall not reimburse any 196  
state agency employee for unauthorized travel expenses. 197

**Sec. 127.14.** The controlling board may, at the request of any 198  
state agency or the director of budget and management, authorize, 199  
with respect to the provisions of any appropriation act: 200

(A) Transfers of all or part of an appropriation within but 202

not between state agencies, except such transfers as the director 203  
of budget and management is authorized by law to make, provided 204  
that no transfer shall be made by the director for the purpose of 205  
effecting new or changed levels of program service not authorized 206  
by the general assembly; 207

(B) Transfers of all or part of an appropriation from one 208  
fiscal year to another; 209

(C) Transfers of all or part of an appropriation within or 210  
between state agencies made necessary by administrative 211  
reorganization or by the abolition of an agency or part of an 212  
agency; 213

(D) Transfers of all or part of cash balances in excess of 214  
needs from any fund of the state to the general revenue fund or to 215  
such other fund of the state to which the money would have been 216  
credited in the absence of the fund from which the transfers are 217  
authorized to be made, except that the controlling board may not 218  
authorize such transfers from the accrued leave liability fund, 219  
auto registration distribution fund, local motor vehicle license 220  
tax fund, budget stabilization fund, development bond retirement 221  
fund, facilities establishment fund, gasoline excise tax fund, 222  
general revenue fund, higher education improvement fund, highway 223  
improvement bond retirement fund, highway obligations bond 224  
retirement fund, highway capital improvement fund, highway 225  
operating fund, horse racing tax fund, improvements bond 226  
retirement fund, public library fund, liquor control fund, local 227  
government fund, local transportation improvement program fund, 228  
mental health facilities improvement fund, Ohio fairs fund, parks 229  
and recreation improvement fund, public improvements bond 230  
retirement fund, school district income tax fund, state agency 231  
facilities improvement fund, state and local government highway 232  
distribution fund, state highway safety fund, state lottery fund, 233  
undivided liquor permit fund, Vietnam conflict compensation bond 234



retirement fund, volunteer fire fighters' dependents fund, 235  
waterways safety fund, wildlife fund, workers' compensation fund, 236  
or any fund not specified in this division that the director of 237  
budget and management determines to be a bond fund or bond 238  
retirement fund; 239

(E) Transfers of all or part of those appropriations included 240  
in the emergency purposes account of the controlling board; 241

(F) Temporary transfers of all or part of an appropriation or 242  
other moneys into and between existing funds, or new funds, as may 243  
be established by law when needed for capital outlays for which 244  
notes or bonds will be issued; 245

(G) Transfer or release of all or part of an appropriation to 246  
a state agency requiring controlling board approval of such 247  
transfer or release as provided by law; 248

(H) Temporary transfer of funds included in the emergency 249  
purposes appropriation of the controlling board. Such temporary 250  
transfers may be made subject to conditions specified by the 251  
controlling board at the time temporary transfers are authorized. 252  
No transfers shall be made under this division for the purpose of 253  
effecting new or changed levels of program service not authorized 254  
by the general assembly. 255

As used in this section, "request" means an application by a 256  
state agency or the director of budget and management seeking some 257  
action by the controlling board. 258

When authorizing the transfer of all or part of an 259  
appropriation under this section, the controlling board may 260  
authorize the transfer to an existing appropriation item and the 261  
creation of and transfer to a new appropriation item. 262

Whenever there is a transfer of all or part of funds included 263  
in the emergency purposes appropriation by the controlling board, 264  
pursuant to division (E) of this section, the state agency or the 265

director of budget and management receiving such transfer shall 266  
keep a detailed record of the use of the transferred funds. At the 267  
earliest scheduled meeting of the controlling board following the 268  
accomplishment of the purposes specified in the request originally 269  
seeking the transfer, or following the total expenditure of the 270  
transferred funds for the specified purposes, the state agency or 271  
the director of budget and management shall submit a report on the 272  
expenditure of such funds to the board. The portion of any 273  
appropriation so transferred which is not required to accomplish 274  
the purposes designated in the original request to the controlling 275  
board shall be returned to the proper appropriation of the 276  
controlling board at this time. 277

Notwithstanding any provisions of law providing for the 278  
deposit of revenues received by a state agency to the credit of a 279  
particular fund in the state treasury, whenever there is a 280  
temporary transfer of funds included in the emergency purposes 281  
appropriation of the controlling board pursuant to division (H) of 282  
this section, revenues received by any state agency receiving such 283  
a temporary transfer of funds shall, as directed by the 284  
controlling board, be transferred back to the emergency purposes 285  
appropriation. 286

The board may delegate to the director of budget and 287  
management authority to approve transfers among items of 288  
appropriation under division (A) of this section. 289

**Sec. 153.01.** (A) Whenever any building or structure for the 290  
use of the state or any institution supported in whole or in part 291  
by the state or in or upon the public works of the state that is 292  
administered by the Ohio facilities construction commission or by 293  
any other state officer or state agency authorized by law to 294  
administer a project, including an educational institution listed 295  
in section 3345.50 of the Revised Code, is to be erected or 296

constructed, whenever additions, alterations, or structural or 297  
other improvements are to be made, or whenever heating, cooling, 298  
or ventilating plants or other equipment is to be installed or 299  
material supplied therefor, the estimated cost of which amounts to 300  
two hundred thousand dollars or more, or the amount determined 301  
pursuant to section 153.53 of the Revised Code or more, each 302  
officer, board, or other authority upon which devolves the duty of 303  
constructing, erecting, altering, or installing the same, referred 304  
to in sections 153.01 to 153.60 of the Revised Code as the public 305  
authority, shall cause to be made, by an architect or engineer 306  
whose contract of employment shall be prepared and approved by the 307  
attorney general, the following: 308

(1) Full and accurate plans, suitable for the use of 309  
mechanics and other builders in the construction, improvement, 310  
addition, alteration, or installation; 311

(2) Details to scale and full-sized, so drawn and represented 312  
as to be easily understood; 313

(3) Definite and complete specifications of the work to be 314  
performed, together with directions that will enable a competent 315  
mechanic or other builder to carry them out and afford bidders all 316  
needful information; 317

(4) A full and accurate estimate of each item of expense and 318  
the aggregate cost of those items of expense; 319

(5) A life-cycle cost analysis; 320

(6) Further data as may be required by the Ohio facilities 321  
construction commission. 322

(B)(1) Division (A) of this section shall not be required 323  
with respect to a construction management contract entered into 324  
with a construction manager at risk as described in section 9.334 325  
of the Revised Code or a design-build contract entered into with a 326  
design-build firm as described in section 153.693 of the Revised 327

Code.	328
<u>(2) Nothing in this chapter shall interfere with the power of</u>	329
<u>the director of transportation to prepare plans for, acquire</u>	330
<u>rights-of-way for, construct, or maintain roads, highways, or</u>	331
<u>bridges, or to let contracts for those purposes.</u>	332
<b>Sec. 153.65.</b> As used in sections 153.65 to 153.73 of the	333
Revised Code:	334
(A)(1) "Public authority" means the state, a state	335
institution of higher education as defined in section 3345.011 of	336
the Revised Code, a county, township, municipal corporation,	337
school district, or other political subdivision, or any public	338
agency, authority, board, commission, instrumentality, or special	339
purpose district of the state or of a political subdivision.	340
(2) "Public authority" does not include <del>the Ohio turnpike</del>	341
<del>commission</del> <u>the director of transportation when exercising the</u>	342
<u>director's authority to prepare plans for, acquire rights-of-way</u>	343
<u>for, construct, or maintain roads, highways, or bridges.</u>	344
(B) "Professional design firm" means any person legally	345
engaged in rendering professional design services.	346
(C) "Professional design services" means services within the	347
scope of practice of an architect or landscape architect	348
registered under Chapter 4703. of the Revised Code or a	349
professional engineer or surveyor registered under Chapter 4733.	350
of the Revised Code.	351
(D) "Qualifications" means all of the following:	352
(1)(a) For a professional design firm, competence to perform	353
the required professional design services as indicated by the	354
technical training, education, and experience of the firm's	355
personnel, especially the technical training, education, and	356
experience of the employees within the firm who would be assigned	357

to perform the services;	358
(b) For a design-build firm, competence to perform the	359
required design-build services as indicated by the technical	360
training, education, and experience of the design-build firm's	361
personnel and key consultants, especially the technical training,	362
education, and experience of the employees and consultants of the	363
design-build firm who would be assigned to perform the services,	364
including the proposed architect or engineer of record.	365
(2) Ability of the firm in terms of its workload and the	366
availability of qualified personnel, equipment, and facilities to	367
perform the required professional design services or design-build	368
services competently and expeditiously;	369
(3) Past performance of the firm as reflected by the	370
evaluations of previous clients with respect to such factors as	371
control of costs, quality of work, and meeting of deadlines;	372
(4) Any other relevant factors as determined by the public	373
authority;	374
(5) With respect to a design-build firm, compliance with	375
sections 4703.182, 4703.332, and 4733.16 of the Revised Code,	376
including the use of a licensed design professional for all design	377
services.	378
(E) "Design-build contract" means a contract between a public	379
authority and another person that obligates the person to provide	380
design-build services.	381
(F) "Design-build firm" means a person capable of providing	382
design-build services.	383
(G) "Design-build services" means services that form an	384
integrated delivery system for which a person is responsible to a	385
public authority for both the design and construction, demolition,	386
alteration, repair, or reconstruction of a public improvement.	387

(H) "Architect or engineer of record" means the architect or 388  
engineer that serves as the final signatory on the plans and 389  
specifications for the design-build project. 390

(I) "Criteria architect or engineer" means the architect or 391  
engineer retained by a public authority to prepare conceptual 392  
plans and specifications, to assist the public authority in 393  
connection with the establishment of the design criteria for a 394  
design-build project, and, if requested by the public authority, 395  
to serve as the representative of the public authority and 396  
provide, during the design-build project, other design and 397  
construction administration services on behalf of the public 398  
authority, including but not limited to, confirming that the 399  
design prepared by the design-build firm reflects the original 400  
design intent established in the design criteria package. 401

(J) "Open book pricing method" means a method in which a 402  
design-build firm provides the public authority, at the public 403  
authority's request, all books, records, documents, contracts, 404  
subcontracts, purchase orders, and other data in its possession 405  
pertaining to the bidding, pricing, or performance of a contract 406  
for design-build services awarded to the design-build firm. 407

**Sec. 164.05.** (A) The director of the Ohio public works 408  
commission shall do all of the following: 409

(1) Approve requests for financial assistance from district 410  
public works integrating committees and enter into agreements with 411  
one or more local subdivisions to provide loans, grants, and local 412  
debt support and credit enhancements for a capital improvement 413  
project if the director determines that: 414

(a) The project is an eligible project pursuant to this 415  
chapter; 416

(b) The financial assistance for the project has been 417

properly approved and requested by the district committee of the 418  
district which includes the recipient of the loan or grant; 419

(c) The amount of the financial assistance, when added to all 420  
other financial assistance provided during the fiscal year for 421  
projects within the district, does not exceed that district's 422  
allocation of money from the state capital improvements fund for 423  
that fiscal year; 424

(d) The district committee has provided such documentation 425  
and other evidence as the director may require that the district 426  
committee has satisfied the requirements of section 164.06 or 427  
164.14 of the Revised Code; 428

(e) The portion of a district's annual allocation which the 429  
director approves in the form of loans and local debt support and 430  
credit enhancements for eligible projects is consistent with 431  
divisions (E) and (F) of this section. 432

(2) Authorize payments to local subdivisions or their 433  
contractors for costs incurred for capital improvement projects 434  
which have been approved pursuant to this chapter. All requests 435  
for payments shall be submitted to the director on forms and in 436  
accordance with procedures specified in rules adopted by the 437  
director pursuant to division (A)(4) of this section. 438

(3) Retain the services of or employ financial consultants, 439  
engineers, accountants, attorneys, and such other employees as the 440  
director determines are necessary to carry out the director's 441  
duties under this chapter and fix the compensation for their 442  
services. From among these employees, the director shall appoint 443  
a deputy with the necessary qualifications to act as the director 444  
when the director is absent or temporarily unable to carry out the 445  
duties of office. 446

(4) Adopt rules establishing the procedures for making 447  
applications, reviewing, approving, and rejecting projects for 448

which assistance is authorized under this chapter, and any other 449  
rules needed to implement the provisions of this chapter. Such 450  
rules shall be adopted under Chapter 119. of the Revised Code. 451

(5) Provide information and other assistance to local 452  
subdivisions and district public works integrating committees in 453  
developing their requests for financial assistance for capital 454  
improvements under this chapter and encourage cooperation and 455  
coordination of requests and the development of multisubdivision 456  
and multidistrict projects in order to maximize the benefits that 457  
may be derived by districts from each year's allocation; 458

(6) Require local subdivisions, to the extent practicable, to 459  
use Ohio products, materials, services, and labor in connection 460  
with any capital improvement project financed in whole or in part 461  
under this chapter; 462

(7) Notify the director of budget and management of all 463  
approved projects, and supply all information necessary to track 464  
approved projects through the state accounting system; 465

(8) Appoint the administrator of the Ohio small government 466  
capital improvements commission; 467

(9) Do all other acts, enter into contracts, and execute all 468  
instruments necessary or appropriate to carry out this chapter; 469

(10) Develop a standardized methodology for evaluating 470  
capital improvement needs which will be used by local subdivisions 471  
in preparing the plans required by division (C) of section 164.06 472  
of the Revised Code. The director shall develop this methodology 473  
not later than July 1, 1991. 474

(11) Establish a program to provide local subdivisions with 475  
technical assistance in preparing project applications. The 476  
program shall be designed to assist local subdivisions that lack 477  
the financial or technical resources to prepare project 478  
applications on their own. 479



(B) When the director of the Ohio public works commission 480  
decides to conditionally approve or disapprove projects, the 481  
director's decisions and the reasons for which they are made shall 482  
be made in writing. These written decisions shall be conclusive 483  
for the purposes of the validity and enforceability of such 484  
determinations. 485

(C) Fees, charges, rates of interest, times of payment of 486  
interest and principal, and other terms, conditions, and 487  
provisions of and security for financial assistance provided 488  
pursuant to the provisions of this chapter shall be such as the 489  
director determines to be appropriate. If any payments required by 490  
a loan agreement entered into pursuant to this chapter are not 491  
paid, the funds which would otherwise be apportioned to the local 492  
subdivision from the county undivided local government fund, 493  
pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, 494  
at the direction of the director of the Ohio public works 495  
commission, be reduced by the amount payable. The county treasurer 496  
shall, at the direction of the director, pay the amount of such 497  
reductions to the state capital improvements revolving loan fund. 498  
The director may renegotiate a loan repayment schedule with a 499  
local subdivision whose payments from the county undivided local 500  
government fund could be reduced pursuant to this division, but 501  
such a renegotiation may occur only one time with respect to any 502  
particular loan agreement. 503

(D) Grants approved for the repair and replacement of 504  
existing infrastructure pursuant to this chapter shall not exceed 505  
ninety per cent of the estimated total cost of the capital 506  
improvement project. Grants approved for new or expanded 507  
infrastructure shall not exceed fifty per cent of the estimated 508  
cost of the new or expansion elements of the capital improvement 509  
project. A local subdivision share of the estimated cost of a 510  
capital improvement may consist of any of the following: 511

(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%
Year 4	12%
Year 5	15%
Year 6	20%
Year 7, 8, 9, and 10	22%

(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



Year 2	5%	575
Year 3	10%	576
Year 4	10%	577
Year 5	10%	578
Year 6	15%	579
Year 7	15%	580
Year 8	20%	581
Year 9	20%	582
Year 10 and each year		583
thereafter	20%	584

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

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION USED FOR LOANS OR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 11 and each year		594
thereafter	20%	595

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

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

A board of county commissioners may operate an ambulance  
service organization or emergency medical service organization,

or, in counties with a population of forty thousand or less, may 606  
operate a nonemergency patient transport service organization, or 607  
may enter into a contract with one or more counties, townships, 608  
municipal corporations, nonprofit corporations, joint emergency 609  
medical services districts, fire and ambulance districts, or 610  
private ambulance owners, regardless of whether such counties, 611  
townships, municipal corporations, nonprofit corporations, joint 612  
emergency medical services districts, fire and ambulance 613  
districts, or private ambulance owners are located within or 614  
without the state, in order to furnish or obtain the services of 615  
ambulance service organizations, to furnish or obtain additional 616  
services from ambulance service organizations in times of 617  
emergency, to furnish or obtain the services of emergency medical 618  
service organizations, or, in counties with a population of forty 619  
thousand or less, to furnish or obtain services of nonemergency 620  
patient transport service organizations, or may enter into a 621  
contract with any such entity to furnish or obtain the interchange 622  
of services from ambulance or emergency medical service 623  
organizations, or, within counties with a population of forty 624  
thousand or less, to furnish or obtain the interchange of services 625  
from nonemergency patient transport service organizations, within 626  
the territories of the contracting subdivisions. Except in the 627  
case of a contract with a joint emergency medical services 628  
district to obtain the services of emergency medical service 629  
organizations, such contracts shall not be entered into with a 630  
public agency or nonprofit corporation that receives more than 631  
half of its operating funds from governmental entities with the 632  
intention of directly competing with the operation of other 633  
ambulance service organizations, nonemergency patient transport 634  
service organizations, or emergency medical service organizations 635  
in the county unless the public agency or nonprofit corporation is 636  
awarded the contract after submitting the lowest and best bid to 637  
the board of county commissioners. Any county wishing to commence 638

operation of a nonemergency patient transport service organization 639  
or wishing to enter into a contract for the first time to furnish 640  
or obtain services from a nonemergency patient transport service 641  
organization on or after March 1, 1993, including a county in 642  
which a private provider has been providing the service, shall 643  
demonstrate the need for public funding for the service to, and 644  
obtain approval from, the state board of emergency medical, fire, 645  
and transportation services or its immediate successor board prior 646  
to operating or funding the organization. 647

When such an organization is operated by the board, the 648  
organization may be administered by the board, by the county 649  
sheriff, or by another county officer or employee designated by 650  
the board. All rules, including the determining of reasonable 651  
rates, necessary for the establishment, operation, and maintenance 652  
of such an organization shall be adopted by the board. 653

A contract for services of an ambulance service, nonemergency 654  
patient transport service, or emergency medical service 655  
organization shall include the terms, conditions, and stipulations 656  
as agreed to by the parties to the contract. It may provide for a 657  
fixed annual charge to be paid at the times agreed upon and 658  
stipulated in the contract, or for compensation based upon a 659  
stipulated price for each run, call, or emergency or the number of 660  
persons or pieces of apparatus employed, or the elapsed time of 661  
service required in such run, call, or emergency, or any 662  
combination thereof. 663

**Sec. 307.051.** As used in this section, "emergency medical 664  
service organization" has the same meaning as in section 4766.01 665  
of the Revised Code. 666

A board of county commissioners, by adoption of an 667  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 668  
emergency medical, fire, and transportation ~~board~~ services license 669

any emergency medical service organization it operates. If a board 670  
adopts such a resolution, Chapter 4766. of the Revised Code, 671  
except for sections 4766.06 and 4766.99 of the Revised Code, 672  
applies to the county emergency medical service organization. All 673  
rules adopted under the applicable sections of that chapter also 674  
apply to the organization. A board, by adoption of an appropriate 675  
resolution, may remove its emergency medical service organization 676  
from the jurisdiction of the ~~Ohio~~ state board of emergency 677  
medical, fire, and transportation board services. 678

**Sec. 307.055.** (A) Subject to the terms and conditions of the 679  
joint resolution creating it, each joint emergency medical 680  
services district may furnish ambulance services and emergency 681  
medical services by one of the following methods: 682

(1) By operating an emergency medical service organization as 683  
defined in section 4765.01 of the Revised Code; 684

(2) By contracting for the operation of one or more 685  
facilities pursuant to division (C) or (D) of this section; 686

(3) By providing necessary services and equipment to the 687  
district either directly or under a contract entered into pursuant 688  
to division (B) of this section; 689

(4) By providing service through any combination of methods 690  
described in divisions (A)(1) to (3) of this section. 691

(B) In order to obtain ambulance service, to obtain 692  
additional ambulance service in times of emergency, or to obtain 693  
emergency medical services, a joint emergency medical services 694  
district may enter into a contract, for a period not to exceed 695  
three years, with one or more counties, townships, municipal 696  
corporations, joint fire districts, other governmental units that 697  
provide ambulance service or emergency medical services, nonprofit 698  
corporations, or private ambulance owners, regardless of whether 699

the entities contracted with are located within or outside this 700  
state, upon such terms as are agreed to, to furnish or receive 701  
ambulance services or the interchange of ambulance services or 702  
emergency medical services within the several territories of the 703  
contracting subdivisions, if the contract is first authorized by 704  
all boards of trustees and legislative authorities in the 705  
territories to be served. 706

Such a contract may provide for a fixed annual charge to be 707  
paid at the times agreed upon and stipulated in the contract; or 708  
for compensation based on a stipulated price for each run, call, 709  
or emergency or based on the elapsed time of service required for 710  
each run, call, or emergency, or based on any combination of 711  
these. 712

Expenditures of a district for ambulance service or emergency 713  
medical service, whether pursuant to contract or otherwise, are 714  
lawful expenditures, regardless of whether the district or the 715  
party with which it contracts charges an additional fee to users 716  
of the service. 717

(C) The board of trustees may enter into a contract with any 718  
person, municipal corporation, township, or other political 719  
subdivision, and any political subdivision may contract with the 720  
board, for the operation and maintenance of emergency medical 721  
services facilities regardless of whether the facilities used are 722  
owned or leased by the district, by another political subdivision, 723  
or by the contractor. 724

(D) The district may purchase, lease, and maintain all 725  
materials, buildings, land, and equipment, including vehicles, the 726  
board considers necessary for the district. 727

When the board finds, by resolution, that the district has 728  
personal property that is not needed for public use, or is 729  
obsolete or unfit for the use for which it was acquired, the board 730



may dispose of the property in the same manner as provided in 731  
section 307.12 of the Revised Code. 732

(E) Except in the case of a contract with a board of county 733  
commissioners for the provision of services of an emergency 734  
medical service organization, any contract entered into by a joint 735  
emergency medical services district shall conform to the same 736  
bidding requirements that apply to county contracts under sections 737  
307.86 to 307.92 of the Revised Code. 738

(F) A county participating in a joint district may contribute 739  
any of its rights or interests in real or personal property, 740  
including money, and may contribute services to the district. Any 741  
such contributions shall be made by a written agreement between 742  
the contributing county and the district, specifying the 743  
contribution as well as the rights of the participating counties 744  
in the contributed property. Written agreements shall also be 745  
prepared specifying the rights of participating counties in 746  
property acquired by the district other than by contribution of a 747  
participating county. Written agreements required by this division 748  
may be amended only by written agreement of all parties to the 749  
original agreement. 750

(G) A district's board of trustees, by adoption of an 751  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 752  
emergency medical, fire, and transportation ~~board~~ services license 753  
any emergency medical service organization the district operates. 754  
If a board adopts such a resolution, Chapter 4766. of the Revised 755  
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 756  
applies to the district emergency medical service organization. 757  
All rules adopted under the applicable sections of that chapter 758  
also apply to the organization. A board, by adoption of an 759  
appropriate resolution, may remove the district emergency medical 760  
service organization from the jurisdiction of the ~~Ohio~~ state board 761  
of emergency medical, fire, and transportation ~~board~~ services. 762

**Sec. 505.37.** (A) The board of township trustees may establish 763  
all necessary rules to guard against the occurrence of fires and 764  
to protect the property and lives of the citizens against damage 765  
and accidents, and may, with the approval of the specifications by 766  
the prosecuting attorney or, if the township has adopted limited 767  
home rule government under Chapter 504. of the Revised Code, with 768  
the approval of the specifications by the township's law director, 769  
purchase, lease, lease with an option to purchase, or otherwise 770  
provide any fire apparatus, mechanical resuscitators, or other 771  
equipment, appliances, materials, fire hydrants, and water supply 772  
for fire-fighting purposes that seems advisable to the board. The 773  
board shall provide for the care and maintenance of fire 774  
equipment, and, for these purposes, may purchase, lease, lease 775  
with an option to purchase, or construct and maintain necessary 776  
buildings, and it may establish and maintain lines of fire-alarm 777  
communications within the limits of the township. The board may 778  
employ one or more persons to maintain and operate fire-fighting 779  
equipment, or it may enter into an agreement with a volunteer fire 780  
company for the use and operation of fire-fighting equipment. The 781  
board may compensate the members of a volunteer fire company on 782  
any basis and in any amount that it considers equitable. 783

784  
When the estimated cost to purchase fire apparatus, 785  
mechanical resuscitators, other equipment, appliances, materials, 786  
fire hydrants, buildings, or fire-alarm communications equipment 787  
or services exceeds fifty thousand dollars, the contract shall be 788  
let by competitive bidding. When competitive bidding is required, 789  
the board shall advertise once a week for not less than two 790  
consecutive weeks in a newspaper of general circulation within the 791  
township. The board may also cause notice to be inserted in trade 792  
papers or other publications designated by it or to be distributed 793  
by electronic means, including posting the notice on the board's 794

internet web site. If the board posts the notice on its web site, 795  
it may eliminate the second notice otherwise required to be 796  
published in a newspaper of general circulation within the 797  
township, provided that the first notice published in such 798  
newspaper meets all of the following requirements: 799

(1) It is published at least two weeks before the opening of 800  
bids. 801

(2) It includes a statement that the notice is posted on the 802  
board's internet web site. 803

(3) It includes the internet address of the board's internet 804  
web site. 805

(4) It includes instructions describing how the notice may be 806  
accessed on the board's internet web site. 807

The advertisement shall include the time, date, and place 808  
where the clerk of the township, or the clerk's designee, will 809  
read bids publicly. The time, date, and place of bid openings may 810  
be extended to a later date by the board of township trustees, 811  
provided that written or oral notice of the change shall be given 812  
to all persons who have received or requested specifications not 813  
later than ninety-six hours prior to the original time and date 814  
fixed for the opening. The board may reject all the bids or accept 815  
the lowest and best bid, provided that the successful bidder meets 816  
the requirements of section 153.54 of the Revised Code when the 817  
contract is for the construction, demolition, alteration, repair, 818  
or reconstruction of an improvement. 819

(B) The boards of township trustees of any two or more 820  
townships, or the legislative authorities of any two or more 821  
political subdivisions, or any combination of these, may, through 822  
joint action, unite in the joint purchase, lease, lease with an 823  
option to purchase, maintenance, use, and operation of 824  
fire-fighting equipment, or for any other purpose designated in 825

sections 505.37 to 505.42 of the Revised Code, and may prorate the 826  
expense of the joint action on any terms that are mutually agreed 827  
upon. 828

(C) The board of township trustees of any township may, by 829  
resolution, whenever it is expedient and necessary to guard 830  
against the occurrence of fires or to protect the property and 831  
lives of the citizens against damages resulting from their 832  
occurrence, create a fire district of any portions of the township 833  
that it considers necessary. The board may purchase, lease, lease 834  
with an option to purchase, or otherwise provide any fire 835  
apparatus, appliances, materials, fire hydrants, and water supply 836  
for fire-fighting purposes, or may contract for the fire 837  
protection for the fire district as provided in section 9.60 of 838  
the Revised Code. The fire district so created shall be given a 839  
separate name by which it shall be known. 840

Additional unincorporated territory of the township may be 841  
added to a fire district upon the board's adoption of a resolution 842  
authorizing the addition. A municipal corporation that is within 843  
or adjoining the township may be added to a fire district upon the 844  
board's adoption of a resolution authorizing the addition and the 845  
municipal legislative authority's adoption of a resolution or 846  
ordinance requesting the addition of the municipal corporation to 847  
the fire district. 848

If the township fire district imposes a tax, additional 849  
unincorporated territory of the township or a municipal 850  
corporation that is within or adjoining the township shall become 851  
part of the fire district only after all of the following have 852  
occurred: 853

(1) Adoption by the board of township trustees of a 854  
resolution approving the expansion of the territorial limits of 855  
the district and, if the resolution proposes to add a municipal 856  
corporation, adoption by the municipal legislative authority of a 857

resolution or ordinance requesting the addition of the municipal corporation to the district; 858  
859

(2) Adoption by the board of township trustees of a resolution recommending the extension of the tax to the additional territory; 860  
861  
862

(3) Approval of the tax by the electors of the territory proposed for addition to the district. 863  
864

Each resolution of the board adopted under division (C)(2) of this section shall state the name of the fire district, a description of the territory to be added, and the rate and termination date of the tax, which shall be the rate and termination date of the tax currently in effect in the fire district. 865  
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The board of trustees shall certify each resolution adopted under division (C)(2) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (C)(3) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read: 871  
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"Shall the territory within ..... (description of the proposed territory to be added) be added to ..... (name) fire district, and a property tax at a rate of taxation not exceeding ..... (here insert tax rate) be in effect for ..... (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?" 878  
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If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the 885  
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taxable property within the territory that has been added. If the 889  
territory that has been added is a municipal corporation and if it 890  
had adopted a tax levy for fire purposes, the levy is terminated 891  
on the effective date of the joinder. 892

Any municipal corporation may withdraw from a township fire 893  
district created under division (C) of this section by the 894  
adoption by the municipal legislative authority of a resolution or 895  
ordinance ordering withdrawal. On the first day of July of the 896  
year following the adoption of the resolution or ordinance of 897  
withdrawal, the municipal corporation withdrawing ceases to be a 898  
part of the district, and the power of the fire district to levy a 899  
tax upon taxable property in the withdrawing municipal corporation 900  
terminates, except that the fire district shall continue to levy 901  
and collect taxes for the payment of indebtedness within the 902  
territory of the fire district as it was composed at the time the 903  
indebtedness was incurred. 904

Upon the withdrawal of any municipal corporation from a 905  
township fire district created under division (C) of this section, 906  
the county auditor shall ascertain, apportion, and order a 907  
division of the funds on hand, moneys and taxes in the process of 908  
collection except for taxes levied for the payment of 909  
indebtedness, credits, and real and personal property, either in 910  
money or in kind, on the basis of the valuation of the respective 911  
tax duplicates of the withdrawing municipal corporation and the 912  
remaining territory of the fire district. 913

A board of township trustees may remove unincorporated 914  
territory of the township from the fire district upon the adoption 915  
of a resolution authorizing the removal. On the first day of July 916  
of the year following the adoption of the resolution, the 917  
unincorporated township territory described in the resolution 918  
ceases to be a part of the district, and the power of the fire 919  
district to levy a tax upon taxable property in that territory 920

terminates, except that the fire district shall continue to levy 921  
and collect taxes for the payment of indebtedness within the 922  
territory of the fire district as it was composed at the time the 923  
indebtedness was incurred. 924

(D) The board of township trustees of any township, the board 925  
of fire district trustees of a fire district created under section 926  
505.371 of the Revised Code, or the legislative authority of any 927  
municipal corporation may purchase, lease, or lease with an option 928  
to purchase the necessary fire-fighting equipment, buildings, and 929  
sites for the township, fire district, or municipal corporation 930  
and issue securities for that purpose with maximum maturities as 931  
provided in section 133.20 of the Revised Code. The board of 932  
township trustees, board of fire district trustees, or legislative 933  
authority may also construct any buildings necessary to house 934  
fire-fighting equipment and issue securities for that purpose with 935  
maximum maturities as provided in section 133.20 of the Revised 936  
Code. 937

The board of township trustees, board of fire district 938  
trustees, or legislative authority may issue the securities of the 939  
township, fire district, or municipal corporation, signed by the 940  
board or designated officer of the municipal corporation and 941  
attested by the signature of the township fiscal officer, fire 942  
district clerk, or municipal clerk, covering any deferred payments 943  
and payable at the times provided, which securities shall bear 944  
interest not to exceed the rate determined as provided in section 945  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 946  
of the Revised Code. The legislation authorizing the issuance of 947  
the securities shall provide for levying and collecting annually 948  
by taxation, amounts sufficient to pay the interest on and 949  
principal of the securities. The securities shall be offered for 950  
sale on the open market or given to the vendor or contractor if no 951  
sale is made. 952

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

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

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

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

A board of township trustees, by adoption of an appropriate resolution, may choose to have the ~~Ohio~~ state board of emergency medical, fire, and transportation board services license any emergency medical service organization it operates. If the board adopts such a resolution, Chapter 4766. of the Revised Code,



except for sections 4766.06 and 4766.99 of the Revised Code, 985  
applies to the organization. All rules adopted under the 986  
applicable sections of that chapter also apply to the 987  
organization. A board of township trustees, by adoption of an 988  
appropriate resolution, may remove its emergency medical service 989  
organization from the jurisdiction of the ~~Ohio~~ state board of 990  
emergency medical, fire, and transportation board services. 991

**Sec. 505.375.** (A)(1)(a) The boards of township trustees of 992  
one or more townships and the legislative authorities of one or 993  
more municipal corporations, or the legislative authorities of two 994  
or more municipal corporations, or the boards of township trustees 995  
of two or more townships, may negotiate an agreement to form a 996  
fire and ambulance district for the delivery of both fire and 997  
ambulance services. The agreement shall be ratified by the 998  
adoption of a joint resolution by a majority of the members of 999  
each board of township trustees involved and a majority of the 1000  
members of the legislative authority of each municipal corporation 1001  
involved. The joint resolution shall specify a date on which the 1002  
fire and ambulance district shall come into being. 1003

(b) If a joint fire district created under section 505.371 of 1004  
the Revised Code or a joint ambulance district created under 1005  
section 505.71 of the Revised Code is dissolved to facilitate the 1006  
creation of a fire and ambulance district under division (A)(1)(a) 1007  
of this section, the townships and municipal corporations forming 1008  
the fire and ambulance district may transfer to the fire and 1009  
ambulance district any of the funds on hand, moneys and taxes in 1010  
the process of collection, credits, and real and personal property 1011  
apportioned to them under division (D) of section 505.371 of the 1012  
Revised Code or section 505.71 of the Revised Code, as applicable, 1013  
for use by the fire and ambulance district in accordance with this 1014  
section. 1015

(2)(a) The board of trustees of a joint ambulance district 1016  
created under section 505.71 of the Revised Code and the board of 1017  
fire district trustees of a joint fire district created under 1018  
section 505.371 of the Revised Code may negotiate to combine their 1019  
two joint districts into a single fire and ambulance district for 1020  
the delivery of both fire and ambulance services, if the 1021  
geographic area covered by the combining joint districts is 1022  
exactly the same. Both boards shall adopt a joint resolution 1023  
ratifying the agreement and setting a date on which the fire and 1024  
ambulance district shall come into being. 1025

(b) On that date, the joint fire district and the joint 1026  
ambulance district shall cease to exist, and the power of each to 1027  
levy a tax upon taxable property shall terminate, except that any 1028  
levy of a tax for the payment of indebtedness within the territory 1029  
of the joint fire or joint ambulance district as it was composed 1030  
at the time the indebtedness was incurred shall continue to be 1031  
collected by the successor fire and ambulance district if the 1032  
indebtedness remains unpaid. All funds and other property of the 1033  
joint districts shall become the property of the fire and 1034  
ambulance district, unless otherwise provided in the negotiated 1035  
agreement. The agreement shall provide for the settlement of all 1036  
debts and obligations of the joint districts. 1037

(B)(1) The governing body of a fire and ambulance district 1038  
created under division (A)(1) or (2) of this section shall be a 1039  
board of trustees of at least three but no more than nine members, 1040  
appointed as provided in the agreement creating the district. 1041  
Members of the board may be compensated at a rate not to exceed 1042  
thirty dollars per meeting for not more than fifteen meetings per 1043  
year, and may be reimbursed for all necessary expenses incurred, 1044  
as provided in the agreement creating the district. 1045

(2) The board shall employ a clerk and other employees as it 1046  
considers best, including a fire chief or fire prevention 1047

officers, and shall fix their compensation. Neither this section 1048  
nor any other section of the Revised Code requires, or shall be 1049  
construed to require, that the fire chief of a fire and ambulance 1050  
district be a resident of the district. 1051

Before entering upon the duties of office, the clerk shall 1052  
execute a bond, in the amount and with surety to be approved by 1053  
the board, payable to the state, conditioned for the faithful 1054  
performance of all of the clerk's official duties. The clerk shall 1055  
deposit the bond with the presiding officer of the board, who 1056  
shall file a copy of it, certified by the presiding officer, with 1057  
the county auditor of the county containing the most territory in 1058  
the district. 1059

The board also shall provide for the appointment of a fiscal 1060  
officer for the district and may enter into agreements with 1061  
volunteer fire companies for the use and operation of 1062  
fire-fighting equipment. Volunteer firefighters acting under such 1063  
an agreement are subject to the requirements for volunteer 1064  
firefighters set forth in division (A) of section 505.38 of the 1065  
Revised Code. 1066

(3) Employees of the district shall not be removed from 1067  
office except as provided by sections 733.35 to 733.39 of the 1068  
Revised Code, except that, to initiate removal proceedings, the 1069  
board shall designate a private citizen or, if the employee is 1070  
employed as a firefighter, the board may designate the fire chief, 1071  
to investigate, conduct the proceedings, and prepare the necessary 1072  
charges in conformity with those sections, and except that the 1073  
board shall perform the functions and duties specified for the 1074  
municipal legislative authority under those sections. The board 1075  
may pay reasonable compensation to any private citizen hired for 1076  
services rendered in the matter. 1077

(4) No person shall be appointed as a permanent full-time 1078  
paid member of the district whose duties include fire fighting, or 1079

be appointed as a volunteer firefighter, unless that person has 1080  
received a certificate issued under former section 3303.07 or 1081  
section 4765.55 of the Revised Code evidencing satisfactory 1082  
completion of a firefighter training program. The board may send 1083  
its officers and firefighters to schools of instruction designed 1084  
to promote the efficiency of firefighters and, if authorized in 1085  
advance, may pay their necessary expenses from the funds used for 1086  
the maintenance and operation of the district. 1087

The board may choose, by adoption of an appropriate 1088  
resolution, to have the ~~Ohio state board of emergency medical,~~ 1089  
fire, and transportation board services license any emergency 1090  
medical service organization it operates. If the board adopts such 1091  
a resolution, Chapter 4766. of the Revised Code, except for 1092  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 1093  
organization. All rules adopted under the applicable sections of 1094  
that chapter also apply to the organization. The board may remove, 1095  
by resolution, its emergency medical service organization from the 1096  
jurisdiction of the ~~Ohio state board of emergency medical, fire,~~ 1097  
and transportation board services. 1098

(C) The board of trustees of a fire and ambulance district 1099  
created under division (A)(1) or (2) of this section may exercise 1100  
the following powers: 1101

(1) Purchase or otherwise provide any fire apparatus, 1102  
mechanical resuscitators, or other fire or ambulance equipment, 1103  
appliances, or materials; fire hydrants; and water supply for 1104  
firefighting purposes that seems advisable to the board; 1105

(2) Provide for the care and maintenance of equipment and, 1106  
for that purpose, purchase, lease, lease with an option to 1107  
purchase, or construct and maintain necessary buildings; 1108

(3) Establish and maintain lines of fire-alarm communications 1109  
within the limits of the district; 1110

(4) Appropriate land for a fire station or medical emergency unit needed in order to respond in reasonable time to a fire or medical emergency, in accordance with Chapter 163. of the Revised Code;	1111 1112 1113 1114
(5) Purchase, appropriate, or accept a deed or gift of land to enlarge or improve a fire station or medical emergency unit;	1115 1116
(6) Purchase, lease, lease with an option to purchase, maintain, and use all materials, equipment, vehicles, buildings, and land necessary to perform its duties;	1117 1118 1119
(7) Contract for a period not to exceed three years with one or more townships, municipal corporations, counties, joint fire districts, joint ambulance districts, governmental agencies, nonprofit corporations, or private ambulance owners located either within or outside the state, to furnish or receive ambulance services or emergency medical services within the several territories of the contracting parties, if the contract is first authorized by all boards of trustees and legislative authorities concerned;	1120 1121 1122 1123 1124 1125 1126 1127 1128
(8) Establish reasonable charges for the use of ambulance or emergency medical services under the same conditions under which a board of fire district trustees may establish those charges under section 505.371 of the Revised Code;	1129 1130 1131 1132
(9) Establish all necessary rules to guard against the occurrence of fires and to protect property and lives against damage and accidents;	1133 1134 1135
(10) Adopt a standard code pertaining to fire, fire hazards, and fire prevention prepared and promulgated by the state or by a public or private organization that publishes a model or standard code;	1136 1137 1138 1139
(11) Provide for charges for false alarms at commercial establishments in the same manner as joint fire districts are	1140 1141

authorized to do under section 505.391 of the Revised Code; 1142

(12) Issue bonds and other evidences of indebtedness, subject 1143  
to Chapter 133. of the Revised Code, but only after approval by a 1144  
vote of the electors of the district as provided by section 133.18 1145  
of the Revised Code; 1146

(13) To provide the services and equipment it considers 1147  
necessary, levy a sufficient tax, subject to Chapter 5705. of the 1148  
Revised Code, on all the taxable property in the district. 1149

(D) Any municipal corporation or township may join an 1150  
existing fire and ambulance district, whether created under 1151  
division (A)(1) or (2) of this section, by its legislative 1152  
authority's adoption of a resolution requesting the membership and 1153  
upon approval of the board of trustees of the district. Any 1154  
municipal corporation or township may withdraw from a district, 1155  
whether created under division (A)(1) or (2) of this section, by 1156  
its legislative authority's adoption of a resolution ordering 1157  
withdrawal. Upon its withdrawal, the municipal corporation or 1158  
township ceases to be a part of the district, and the district's 1159  
power to levy a tax on taxable property in the withdrawing 1160  
township or municipal corporation terminates, except that the 1161  
district shall continue to levy and collect taxes for the payment 1162  
of indebtedness within the territory of the district as it was 1163  
composed at the time the indebtedness was incurred. 1164

Upon the withdrawal of any township or municipal corporation 1165  
from a district, the county auditor of the county containing the 1166  
most territory in the district shall ascertain, apportion, and 1167  
order a division of the funds on hand, including funds in the 1168  
ambulance and emergency medical services fund, moneys and taxes in 1169  
the process of collection, except for taxes levied for the payment 1170  
of indebtedness, credits, and real and personal property on the 1171  
basis of the valuation of the respective tax duplicates of the 1172  
withdrawing municipal corporation or township and the remaining 1173

territory of the district.	1174
(E) As used in this section:	1175
(1) "Governmental agency" includes all departments, boards, offices, commissions, agencies, colleges, universities, institutions, and other instrumentalities of this or another state.	1176 1177 1178 1179
(2) "Emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.	1180 1181
<b>Sec. 505.44.</b> As used in this section:	1182
(A) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.	1183 1184
(B) "State agency" means all departments, boards, offices, commissions, agencies, colleges, universities, institutions, and other instrumentalities of this or another state.	1185 1186 1187
In order to obtain the services of ambulance service organizations, to obtain additional services from ambulance service organizations in times of emergency, to obtain the services of emergency medical service organizations, or, if the township is located in a county with a population of forty thousand or less, to obtain the services of nonemergency patient transport service organizations, a township may enter into a contract with one or more state agencies, townships, municipal corporations, counties, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners, regardless of whether such state agencies, townships, municipal corporations, counties, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners are located within or outside the state, upon such terms as are agreed to by them, to furnish or receive services from ambulance or emergency	1188 1189 1190 1191 1192 1193 1194 1195 1196 1197 1198 1199 1200 1201 1202 1203

medical service organizations or, if the township is located in a 1204  
county with a population of forty thousand or less, to furnish or 1205  
receive services from nonemergency patient transport service 1206  
organizations, or may enter into a contract for the interchange of 1207  
services from ambulance or emergency medical service organizations 1208  
or, if the township is located in a county with a population of 1209  
forty thousand or less, the interchange of services from 1210  
nonemergency patient transport service organizations, within the 1211  
several territories of the contracting parties, if the contract is 1212  
first authorized by the respective boards of township trustees, 1213  
the other legislative bodies, or the officer or body authorized to 1214  
contract on behalf of the state agency. Such contracts shall not 1215  
be entered into with a state agency or nonprofit corporation that 1216  
receives more than half of its operating funds from governmental 1217  
entities with the intention of directly competing with the 1218  
operation of other ambulance, emergency medical, or nonemergency 1219  
patient transport service organizations in the township unless the 1220  
state agency or nonprofit corporation is awarded the contract 1221  
after submitting the lowest and best bid to the board of township 1222  
trustees. 1223

The contract may provide for compensation upon such terms as 1224  
the parties may agree. 1225

Any township wishing to commence providing or wishing to 1226  
enter into a contract for the first time to furnish or obtain 1227  
services from nonemergency patient transport service organizations 1228  
on or after March 1, 1993, including a township in which a private 1229  
provider has been providing the service, shall demonstrate the 1230  
need for public funding for the service to, and obtain approval 1231  
from, the state board of emergency medical, fire, and 1232  
transportation services or its immediate successor board prior to 1233  
the establishment of a township-operated or township-funded 1234  
service. 1235



**Sec. 505.72.** (A) The board of trustees of a joint ambulance 1236  
district shall provide for the employment of such employees as it 1237  
considers best, and shall fix their compensation. Such employees 1238  
shall continue in office until removed as provided by sections 1239  
733.35 to 733.39 of the Revised Code. To initiate removal 1240  
proceedings, and for such purpose, the board shall designate a 1241  
private citizen to investigate the conduct and prepare the 1242  
necessary charges in conformity with sections 733.35 to 733.39 of 1243  
the Revised Code. The board may pay reasonable compensation to 1244  
such person for the person's services. 1245

In case of the removal of an employee of the district, an 1246  
appeal may be had from the decision of the board to the court of 1247  
common pleas of the county in which such district, or part of it, 1248  
is situated, to determine the sufficiency of the cause of removal. 1249  
Such appeal from the findings of the board shall be taken within 1250  
ten days. 1251

(B) As used in this division, "emergency medical service 1252  
organization" has the same meaning as in section 4765.01 of the 1253  
Revised Code. 1254

(1) In order to obtain the services of ambulance service 1255  
organizations, to obtain additional services from ambulance 1256  
service organizations in times of emergency, or to obtain the 1257  
services of emergency medical service organizations, a district 1258  
may enter into a contract, for a period not to exceed three years, 1259  
with one or more townships, municipal corporations, joint fire 1260  
districts, nonprofit corporations, any other governmental unit 1261  
that provides ambulance services or emergency medical services, or 1262  
with private ambulance owners, regardless of whether such 1263  
townships, municipal corporations, joint fire districts, nonprofit 1264  
corporations, governmental unit, or private ambulance owners are 1265  
located within or without this state, upon such terms as are 1266

agreed to, to furnish or receive services from ambulance or 1267  
emergency medical service organizations or the interchange of 1268  
services from ambulance or emergency medical service organizations 1269  
within the several territories of the contracting subdivisions, if 1270  
such contract is first authorized by all boards of trustees and 1271  
legislative authorities concerned. 1272

The contract may provide for a fixed annual charge to be paid 1273  
at the times agreed upon and stipulated in the contract, or for 1274  
compensation based upon a stipulated price for each run, call, or 1275  
emergency, or the elapsed time of service required in such run, 1276  
call, or emergency, or any combination thereof. 1277

(2) Expenditures of a district for the services of ambulance 1278  
service organizations or emergency medical service organizations, 1279  
whether pursuant to contract or otherwise, are lawful 1280  
expenditures, regardless of whether the district or the party with 1281  
which it contracts charges additional fees to users of the 1282  
services. 1283

(3) A district's board of trustees, by adoption of an 1284  
appropriate resolution, may choose to have the Ohio state board of 1285  
emergency medical, fire, and transportation board services license 1286  
any emergency medical service organization the district operates. 1287  
If a board adopts such a resolution, Chapter 4766. of the Revised 1288  
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 1289  
applies to the district emergency medical service organization. 1290  
All rules adopted under the applicable sections of that chapter 1291  
also apply to the organization. A board, by adoption of an 1292  
appropriate resolution, may remove the district emergency medical 1293  
service organization from the jurisdiction of the Ohio state board 1294  
of emergency medical, fire, and transportation board services. 1295

(C) Ambulance services or emergency medical services rendered 1296  
for a joint ambulance district under this section and section 1297  
505.71 of the Revised Code shall be deemed services of the 1298

district. These sections do not authorize suits against a district 1299  
or any township or municipal corporation providing or receiving, 1300  
or contracting to provide or receive, such services under these 1301  
sections for damages for injury or loss to persons or property or 1302  
for wrongful death caused by persons providing such services. 1303

**Sec. 718.01.** (A) As used in this chapter: 1304

(1) "Adjusted federal taxable income" means a C corporation's 1305  
federal taxable income before net operating losses and special 1306  
deductions as determined under the Internal Revenue Code, adjusted 1307  
as follows: 1308

(a) Deduct intangible income to the extent included in 1309  
federal taxable income. The deduction shall be allowed regardless 1310  
of whether the intangible income relates to assets used in a trade 1311  
or business or assets held for the production of income. 1312

(b) Add an amount equal to five per cent of intangible income 1313  
deducted under division (A)(1)(a) of this section, but excluding 1314  
that portion of intangible income directly related to the sale, 1315  
exchange, or other disposition of property described in section 1316  
1221 of the Internal Revenue Code; 1317

(c) Add any losses allowed as a deduction in the computation 1318  
of federal taxable income if the losses directly relate to the 1319  
sale, exchange, or other disposition of an asset described in 1320  
section 1221 or 1231 of the Internal Revenue Code; 1321

(d)(i) Except as provided in division (A)(1)(d)(ii) of this 1322  
section, deduct income and gain included in federal taxable income 1323  
to the extent the income and gain directly relate to the sale, 1324  
exchange, or other disposition of an asset described in section 1325  
1221 or 1231 of the Internal Revenue Code; 1326

(ii) Division (A)(1)(d)(i) of this section does not apply to 1327  
the extent the income or gain is income or gain described in 1328

section 1245 or 1250 of the Internal Revenue Code. 1329

(e) Add taxes on or measured by net income allowed as a 1330  
deduction in the computation of federal taxable income; 1331

(f) In the case of a real estate investment trust and 1332  
regulated investment company, add all amounts with respect to 1333  
dividends to, distributions to, or amounts set aside for or 1334  
credited to the benefit of investors and allowed as a deduction in 1335  
the computation of federal taxable income; 1336

(g) Deduct, to the extent not otherwise deducted or excluded 1337  
in computing federal taxable income, any income ~~derived from~~ 1338  
~~providing public services under a contract through a project owned~~ 1339  
~~by the state, as described in section 126.604 of the Revised Code~~ 1340  
~~or~~ derived from a transfer agreement or from the enterprise 1341  
transferred under that agreement under section 4313.02 of the 1342  
Revised Code. 1343

If the taxpayer is not a C corporation and is not an 1344  
individual, the taxpayer shall compute adjusted federal taxable 1345  
income as if the taxpayer were a C corporation, except guaranteed 1346  
payments and other similar amounts paid or accrued to a partner, 1347  
former partner, member, or former member shall not be allowed as a 1348  
deductible expense; amounts paid or accrued to a qualified 1349  
self-employed retirement plan with respect to an owner or 1350  
owner-employee of the taxpayer, amounts paid or accrued to or for 1351  
health insurance for an owner or owner-employee, and amounts paid 1352  
or accrued to or for life insurance for an owner or owner-employee 1353  
shall not be allowed as a deduction. 1354

Nothing in division (A)(1) of this section shall be construed 1355  
as allowing the taxpayer to add or deduct any amount more than 1356  
once or shall be construed as allowing any taxpayer to deduct any 1357  
amount paid to or accrued for purposes of federal self-employment 1358  
tax. 1359

Nothing in this chapter shall be construed as limiting or 1360  
removing the ability of any municipal corporation to administer, 1361  
audit, and enforce the provisions of its municipal income tax. 1362

(2) "Internal Revenue Code" means the Internal Revenue Code 1363  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 1364

(3) "Schedule C" means internal revenue service schedule C 1365  
filed by a taxpayer pursuant to the Internal Revenue Code. 1366

(4) "Form 2106" means internal revenue service form 2106 1367  
filed by a taxpayer pursuant to the Internal Revenue Code. 1368

(5) "Intangible income" means income of any of the following 1369  
types: income yield, interest, capital gains, dividends, or other 1370  
income arising from the ownership, sale, exchange, or other 1371  
disposition of intangible property including, but not limited to, 1372  
investments, deposits, money, or credits as those terms are 1373  
defined in Chapter 5701. of the Revised Code, and patents, 1374  
copyrights, trademarks, tradenames, investments in real estate 1375  
investment trusts, investments in regulated investment companies, 1376  
and appreciation on deferred compensation. "Intangible income" 1377  
does not include prizes, awards, or other income associated with 1378  
any lottery winnings or other similar games of chance. 1379

(6) "S corporation" means a corporation that has made an 1380  
election under subchapter S of Chapter 1 of Subtitle A of the 1381  
Internal Revenue Code for its taxable year. 1382

(7) For taxable years beginning on or after January 1, 2004, 1383  
"net profit" for a taxpayer other than an individual means 1384  
adjusted federal taxable income and "net profit" for a taxpayer 1385  
who is an individual means the individual's profit required to be 1386  
reported on schedule C, schedule E, or schedule F, other than any 1387  
amount allowed as a deduction under division (E)(2) or (3) of this 1388  
section or amounts described in division (H) of this section. 1389

(8) "Taxpayer" means a person subject to a tax on income 1390

levied by a municipal corporation. Except as provided in division 1391  
(L) of this section, "taxpayer" does not include any person that 1392  
is a disregarded entity or a qualifying subchapter S subsidiary 1393  
for federal income tax purposes, but "taxpayer" includes any other 1394  
person who owns the disregarded entity or qualifying subchapter S 1395  
subsidiary. 1396

(9) "Taxable year" means the corresponding tax reporting 1397  
period as prescribed for the taxpayer under the Internal Revenue 1398  
Code. 1399

(10) "Tax administrator" means the individual charged with 1400  
direct responsibility for administration of a tax on income levied 1401  
by a municipal corporation and includes: 1402

(a) The central collection agency and the regional income tax 1403  
agency and their successors in interest, and other entities 1404  
organized to perform functions similar to those performed by the 1405  
central collection agency and the regional income tax agency; 1406

(b) A municipal corporation acting as the agent of another 1407  
municipal corporation; and 1408

(c) Persons retained by a municipal corporation to administer 1409  
a tax levied by the municipal corporation, but only if the 1410  
municipal corporation does not compensate the person in whole or 1411  
in part on a contingency basis. 1412

(11) "Person" includes individuals, firms, companies, 1413  
business trusts, estates, trusts, partnerships, limited liability 1414  
companies, associations, corporations, governmental entities, and 1415  
any other entity. 1416

(12) "Schedule E" means internal revenue service schedule E 1417  
filed by a taxpayer pursuant to the Internal Revenue Code. 1418

(13) "Schedule F" means internal revenue service schedule F 1419  
filed by a taxpayer pursuant to the Internal Revenue Code. 1420

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

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

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

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

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

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

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

(E)(1) The legislative authority of a municipal corporation 1452  
may, by ordinance or resolution, exempt from withholding and from 1453  
a tax on income the following: 1454

(a) Compensation arising from the sale, exchange, or other 1455  
disposition of a stock option, the exercise of a stock option, or 1456  
the sale, exchange, or other disposition of stock purchased under 1457  
a stock option; or 1458

(b) Compensation attributable to a nonqualified deferred 1459  
compensation plan or program described in section 3121(v)(2)(C) of 1460  
the Internal Revenue Code. 1461

(2) The legislative authority of a municipal corporation may 1462  
adopt an ordinance or resolution that allows a taxpayer who is an 1463  
individual to deduct, in computing the taxpayer's municipal income 1464  
tax liability, an amount equal to the aggregate amount the 1465  
taxpayer paid in cash during the taxable year to a health savings 1466  
account of the taxpayer, to the extent the taxpayer is entitled to 1467  
deduct that amount on internal revenue service form 1040. 1468

(3) The legislative authority of a municipal corporation may 1469  
adopt an ordinance or resolution that allows a taxpayer who has a 1470  
net profit from a business or profession that is operated as a 1471  
sole proprietorship to deduct from that net profit the amount that 1472  
the taxpayer paid during the taxable year for medical care 1473  
insurance premiums for the taxpayer, the taxpayer's spouse, and 1474  
dependents as defined in section 5747.01 of the Revised Code. The 1475  
deduction shall be allowed to the same extent the taxpayer is 1476  
entitled to deduct the premiums on internal revenue service form 1477  
1040. The deduction allowed under this division shall be net of 1478  
any related premium refunds, related premium reimbursements, or 1479  
related insurance premium dividends received by the taxpayer 1480  
during the taxable year. 1481

(F) If an individual's taxable income includes income against 1482



which the taxpayer has taken a deduction for federal income tax 1483  
purposes as reportable on the taxpayer's form 2106, and against 1484  
which a like deduction has not been allowed by the municipal 1485  
corporation, the municipal corporation shall deduct from the 1486  
taxpayer's taxable income an amount equal to the deduction shown 1487  
on such form allowable against such income, to the extent not 1488  
otherwise so allowed as a deduction by the municipal corporation. 1489

(G)(1) In the case of a taxpayer who has a net profit from a 1490  
business or profession that is operated as a sole proprietorship, 1491  
no municipal corporation may tax or use as the base for 1492  
determining the amount of the net profit that shall be considered 1493  
as having a taxable situs in the municipal corporation, an amount 1494  
other than the net profit required to be reported by the taxpayer 1495  
on schedule C or F from such sole proprietorship for the taxable 1496  
year. 1497

(2) In the case of a taxpayer who has a net profit from 1498  
rental activity required to be reported on schedule E, no 1499  
municipal corporation may tax or use as the base for determining 1500  
the amount of the net profit that shall be considered as having a 1501  
taxable situs in the municipal corporation, an amount other than 1502  
the net profit from rental activities required to be reported by 1503  
the taxpayer on schedule E for the taxable year. 1504

(H) A municipal corporation shall not tax any of the 1505  
following: 1506

(1) The military pay or allowances of members of the armed 1507  
forces of the United States and of members of their reserve 1508  
components, including the Ohio national guard; 1509

(2) The income of religious, fraternal, charitable, 1510  
scientific, literary, or educational institutions to the extent 1511  
that such income is derived from tax-exempt real estate, 1512  
tax-exempt tangible or intangible property, or tax-exempt 1513

activities;	1514
(3) Except as otherwise provided in division (I) of this section, intangible income;	1515 1516
(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.	1517 1518 1519 1520 1521 1522 1523
(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;	1524 1525 1526 1527 1528 1529 1530 1531 1532
(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:	1533 1534 1535 1536
(a) Beginning January 1, 2002, the income of an electric company or combined company;	1537 1538
(b) Beginning January 1, 2004, the income of a telephone company.	1539 1540
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.	1541 1542 1543

(7) On and after January 1, 2003, items excluded from federal gross income pursuant to section 107 of the Internal Revenue Code;	1544 1545
(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;	1546 1547 1548
(9)(a) Except as provided in <del>division</del> <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.	1549 1550 1551 1552 1553 1554 1555
(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.	1556 1557 1558 1559 1560 1561 1562
(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 (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date vote in favor of that question at an	1563 1564 1565 1566 1567 1568 1569 1570 1571 1572 1573 1574 1575

election held November 2, 2004. If a majority of those electors 1576  
vote in favor of the question, the municipal corporation may 1577  
continue after December 31, 2004, to impose the tax on such 1578  
distributive shares only to the extent such shares would be so 1579  
allocated or apportioned to this state. 1580

(d) For the purposes of division (D) of section 718.14 of the 1581  
Revised Code, a municipal corporation shall be deemed to have 1582  
elected to tax S corporation shareholders' distributive shares of 1583  
net profits of the S corporation in the hands of the shareholders 1584  
if a majority of the electors of a municipal corporation vote in 1585  
favor of a question at an election held under division (H)(9)(b) 1586  
or (c) of this section. The municipal corporation shall specify by 1587  
ordinance or rule that the tax applies to the distributive share 1588  
of a shareholder of an S corporation in the hands of the 1589  
shareholder of the S corporation. 1590

(10) Employee compensation that is not "qualifying wages" as 1591  
defined in section 718.03 of the Revised Code; 1592

(11) Beginning August 1, 2007, compensation paid to a person 1593  
employed within the boundaries of a United States air force base 1594  
under the jurisdiction of the United States air force that is used 1595  
for the housing of members of the United States air force and is a 1596  
center for air force operations, unless the person is subject to 1597  
taxation because of residence or domicile. If the compensation is 1598  
subject to taxation because of residence or domicile, municipal 1599  
income tax shall be payable only to the municipal corporation of 1600  
residence or domicile. 1601

(12) Compensation paid to a person for personal services 1602  
performed for a political subdivision on property owned by the 1603  
political subdivision, regardless of whether the compensation is 1604  
received by an employee of the subdivision or another person 1605  
performing services for the subdivision under a contract with the 1606  
subdivision, if the property on which services are performed is 1607

annexed to a municipal corporation pursuant to section 709.023 of 1608  
the Revised Code on or after ~~the effective date of the amendment~~ 1609  
~~of this section~~ March 27, 2013, unless the person is subject to 1610  
such taxation because of residence or domicile. If the 1611  
compensation is subject to taxation because of residence or 1612  
domicile, municipal income tax shall be payable only to the 1613  
municipal corporation of residence or domicile. 1614

(I) Any municipal corporation that taxes any type of 1615  
intangible income on March 29, 1988, pursuant to Section 3 of 1616  
Amended Substitute Senate Bill No. 238 of the 116th general 1617  
assembly, may continue to tax that type of income after 1988 if a 1618  
majority of the electors of the municipal corporation voting on 1619  
the question of whether to permit the taxation of that type of 1620  
intangible income after 1988 vote in favor thereof at an election 1621  
held on November 8, 1988. 1622

(J) Nothing in this section or section 718.02 of the Revised 1623  
Code shall authorize the levy of any tax on income that a 1624  
municipal corporation is not authorized to levy under existing 1625  
laws or shall require a municipal corporation to allow a deduction 1626  
from taxable income for losses incurred from a sole proprietorship 1627  
or partnership. 1628

(K)(1) Nothing in this chapter prohibits a municipal 1629  
corporation from allowing, by resolution or ordinance, a net 1630  
operating loss carryforward. 1631

(2) Nothing in this chapter requires a municipal corporation 1632  
to allow a net operating loss carryforward. 1633

(L)(1) A single member limited liability company that is a 1634  
disregarded entity for federal tax purposes may elect to be a 1635  
separate taxpayer from its single member in all Ohio municipal 1636  
corporations in which it either filed as a separate taxpayer or 1637  
did not file for its taxable year ending in 2003, if all of the 1638

following conditions are met: 1639

(a) The limited liability company's single member is also a 1640  
limited liability company; 1641

(b) The limited liability company and its single member were 1642  
formed and doing business in one or more Ohio municipal 1643  
corporations for at least five years before January 1, 2004; 1644

(c) Not later than December 31, 2004, the limited liability 1645  
company and its single member each make an election to be treated 1646  
as a separate taxpayer under division (L) of this section; 1647

(d) The limited liability company was not formed for the 1648  
purpose of evading or reducing Ohio municipal corporation income 1649  
tax liability of the limited liability company or its single 1650  
member; 1651

(e) The Ohio municipal corporation that is the primary place 1652  
of business of the sole member of the limited liability company 1653  
consents to the election. 1654

(2) For purposes of division (L)(1)(e) of this section, a 1655  
municipal corporation is the primary place of business of a 1656  
limited liability company if, for the limited liability company's 1657  
taxable year ending in 2003, its income tax liability is greater 1658  
in that municipal corporation than in any other municipal 1659  
corporation in Ohio, and that tax liability to that municipal 1660  
corporation for its taxable year ending in 2003 is at least four 1661  
hundred thousand dollars. 1662

**Sec. 2913.01.** As used in this chapter, unless the context 1663  
requires that a term be given a different meaning: 1664

(A) "Deception" means knowingly deceiving another or causing 1665  
another to be deceived by any false or misleading representation, 1666  
by withholding information, by preventing another from acquiring 1667  
information, or by any other conduct, act, or omission that 1668

creates, confirms, or perpetuates a false impression in another, 1669  
including a false impression as to law, value, state of mind, or 1670  
other objective or subjective fact. 1671

(B) "Defraud" means to knowingly obtain, by deception, some 1672  
benefit for oneself or another, or to knowingly cause, by 1673  
deception, some detriment to another. 1674

(C) "Deprive" means to do any of the following: 1675

(1) Withhold property of another permanently, or for a period 1676  
that appropriates a substantial portion of its value or use, or 1677  
with purpose to restore it only upon payment of a reward or other 1678  
consideration; 1679

(2) Dispose of property so as to make it unlikely that the 1680  
owner will recover it; 1681

(3) Accept, use, or appropriate money, property, or services, 1682  
with purpose not to give proper consideration in return for the 1683  
money, property, or services, and without reasonable justification 1684  
or excuse for not giving proper consideration. 1685

(D) "Owner" means, unless the context requires a different 1686  
meaning, any person, other than the actor, who is the owner of, 1687  
who has possession or control of, or who has any license or 1688  
interest in property or services, even though the ownership, 1689  
possession, control, license, or interest is unlawful. 1690

(E) "Services" include labor, personal services, professional 1691  
services, rental services, public utility services including 1692  
wireless service as defined in division (F)(1) of section 5507.01 1693  
of the Revised Code, common carrier services, and food, drink, 1694  
transportation, entertainment, and cable television services and, 1695  
for purposes of section 2913.04 of the Revised Code, include cable 1696  
services as defined in that section. 1697

(F) "Writing" means any computer software, document, letter, 1698

memorandum, note, paper, plate, data, film, or other thing having 1699  
in or upon it any written, typewritten, or printed matter, and any 1700  
token, stamp, seal, credit card, badge, trademark, label, or other 1701  
symbol of value, right, privilege, license, or identification. 1702

(G) "Forge" means to fabricate or create, in whole or in part 1703  
and by any means, any spurious writing, or to make, execute, 1704  
alter, complete, reproduce, or otherwise purport to authenticate 1705  
any writing, when the writing in fact is not authenticated by that 1706  
conduct. 1707

(H) "Utter" means to issue, publish, transfer, use, put or 1708  
send into circulation, deliver, or display. 1709

(I) "Coin machine" means any mechanical or electronic device 1710  
designed to do both of the following: 1711

(1) Receive a coin, bill, or token made for that purpose; 1712

(2) In return for the insertion or deposit of a coin, bill, 1713  
or token, automatically dispense property, provide a service, or 1714  
grant a license. 1715

(J) "Slug" means an object that, by virtue of its size, 1716  
shape, composition, or other quality, is capable of being inserted 1717  
or deposited in a coin machine as an improper substitute for a 1718  
genuine coin, bill, or token made for that purpose. 1719

(K) "Theft offense" means any of the following: 1720

(1) A violation of section 2911.01, 2911.02, 2911.11, 1721  
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1722  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1723  
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1724  
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1725  
2913.51, 2915.05, or 2921.41, ~~or division (B)(2) of section~~ 1726  
~~4737.04~~ of the Revised Code; 1727

(2) A violation of an existing or former municipal ordinance 1728



or law of this or any other state, or of the United States, 1729  
substantially equivalent to any section listed in division (K)(1) 1730  
of this section or a violation of section 2913.41, 2913.81, or 1731  
2915.06 of the Revised Code as it existed prior to July 1, 1996; 1732

(3) An offense under an existing or former municipal 1733  
ordinance or law of this or any other state, or of the United 1734  
States, involving robbery, burglary, breaking and entering, theft, 1735  
embezzlement, wrongful conversion, forgery, counterfeiting, 1736  
deceit, or fraud; 1737

(4) A conspiracy or attempt to commit, or complicity in 1738  
committing, any offense under division (K)(1), (2), or (3) of this 1739  
section. 1740

(L) "Computer services" includes, but is not limited to, the 1741  
use of a computer system, computer network, computer program, data 1742  
that is prepared for computer use, or data that is contained 1743  
within a computer system or computer network. 1744

(M) "Computer" means an electronic device that performs 1745  
logical, arithmetic, and memory functions by the manipulation of 1746  
electronic or magnetic impulses. "Computer" includes, but is not 1747  
limited to, all input, output, processing, storage, computer 1748  
program, or communication facilities that are connected, or 1749  
related, in a computer system or network to an electronic device 1750  
of that nature. 1751

(N) "Computer system" means a computer and related devices, 1752  
whether connected or unconnected, including, but not limited to, 1753  
data input, output, and storage devices, data communications 1754  
links, and computer programs and data that make the system capable 1755  
of performing specified special purpose data processing tasks. 1756

(O) "Computer network" means a set of related and remotely 1757  
connected computers and communication facilities that includes 1758  
more than one computer system that has the capability to transmit 1759

among the connected computers and communication facilities through 1760  
the use of computer facilities. 1761

(P) "Computer program" means an ordered set of data 1762  
representing coded instructions or statements that, when executed 1763  
by a computer, cause the computer to process data. 1764

(Q) "Computer software" means computer programs, procedures, 1765  
and other documentation associated with the operation of a 1766  
computer system. 1767

(R) "Data" means a representation of information, knowledge, 1768  
facts, concepts, or instructions that are being or have been 1769  
prepared in a formalized manner and that are intended for use in a 1770  
computer, computer system, or computer network. For purposes of 1771  
section 2913.47 of the Revised Code, "data" has the additional 1772  
meaning set forth in division (A) of that section. 1773

(S) "Cable television service" means any services provided by 1774  
or through the facilities of any cable television system or other 1775  
similar closed circuit coaxial cable communications system, or any 1776  
microwave or similar transmission service used in connection with 1777  
any cable television system or other similar closed circuit 1778  
coaxial cable communications system. 1779

(T) "Gain access" means to approach, instruct, communicate 1780  
with, store data in, retrieve data from, or otherwise make use of 1781  
any resources of a computer, computer system, or computer network, 1782  
or any cable service or cable system both as defined in section 1783  
2913.04 of the Revised Code. 1784

(U) "Credit card" includes, but is not limited to, a card, 1785  
code, device, or other means of access to a customer's account for 1786  
the purpose of obtaining money, property, labor, or services on 1787  
credit, or for initiating an electronic fund transfer at a 1788  
point-of-sale terminal, an automated teller machine, or a cash 1789  
dispensing machine. It also includes a county procurement card 1790

issued under section 301.29 of the Revised Code. 1791

(V) "Electronic fund transfer" has the same meaning as in 92 1792  
Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1793

(W) "Rented property" means personal property in which the 1794  
right of possession and use of the property is for a short and 1795  
possibly indeterminate term in return for consideration; the 1796  
rentee generally controls the duration of possession of the 1797  
property, within any applicable minimum or maximum term; and the 1798  
amount of consideration generally is determined by the duration of 1799  
possession of the property. 1800

(X) "Telecommunication" means the origination, emission, 1801  
dissemination, transmission, or reception of data, images, 1802  
signals, sounds, or other intelligence or equivalence of 1803  
intelligence of any nature over any communications system by any 1804  
method, including, but not limited to, a fiber optic, electronic, 1805  
magnetic, optical, digital, or analog method. 1806

(Y) "Telecommunications device" means any instrument, 1807  
equipment, machine, or other device that facilitates 1808  
telecommunication, including, but not limited to, a computer, 1809  
computer network, computer chip, computer circuit, scanner, 1810  
telephone, cellular telephone, pager, personal communications 1811  
device, transponder, receiver, radio, modem, or device that 1812  
enables the use of a modem. 1813

(Z) "Telecommunications service" means the providing, 1814  
allowing, facilitating, or generating of any form of 1815  
telecommunication through the use of a telecommunications device 1816  
over a telecommunications system. 1817

(AA) "Counterfeit telecommunications device" means a 1818  
telecommunications device that, alone or with another 1819  
telecommunications device, has been altered, constructed, 1820  
manufactured, or programmed to acquire, intercept, receive, or 1821

otherwise facilitate the use of a telecommunications service or 1822  
information service without the authority or consent of the 1823  
provider of the telecommunications service or information service. 1824  
"Counterfeit telecommunications device" includes, but is not 1825  
limited to, a clone telephone, clone microchip, tumbler telephone, 1826  
or tumbler microchip; a wireless scanning device capable of 1827  
acquiring, intercepting, receiving, or otherwise facilitating the 1828  
use of telecommunications service or information service without 1829  
immediate detection; or a device, equipment, hardware, or software 1830  
designed for, or capable of, altering or changing the electronic 1831  
serial number in a wireless telephone. 1832

(BB)(1) "Information service" means, subject to division 1833  
(BB)(2) of this section, the offering of a capability for 1834  
generating, acquiring, storing, transforming, processing, 1835  
retrieving, utilizing, or making available information via 1836  
telecommunications, including, but not limited to, electronic 1837  
publishing. 1838

(2) "Information service" does not include any use of a 1839  
capability of a type described in division (BB)(1) of this section 1840  
for the management, control, or operation of a telecommunications 1841  
system or the management of a telecommunications service. 1842

(CC) "Elderly person" means a person who is sixty-five years 1843  
of age or older. 1844

(DD) "Disabled adult" means a person who is eighteen years of 1845  
age or older and has some impairment of body or mind that makes 1846  
the person unable to work at any substantially remunerative 1847  
employment that the person otherwise would be able to perform and 1848  
that will, with reasonable probability, continue for a period of 1849  
at least twelve months without any present indication of recovery 1850  
from the impairment, or who is eighteen years of age or older and 1851  
has been certified as permanently and totally disabled by an 1852  
agency of this state or the United States that has the function of 1853

so classifying persons. 1854

(EE) "Firearm" and "dangerous ordnance" have the same 1855  
meanings as in section 2923.11 of the Revised Code. 1856

(FF) "Motor vehicle" has the same meaning as in section 1857  
4501.01 of the Revised Code. 1858

(GG) "Dangerous drug" has the same meaning as in section 1859  
4729.01 of the Revised Code. 1860

(HH) "Drug abuse offense" has the same meaning as in section 1861  
2925.01 of the Revised Code. 1862

(II)(1) "Computer hacking" means any of the following: 1863

(a) Gaining access or attempting to gain access to all or 1864  
part of a computer, computer system, or a computer network without 1865  
express or implied authorization with the intent to defraud or 1866  
with intent to commit a crime; 1867

(b) Misusing computer or network services including, but not 1868  
limited to, mail transfer programs, file transfer programs, proxy 1869  
servers, and web servers by performing functions not authorized by 1870  
the owner of the computer, computer system, or computer network or 1871  
other person authorized to give consent. As used in this division, 1872  
"misuse of computer and network services" includes, but is not 1873  
limited to, the unauthorized use of any of the following: 1874

(i) Mail transfer programs to send mail to persons other than 1875  
the authorized users of that computer or computer network; 1876

(ii) File transfer program proxy services or proxy servers to 1877  
access other computers, computer systems, or computer networks; 1878

(iii) Web servers to redirect users to other web pages or web 1879  
servers. 1880

(c)(i) Subject to division (II)(1)(c)(ii) of this section, 1881  
using a group of computer programs commonly known as "port 1882  
scanners" or "probes" to intentionally access any computer, 1883

computer system, or computer network without the permission of the 1884  
owner of the computer, computer system, or computer network or 1885  
other person authorized to give consent. The group of computer 1886  
programs referred to in this division includes, but is not limited 1887  
to, those computer programs that use a computer network to access 1888  
a computer, computer system, or another computer network to 1889  
determine any of the following: the presence or types of computers 1890  
or computer systems on a network; the computer network's 1891  
facilities and capabilities; the availability of computer or 1892  
network services; the presence or versions of computer software 1893  
including, but not limited to, operating systems, computer 1894  
services, or computer contaminants; the presence of a known 1895  
computer software deficiency that can be used to gain unauthorized 1896  
access to a computer, computer system, or computer network; or any 1897  
other information about a computer, computer system, or computer 1898  
network not necessary for the normal and lawful operation of the 1899  
computer initiating the access. 1900

(ii) The group of computer programs referred to in division 1901  
(II)(1)(c)(i) of this section does not include standard computer 1902  
software used for the normal operation, administration, 1903  
management, and test of a computer, computer system, or computer 1904  
network including, but not limited to, domain name services, mail 1905  
transfer services, and other operating system services, computer 1906  
programs commonly called "ping," "tcpdump," and "traceroute" and 1907  
other network monitoring and management computer software, and 1908  
computer programs commonly known as "nslookup" and "whois" and 1909  
other systems administration computer software. 1910

(d) The intentional use of a computer, computer system, or a 1911  
computer network in a manner that exceeds any right or permission 1912  
granted by the owner of the computer, computer system, or computer 1913  
network or other person authorized to give consent. 1914

(2) "Computer hacking" does not include the introduction of a 1915

computer contaminant, as defined in section 2909.01 of the Revised Code, into a computer, computer system, computer program, or computer network.

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

(KK) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this division. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.

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

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

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

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

(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;

(3) By deception;

(4) By threat;

(5) By intimidation.

(B)(1) Whoever violates this section is guilty of theft.

(2) Except as otherwise provided in this division or division

(B)(3), (4), (5), (6), (7), ~~or (8)~~, or (9) of this section, a 1945  
violation of this section is petty theft, a misdemeanor of the 1946  
first degree. If the value of the property or services stolen is 1947  
one thousand dollars or more and is less than seven thousand five 1948  
hundred dollars or if the property stolen is any of the property 1949  
listed in section 2913.71 of the Revised Code, a violation of this 1950  
section is theft, a felony of the fifth degree. If the value of 1951  
the property or services stolen is seven thousand five hundred 1952  
dollars or more and is less than one hundred fifty thousand 1953  
dollars, a violation of this section is grand theft, a felony of 1954  
the fourth degree. If the value of the property or services stolen 1955  
is one hundred fifty thousand dollars or more and is less than 1956  
seven hundred fifty thousand dollars, a violation of this section 1957  
is aggravated theft, a felony of the third degree. If the value of 1958  
the property or services is seven hundred fifty thousand dollars 1959  
or more and is less than one million five hundred thousand 1960  
dollars, a violation of this section is aggravated theft, a felony 1961  
of the second degree. If the value of the property or services 1962  
stolen is one million five hundred thousand dollars or more, a 1963  
violation of this section is aggravated theft of one million five 1964  
hundred thousand dollars or more, a felony of the first degree. 1965

(3) Except as otherwise provided in division (B)(4), (5), 1966  
(6), (7), ~~or (8)~~, or (9) of this section, if the victim of the 1967  
offense is an elderly person or disabled adult, a violation of 1968  
this section is theft from an elderly person or disabled adult, 1969  
and division (B)(3) of this section applies. Except as otherwise 1970  
provided in this division, theft from an elderly person or 1971  
disabled adult is a felony of the fifth degree. If the value of 1972  
the property or services stolen is one thousand dollars or more 1973  
and is less than seven thousand five hundred dollars, theft from 1974  
an elderly person or disabled adult is a felony of the fourth 1975  
degree. If the value of the property or services stolen is seven 1976  
thousand five hundred dollars or more and is less than 1977



thirty-seven thousand five hundred dollars, theft from an elderly person or disabled adult is a felony of the third degree. If the value of the property or services stolen is thirty-seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, theft from an elderly person or disabled adult is a felony of the second degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more, theft from an elderly person or disabled adult is a felony of the first degree.

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

(5) If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree.

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

(7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, a

violation of this section is theft of a police dog or horse or an assistance dog, a felony of the third degree. 2010  
2011

(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a felony of the third degree. 2012  
2013  
2014

(9) Except as provided in division (B)(2) of this section with respect to property with a value of seven thousand five hundred dollars or more and division (B)(3) of this section with respect to property with a value of one thousand dollars or more, if the property stolen is a special purpose article as defined in section 4737.04 of the Revised Code or is a bulk merchandise container as defined in section 4737.012 of the Revised Code, a violation of this section is theft of a special purpose article or articles or theft of a bulk merchandise container or containers, a felony of the fifth degree. 2015  
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(10) In addition to the penalties described in division (B)(2) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following: 2025  
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(a) Unless division (B)~~(9)~~(10)(b) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege; 2032  
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(b) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to division (B)~~(9)~~(10)(a) of this section, 2037  
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impose a class seven suspension of the offender's license, permit, 2041  
or privilege from the range specified in division (A)(7) of 2042  
section 4510.02 of the Revised Code, provided that the suspension 2043  
shall be for at least six months. 2044

(c) The court, in lieu of suspending the offender's driver's 2045  
or commercial driver's license, probationary driver's license, 2046  
temporary instruction permit, or nonresident operating privilege 2047  
pursuant to division (B)~~(9)~~(10)(a) or (b) of this section, instead 2048  
may require the offender to perform community service for a number 2049  
of hours determined by the court. 2050

~~(10)~~(11) In addition to the penalties described in division 2051  
(B)(2) of this section, if the offender committed the violation by 2052  
stealing rented property or rental services, the court may order 2053  
that the offender make restitution pursuant to section 2929.18 or 2054  
2929.28 of the Revised Code. Restitution may include, but is not 2055  
limited to, the cost of repairing or replacing the stolen 2056  
property, or the cost of repairing the stolen property and any 2057  
loss of revenue resulting from deprivation of the property due to 2058  
theft of rental services that is less than or equal to the actual 2059  
value of the property at the time it was rented. Evidence of 2060  
intent to commit theft of rented property or rental services shall 2061  
be determined pursuant to the provisions of section 2913.72 of the 2062  
Revised Code. 2063

(C) The sentencing court that suspends an offender's license, 2064  
permit, or nonresident operating privilege under division 2065  
(B)~~(9)~~(10) of this section may grant the offender limited driving 2066  
privileges during the period of the suspension in accordance with 2067  
Chapter 4510. of the Revised Code. 2068

**Sec. 2913.51.** (A) No person shall receive, retain, or dispose 2069  
of property of another knowing or having reasonable cause to 2070  
believe that the property has been obtained through commission of 2071

a theft offense. 2072

(B) It is not a defense to a charge of receiving stolen 2073  
property in violation of this section that the property was 2074  
obtained by means other than through the commission of a theft 2075  
offense if the property was explicitly represented to the accused 2076  
person as being obtained through the commission of a theft 2077  
offense. 2078

(C) Whoever violates this section is guilty of receiving 2079  
stolen property. Except as otherwise provided in this division or 2080  
division (D) of this section, receiving stolen property is a 2081  
misdemeanor of the first degree. If the value of the property 2082  
involved is one thousand dollars or more and is less than seven 2083  
thousand five hundred dollars, if the property involved is any of 2084  
the property listed in section 2913.71 of the Revised Code, 2085  
receiving stolen property is a felony of the fifth degree. If the 2086  
property involved is a motor vehicle, as defined in section 2087  
4501.01 of the Revised Code, if the property involved is a 2088  
dangerous drug, as defined in section 4729.01 of the Revised Code, 2089  
if the value of the property involved is seven thousand five 2090  
hundred dollars or more and is less than one hundred fifty 2091  
thousand dollars, or if the property involved is a firearm or 2092  
dangerous ordnance, as defined in section 2923.11 of the Revised 2093  
Code, receiving stolen property is a felony of the fourth degree. 2094  
If the value of the property involved is one hundred fifty 2095  
thousand dollars or more, receiving stolen property is a felony of 2096  
the third degree. 2097

(D) Except as provided in division (C) of this section with 2098  
respect to property involved in a violation of this section with a 2099  
value of seven thousand five hundred dollars or more, if the 2100  
property involved in violation of this section is a special 2101  
purchase article as defined in section 4737.04 of the Revised Code 2102  
or a bulk merchandise container as defined in section 4737.012 of 2103

the Revised Code, a violation of this section is receiving a 2104  
stolen special purchase article or articles or receiving a stolen 2105  
bulk merchandise container or containers, a felony of the fifth 2106  
degree. 2107

**Sec. 2937.221.** (A) A person arrested without warrant for any 2108  
violation listed in division (B) of this section, and having a 2109  
current valid Ohio driver's or commercial driver's license, if the 2110  
person has been notified of the possible consequences of the 2111  
person's actions as required by division (C) of this section, may 2112  
post bond by depositing the license with the arresting officer if 2113  
the officer and person so choose, or with the local court having 2114  
jurisdiction if the court and person so choose. The license may be 2115  
used as bond only during the period for which it is valid. 2116

When an arresting officer accepts the driver's or commercial 2117  
driver's license as bond, the officer shall note the date, time, 2118  
and place of the court appearance on "the violator's notice to 2119  
appear," and the notice shall serve as a valid Ohio driver's or 2120  
commercial driver's license until the date and time appearing 2121  
thereon. The arresting officer immediately shall forward the 2122  
license to the appropriate court. 2123

When a local court accepts the license as bond or continues 2124  
the case to another date and time, it shall provide the person 2125  
with a card in a form approved by the registrar of motor vehicles 2126  
setting forth the license number, name, address, the date and time 2127  
of the court appearance, and a statement that the license is being 2128  
held as bond. The card shall serve as a valid license until the 2129  
date and time contained in the card. 2130

The court may accept other bond at any time and return the 2131  
license to the person. The court shall return the license to the 2132  
person when judgment is satisfied, including, but not limited to, 2133  
compliance with any court orders, unless a suspension or 2134

cancellation is part of the penalty imposed. 2135

Neither "the violator's notice to appear" nor a court- 2136  
granted card shall continue driving privileges beyond the 2137  
expiration date of the license. 2138

If the person arrested fails to appear in court at the date 2139  
and time set by the court or fails to satisfy the judgment of the 2140  
court, including, but not limited to, compliance with all court 2141  
orders within the time allowed by the court, the court may declare 2142  
the forfeiture of the person's license. Thirty days after the 2143  
declaration of the forfeiture, the court shall forward the 2144  
person's license to the registrar. The court also shall enter 2145  
information relative to the forfeiture on a form approved and 2146  
furnished by the registrar and send the form to the registrar. The 2147  
registrar shall suspend the person's license and send written 2148  
notification of the suspension to the person at the person's last 2149  
known address. No valid driver's or commercial driver's license 2150  
shall be granted to the person until the court having jurisdiction 2151  
orders that the forfeiture be terminated. The court shall inform 2152  
the registrar of the termination of the forfeiture by entering 2153  
information relative to the termination on a form approved and 2154  
furnished by the registrar and sending the form to the registrar. 2155  
Upon the termination, the person shall pay to the bureau of motor 2156  
vehicles a reinstatement fee of fifteen dollars to cover the costs 2157  
of the bureau in administering this section. The registrar shall 2158  
deposit the fees so paid into the state bureau of motor vehicles 2159  
fund created by section 4501.25 of the Revised Code. 2160

In addition, upon receipt from the court of the copy of the 2161  
declaration of forfeiture, neither the registrar nor any deputy 2162  
registrar shall accept any application for the registration or 2163  
transfer of registration of any motor vehicle owned by or leased 2164  
in the name of the person named in the declaration of forfeiture 2165  
until the court having jurisdiction over the offense that led to 2166

the suspension issues an order terminating the forfeiture. 2167

However, for a motor vehicle leased in the name of a person named 2168  
in a declaration of forfeiture, the registrar shall not implement 2169  
the preceding sentence until the registrar adopts procedures for 2170  
that implementation under section 4503.39 of the Revised Code. 2171

Upon receipt by the registrar of such an order, the registrar also 2172  
shall take the measures necessary to permit the person to register 2173  
a motor vehicle the person owns or leases or to transfer the 2174  
registration of a motor vehicle the person owns or leases if the 2175  
person later makes a proper application and otherwise is eligible 2176  
to be issued or to transfer a motor vehicle registration. 2177

(B) Division (A) of this section applies to persons arrested 2178  
for violation of: 2179

(1) Any of the provisions of Chapter 4511. or 4513. of the 2180  
Revised Code, except sections 4511.19, 4511.20, 4511.251, and 2181  
4513.36 of the Revised Code; 2182

(2) Any municipal ordinance substantially similar to a 2183  
section included in division (B)(1) of this section; 2184

(3) Any bylaw, rule, or regulation of the Ohio turnpike and 2185  
infrastructure commission substantially similar to a section 2186  
included in division (B)(1) of this section. 2187

Division (A) of this section does not apply to those persons 2188  
issued a citation for the commission of a minor misdemeanor under 2189  
section 2935.26 of the Revised Code. 2190

(C) No license shall be accepted as bond by an arresting 2191  
officer or by a court under this section until the officer or 2192  
court has notified the person that, if the person deposits the 2193  
license with the officer or court and either does not appear on 2194  
the date and at the time set by the officer or the court, if the 2195  
court sets a time, or does not satisfy any judgment rendered, 2196  
including, but not limited to, compliance with all court orders, 2197

the license will be suspended, and the person will not be eligible 2198  
for reissuance of the license or issuance of a new license, or the 2199  
issuance of a certificate of registration for a motor vehicle 2200  
owned or leased by the person until the person appears and 2201  
complies with any order issued by the court. The person also is 2202  
subject to any criminal penalties that may apply to the person. 2203

(D) The registrar shall not restore the person's driving or 2204  
vehicle registration privileges until the person pays the 2205  
reinstatement fee as provided in this section. 2206

**Sec. 3354.13.** The ownership of a community college created 2207  
and established pursuant to provisions of sections 3354.02 and 2208  
3354.04 of the Revised Code, including all right, title, and 2209  
interest in and to all property, both real and personal, 2210  
pertaining thereto, shall be vested in the board of trustees of 2211  
the community college district in which such college is situated, 2212  
except as may be provided in a contract entered into under the 2213  
authority of division (A) of section 3354.09 of the Revised Code. 2214  
The board may acquire by appropriation any land, rights, rights of 2215  
way, franchises, easements, or other property necessary or proper 2216  
for the construction or the efficient operation of any facility of 2217  
the community college district, pursuant to the procedure provided 2218  
in section 5537.06 of the Revised Code, with respect to the Ohio 2219  
turnpike and infrastructure commission, and insofar as such 2220  
procedure is applicable. 2221

Any instrument by which real property is acquired pursuant to 2222  
this section shall identify the agency of the state that has the 2223  
use and benefit of the real property as specified in section 2224  
5301.012 of the Revised Code. 2225

**Sec. 3355.10.** The ownership of the university branch campus, 2226  
created and established pursuant to sections 3355.01 to 3355.14 of 2227



the Revised Code, including all right, title, and interest in and 2228  
to all property, both real and personal, pertaining thereto, shall 2229  
be vested in the managing authority of the university branch 2230  
district. The board may acquire by appropriation any land, rights, 2231  
rights of way, franchises, easements, or other property necessary 2232  
or proper for the construction or the efficient operation of any 2233  
facility of the university branch district, pursuant to section 2234  
5537.06 of the Revised Code, with respect to the Ohio turnpike and 2235  
infrastructure commission, and insofar as such procedure is 2236  
applicable. 2237

University branch district bonds, issued pursuant to section 2238  
3355.08 of the Revised Code, are lawful investments of banks, 2239  
savings banks, trust companies, trustees, boards of trustees of 2240  
sinking funds of municipal corporations, school districts, 2241  
counties, the administrator of workers' compensation, the state 2242  
teachers retirement system, the public employees retirement 2243  
system, and the school employees retirement system, and also are 2244  
acceptable as security for the deposit of public moneys. 2245

Any instrument by which real property is acquired pursuant to 2246  
this section shall identify the agency of the state that has the 2247  
use and benefit of the real property as specified in section 2248  
5301.012 of the Revised Code. 2249

**Sec. 3357.12.** The ownership of a technical college, created 2250  
and established pursuant to section 3357.07 of the Revised Code, 2251  
including all right, title, and interest in and to all property, 2252  
both real and personal, pertaining thereto, shall be vested in the 2253  
board of trustees of the technical college district in which such 2254  
college is situated. The board may acquire by appropriation any 2255  
land, rights, rights-of-way, franchises, easements, or other 2256  
property necessary or proper for the construction or the efficient 2257  
operation of any facility of the technical college district, 2258

pursuant to the procedure provided in section 5537.06 of the 2259  
Revised Code, with respect to the Ohio turnpike and infrastructure 2260  
commission, and insofar as such procedure is applicable. 2261

Any instrument by which real property is acquired pursuant to 2262  
this section shall identify the agency of the state that has the 2263  
use and benefit of the real property as specified in section 2264  
5301.012 of the Revised Code. 2265

**Sec. 3705.242.** (A)(1) The director of health, a person 2266  
authorized by the director, a local commissioner of health, or a 2267  
local registrar of vital statistics shall charge and collect a fee 2268  
of one dollar and fifty cents for each certified copy of a birth 2269  
record, each certification of birth, and each copy of a death 2270  
record. The fee is in addition to the fee imposed by section 2271  
3705.24 or any other section of the Revised Code. A local 2272  
commissioner of health or local registrar of vital statistics may 2273  
retain an amount of each additional fee collected, not to exceed 2274  
three per cent of the amount of the additional fee, to be used for 2275  
costs directly related to the collection of the fee and the 2276  
forwarding of the fee to the department of health. 2277

The additional fees collected by the director of health or a 2278  
person authorized by the director and the additional fees 2279  
collected but not retained by a local commissioner of health or a 2280  
local registrar of vital statistics shall be forwarded to the 2281  
department of health not later than thirty days following the end 2282  
of each quarter. Not later than two days after the fees are 2283  
forwarded to the department each quarter, the department shall pay 2284  
the collected fees to the treasurer of state in accordance with 2285  
rules adopted by the treasurer of state under section 113.08 of 2286  
the Revised Code. 2287

(2) On the filing of a divorce decree under section 3105.10 2288  
or a decree of dissolution under section 3105.65 of the Revised 2289

Code, a court of common pleas shall charge and collect a fee of 2290  
five dollars and fifty cents. The fee is in addition to any other 2291  
court costs or fees. The county clerk of courts may retain an 2292  
amount of each additional fee collected, not to exceed three per 2293  
cent of the amount of the additional fee, to be used for costs 2294  
directly related to the collection of the fee and the forwarding 2295  
of the fee to the treasurer of state. The additional fees 2296  
collected, but not retained, under division (A)(2) of this section 2297  
shall be forwarded to the treasurer of state not later than twenty 2298  
days following the end of each month. 2299

(B) The treasurer of state shall deposit the fees paid or 2300  
forwarded under this section in the state treasury to the credit 2301  
of the family violence prevention fund, which is hereby created. A 2302  
person or government entity that fails to pay or forward the fees 2303  
in a ~~timely~~ the manner, ~~as determined by the treasurer of state~~ 2304  
~~described in this section~~, shall send to the ~~treasurer of state~~, 2305  
~~in addition to the fees~~, department of public safety a penalty 2306  
equal to ten per cent of the fees. The department of public safety 2307  
shall forward all collected late fees to the treasurer of state 2308  
for deposit into the family violence prevention fund in accordance 2309  
with rules adopted by the treasurer of state under section 113.08 2310  
of the Revised Code. 2311

The treasurer of state shall invest the moneys in the fund. 2312  
All earnings resulting from investment of the fund shall be 2313  
credited to the fund, except that actual administration costs 2314  
incurred by the treasurer of state in administering the fund may 2315  
be deducted from the earnings resulting from investments. The 2316  
amount that may be deducted shall not exceed three per cent of the 2317  
total amount of fees credited to the fund in each fiscal year. The 2318  
balance of the investment earnings shall be credited to the fund. 2319

(C) The director of public safety shall use money credited to 2320  
the fund to provide grants to family violence shelters in Ohio and 2321

to operate the division of criminal justice services. 2322

Sec. 3791.12. (A) As used in this section and section 3791.13 2323  
of the Revised Code: 2324

(1) "Service station" means any facility designed and 2325  
constructed primarily for use in the retail sale of gasoline, 2326  
other petroleum products, and related accessories; except that 2327  
"service station" does not include any such facility that has been 2328  
converted for use for another bona fide business purpose, on and 2329  
after the date of commencement of such other use. 2330

(2) "Abandoned service station" means any service station 2331  
that has not been used for the retail sale of gasoline, other 2332  
petroleum products, and related accessories for a continuous 2333  
period of six months, whenever failure to reasonably secure 2334  
station buildings from ready access by unauthorized persons and to 2335  
reasonably maintain the station's premises has resulted in 2336  
conditions that endanger the public health, welfare, safety, or 2337  
morals; provided, that such conditions include, but are not 2338  
limited to, the presence of defective or deteriorated electrical 2339  
wiring, heating apparatus, and gas connections, or of unprotected 2340  
gasoline storage tanks, piping, and valves, or any combination of 2341  
the foregoing; and provided further that the casual and 2342  
intermittent use of a service station for the retail sale of any 2343  
item described in division (A)(1) of this section during such 2344  
six-month period shall not be held to prevent the station from 2345  
being determined an abandoned service station if it meets the 2346  
other qualifications of this division. 2347

(B) The executive authority of each municipal corporation and 2348  
the board of county commissioners of each county shall designate a 2349  
suitable person to make inspections, within their respective 2350  
territorial jurisdictions, of any service stations that are, or 2351  
appear to be, no longer in use for the purposes described in 2352

division (A)(1) of this section ~~3791.11~~ of the Revised Code, or 2353  
for any other bona fide business purpose. Inspections of service 2354  
stations under this section shall be made at the order of the 2355  
executive authority or board, or upon the complaint of any person 2356  
claiming to be adversely affected by the condition of a service 2357  
station. Any inspector designated under this section shall have 2358  
the right to enter upon and inspect any service station that is, 2359  
or appears to be, no longer in use as described in this section. 2360  
No inspector, while in the lawful pursuit of official duties for 2361  
such purpose, shall be subject to arrest for trespass while so 2362  
engaged or for such cause thereafter. 2363

~~(B)~~(C) Whenever an inspector, upon inspecting a service 2364  
station as provided in this section, has reasonable cause to 2365  
believe that it qualifies as an abandoned service station, the 2366  
inspector shall prepare a written report of the condition of the 2367  
station's buildings and premises. The report shall be filed 2368  
immediately with the executive authority or board. Upon receipt of 2369  
the report, the executive authority or board shall fix a place and 2370  
time, not less than thirty days nor more than sixty days after 2371  
receipt of the report, for a hearing to determine whether the 2372  
service station is an abandoned service station. The executive 2373  
authority or board shall send written notice of the place and date 2374  
of the hearing, together with a copy of the inspector's report and 2375  
information that the service station may be ordered repaired or 2376  
removed if determined to be abandoned, to all persons listed in 2377  
the ~~bond filed under division (C) of section 3791.11 of the~~ 2378  
Revised Code records of the county recorder as an owner of the 2379  
affected property, and to all persons listed in the records of the 2380  
county recorder or county clerk of courts as holding a lien on the 2381  
affected property. Such notice shall be sent by certified mail to 2382  
the address shown on such records. 2383

~~(C)~~(D) In hearing the matter and deciding the issue, the 2384

executive authority or board shall consider the testimony of any 2385  
persons appearing pursuant to the notice or their authorized 2386  
representatives, the testimony of any witnesses appearing on 2387  
behalf of such persons, the inspector's report or testimony, or 2388  
both, and any other evidence pertinent to the matter. If the 2389  
executive authority or board thereupon determines that the service 2390  
station is an abandoned service station in such condition as to 2391  
constitute a danger to the public health, welfare, safety, or 2392  
morals, it shall order the satisfactory repair, or removal, of the 2393  
service station and its appurtenances, and restoration of the 2394  
property, within such period of time, not less than thirty days, 2395  
as the executive authority or board thereupon determines 2396  
reasonable. Notice of the findings and order shall be sent to all 2397  
persons required to be notified by division ~~(B)~~(C) of this section 2398  
in the same manner as provided in that division. 2399

~~(D)~~(E) If an abandoned service station is not satisfactorily 2400  
repaired or removed within the period of time provided in an order 2401  
made under division ~~(C)~~(D) of this section, the municipal 2402  
corporation or county may enter the land and complete the repair, 2403  
if repair was ordered, or remove the service station and its 2404  
appurtenances, if removal was ordered, and restore the property. 2405

~~(E)~~(F) Any person aggrieved by an order of an executive 2406  
authority or board made under division ~~(C)~~(D) of this section, may 2407  
appeal as provided in Chapter 2506. of the Revised Code within 2408  
thirty days of the mailing of notice of the order. 2409

~~(F)~~(G) In the event that no persons notified as provided in 2410  
division ~~(B)~~(C) of this section, or their authorized 2411  
representatives, appear at the hearing, respond to an order of the 2412  
executive authority or board, or appeal within thirty days of the 2413  
mailing of notice of the order as provided in division ~~(E)~~(F) of 2414  
this section, the municipal corporation or county may proceed as 2415  
provided in division ~~(D)~~(E) of this section. 2416

**Sec. 3791.13.** (A) When a municipal corporation or county 2417  
enters and repairs or removes an abandoned service station and its 2418  
appurtenances and restores the property as provided in division 2419  
~~(D)(E)~~ or ~~(F)(G)~~ of section 3791.12 of the Revised Code, it may 2420  
bring an action ~~on the bond filed pursuant to division (C) of~~ 2421  
~~section 3791.11 of the Revised Code~~ to recover the costs of repair 2422  
or removal and restoration, plus the costs of the suit. ~~If the~~ 2423  
~~costs of repair or removal and restoration exceed the amount~~ 2424  
~~collected on the bond, the~~ The owner of the property and any 2425  
lessee, other than a person leasing and operating the service 2426  
station pursuant to a contract with a supplier of gasoline and 2427  
other petroleum products, shall be jointly and severally liable 2428  
for the deficiency costs. 2429

(B) Sections ~~3791.11~~, 3791.12, 3791.13 and 3791.99 of the 2430  
Revised Code shall be an alternative remedy for the removal of 2431  
abandoned service stations and shall not invalidate municipal 2432  
ordinances regulating the use, requiring maintenance or repair, or 2433  
providing for the removal of service stations. 2434

**Sec. 3791.99.** (A) Whoever violates ~~division (B) of section~~ 2435  
~~3791.11 or~~ division (D) of section 3791.21 of the Revised Code is 2436  
guilty of a minor misdemeanor, and each day the violation 2437  
continues constitutes a separate offense. 2438

(B) Whoever violates this chapter or any rule adopted or 2439  
order issued pursuant to it that relates to the construction, 2440  
alteration, or repair of any building, and the violation is not 2441  
detrimental to the health, safety, or welfare of any person, shall 2442  
be fined not more than one hundred dollars. 2443

(C) Whoever violates this chapter or any rule adopted or 2444  
order issued pursuant to it that relates to the construction, 2445  
alteration, or repair of any building, and the violation is 2446

detrimental to the health, safety, or welfare of any person, is 2447  
guilty of a minor misdemeanor. 2448

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 2449  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 2450  
Revised Code, and in the penal laws, except as otherwise provided: 2451

(A) "Vehicles" means everything on wheels or runners, 2452  
including motorized bicycles, but does not mean electric personal 2453  
assistive mobility devices, vehicles that are operated exclusively 2454  
on rails or tracks or from overhead electric trolley wires, and 2455  
vehicles that belong to any police department, municipal fire 2456  
department, or volunteer fire department, or that are used by such 2457  
a department in the discharge of its functions. 2458

(B) "Motor vehicle" means any vehicle, including mobile homes 2459  
and recreational vehicles, that is propelled or drawn by power 2460  
other than muscular power or power collected from overhead 2461  
electric trolley wires. "Motor vehicle" does not include utility 2462  
vehicles as defined in division (VV) of this section, motorized 2463  
bicycles, road rollers, traction engines, power shovels, power 2464  
cranes, and other equipment used in construction work and not 2465  
designed for or employed in general highway transportation, 2466  
well-drilling machinery, ditch-digging machinery, farm machinery, 2467  
and trailers that are designed and used exclusively to transport a 2468  
boat between a place of storage and a marina, or in and around a 2469  
marina, when drawn or towed on a public road or highway for a 2470  
distance of no more than ten miles and at a speed of twenty-five 2471  
miles per hour or less. 2472

(C) "Agricultural tractor" and "traction engine" mean any 2473  
self-propelling vehicle that is designed or used for drawing other 2474  
vehicles or wheeled machinery, but has no provisions for carrying 2475  
loads independently of such other vehicles, and that is used 2476  
principally for agricultural purposes. 2477



(D) "Commercial tractor," except as defined in division (C) 2478  
of this section, means any motor vehicle that has motive power and 2479  
either is designed or used for drawing other motor vehicles, or is 2480  
designed or used for drawing another motor vehicle while carrying 2481  
a portion of the other motor vehicle or its load, or both. 2482

(E) "Passenger car" means any motor vehicle that is designed 2483  
and used for carrying not more than nine persons and includes any 2484  
motor vehicle that is designed and used for carrying not more than 2485  
fifteen persons in a ridesharing arrangement. 2486

(F) "Collector's vehicle" means any motor vehicle or 2487  
agricultural tractor or traction engine that is of special 2488  
interest, that has a fair market value of one hundred dollars or 2489  
more, whether operable or not, and that is owned, operated, 2490  
collected, preserved, restored, maintained, or used essentially as 2491  
a collector's item, leisure pursuit, or investment, but not as the 2492  
owner's principal means of transportation. "Licensed collector's 2493  
vehicle" means a collector's vehicle, other than an agricultural 2494  
tractor or traction engine, that displays current, valid license 2495  
tags issued under section 4503.45 of the Revised Code, or a 2496  
similar type of motor vehicle that displays current, valid license 2497  
tags issued under substantially equivalent provisions in the laws 2498  
of other states. 2499

(G) "Historical motor vehicle" means any motor vehicle that 2500  
is over twenty-five years old and is owned solely as a collector's 2501  
item and for participation in club activities, exhibitions, tours, 2502  
parades, and similar uses, but that in no event is used for 2503  
general transportation. 2504

(H) "Noncommercial motor vehicle" means any motor vehicle, 2505  
including a farm truck as defined in section 4503.04 of the 2506  
Revised Code, that is designed by the manufacturer to carry a load 2507  
of no more than one ton and is used exclusively for purposes other 2508  
than engaging in business for profit. 2509

(I) "Bus" means any motor vehicle that has motor power and is 2510  
designed and used for carrying more than nine passengers, except 2511  
any motor vehicle that is designed and used for carrying not more 2512  
than fifteen passengers in a ridesharing arrangement. 2513

(J) "Commercial car" or "truck" means any motor vehicle that 2514  
has motor power and is designed and used for carrying merchandise 2515  
or freight, or that is used as a commercial tractor. 2516

(K) "Bicycle" means every device, other than a ~~tricycle~~ 2517  
device that is designed solely for use as a play vehicle by a 2518  
child, that is propelled solely by human power upon which ~~any a~~ 2519  
person may ride, and that has two ~~tandem~~ or more wheels, ~~or one~~ 2520  
~~wheel in front and two wheels in the rear, or two wheels in the~~ 2521  
~~front and one wheel in the rear,~~ any of which is more than 2522  
fourteen inches in diameter. 2523

(L) "Motorized bicycle" means any vehicle that either has two 2524  
tandem wheels or one wheel in the front and two wheels in the 2525  
rear, that is capable of being pedaled, and that is equipped with 2526  
a helper motor of not more than fifty cubic centimeters piston 2527  
displacement that produces no more than one brake horsepower and 2528  
is capable of propelling the vehicle at a speed of no greater than 2529  
twenty miles per hour on a level surface. 2530

(M) "Trailer" means any vehicle without motive power that is 2531  
designed or used for carrying property or persons wholly on its 2532  
own structure and for being drawn by a motor vehicle, and includes 2533  
any such vehicle that is formed by or operated as a combination of 2534  
a semitrailer and a vehicle of the dolly type such as that 2535  
commonly known as a trailer dolly, a vehicle used to transport 2536  
agricultural produce or agricultural production materials between 2537  
a local place of storage or supply and the farm when drawn or 2538  
towed on a public road or highway at a speed greater than 2539  
twenty-five miles per hour, and a vehicle that is designed and 2540  
used exclusively to transport a boat between a place of storage 2541

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:	2574 2575
(1) It is designed for the sole purpose of recreational travel.	2576 2577
(2) It is not used for the purpose of engaging in business for profit.	2578 2579
(3) It is not used for the purpose of engaging in intrastate commerce.	2580 2581
(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.	2582 2583
(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	2584 2585
(6) It is classed as one of the following:	2586
(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.	2587 2588 2589 2590 2591 2592
(b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.	2593 2594 2595 2596
(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.	2597 2598 2599 2600 2601 2602
(d) "Fifth wheel trailer" means a vehicle that is of such	2603

size and weight as to be movable without a special highway permit, 2604  
that has a gross trailer area of four hundred square feet or less, 2605  
that is constructed with a raised forward section that allows a 2606  
bi-level floor plan, and that is designed to be towed by a vehicle 2607  
equipped with a fifth-wheel hitch ordinarily installed in the bed 2608  
of a truck. 2609

(e) "Park trailer" means a vehicle that is commonly known as 2610  
a park model recreational vehicle, meets the American national 2611  
standard institute standard A119.5 (1988) for park trailers, is 2612  
built on a single chassis, has a gross trailer area of four 2613  
hundred square feet or less when set up, is designed for seasonal 2614  
or temporary living quarters, and may be connected to utilities 2615  
necessary for the operation of installed features and appliances. 2616

(R) "Pneumatic tires" means tires of rubber and fabric or 2617  
tires of similar material, that are inflated with air. 2618

(S) "Solid tires" means tires of rubber or similar elastic 2619  
material that are not dependent upon confined air for support of 2620  
the load. 2621

(T) "Solid tire vehicle" means any vehicle that is equipped 2622  
with two or more solid tires. 2623

(U) "Farm machinery" means all machines and tools that are 2624  
used in the production, harvesting, and care of farm products, and 2625  
includes trailers that are used to transport agricultural produce 2626  
or agricultural production materials between a local place of 2627  
storage or supply and the farm, agricultural tractors, threshing 2628  
machinery, hay-baling machinery, corn shellers, hammermills, and 2629  
machinery used in the production of horticultural, agricultural, 2630  
and vegetable products. 2631

(V) "Owner" includes any person or firm, other than a 2632  
manufacturer or dealer, that has title to a motor vehicle, except 2633  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 2634

includes in addition manufacturers and dealers. 2635

(W) "Manufacturer" and "dealer" include all persons and firms 2636  
that are regularly engaged in the business of manufacturing, 2637  
selling, displaying, offering for sale, or dealing in motor 2638  
vehicles, at an established place of business that is used 2639  
exclusively for the purpose of manufacturing, selling, displaying, 2640  
offering for sale, or dealing in motor vehicles. A place of 2641  
business that is used for manufacturing, selling, displaying, 2642  
offering for sale, or dealing in motor vehicles shall be deemed to 2643  
be used exclusively for those purposes even though snowmobiles or 2644  
all-purpose vehicles are sold or displayed for sale thereat, even 2645  
though farm machinery is sold or displayed for sale thereat, or 2646  
even though repair, accessory, gasoline and oil, storage, parts, 2647  
service, or paint departments are maintained thereat, or, in any 2648  
county having a population of less than seventy-five thousand at 2649  
the last federal census, even though a department in a place of 2650  
business is used to dismantle, salvage, or rebuild motor vehicles 2651  
by means of used parts, if such departments are operated for the 2652  
purpose of furthering and assisting in the business of 2653  
manufacturing, selling, displaying, offering for sale, or dealing 2654  
in motor vehicles. Places of business or departments in a place of 2655  
business used to dismantle, salvage, or rebuild motor vehicles by 2656  
means of using used parts are not considered as being maintained 2657  
for the purpose of assisting or furthering the manufacturing, 2658  
selling, displaying, and offering for sale or dealing in motor 2659  
vehicles. 2660

(X) "Operator" includes any person who drives or operates a 2661  
motor vehicle upon the public highways. 2662

(Y) "Chauffeur" means any operator who operates a motor 2663  
vehicle, other than a taxicab, as an employee for hire; or any 2664  
operator whether or not the owner of a motor vehicle, other than a 2665  
taxicab, who operates such vehicle for transporting, for gain, 2666

compensation, or profit, either persons or property owned by 2667  
another. Any operator of a motor vehicle who is voluntarily 2668  
involved in a ridesharing arrangement is not considered an 2669  
employee for hire or operating such vehicle for gain, 2670  
compensation, or profit. 2671

(Z) "State" includes the territories and federal districts of 2672  
the United States, and the provinces of Canada. 2673

(AA) "Public roads and highways" for vehicles includes all 2674  
public thoroughfares, bridges, and culverts. 2675

(BB) "Manufacturer's number" means the manufacturer's 2676  
original serial number that is affixed to or imprinted upon the 2677  
chassis or other part of the motor vehicle. 2678

(CC) "Motor number" means the manufacturer's original number 2679  
that is affixed to or imprinted upon the engine or motor of the 2680  
vehicle. 2681

(DD) "Distributor" means any person who is authorized by a 2682  
motor vehicle manufacturer to distribute new motor vehicles to 2683  
licensed motor vehicle dealers at an established place of business 2684  
that is used exclusively for the purpose of distributing new motor 2685  
vehicles to licensed motor vehicle dealers, except when the 2686  
distributor also is a new motor vehicle dealer, in which case the 2687  
distributor may distribute at the location of the distributor's 2688  
licensed dealership. 2689

(EE) "Ridesharing arrangement" means the transportation of 2690  
persons in a motor vehicle where the transportation is incidental 2691  
to another purpose of a volunteer driver and includes ridesharing 2692  
arrangements known as carpools, vanpools, and buspools. 2693

(FF) "Apportionable vehicle" means any vehicle that is used 2694  
or intended for use in two or more international registration plan 2695  
member jurisdictions that allocate or proportionally register 2696  
vehicles, that is used for the transportation of persons for hire 2697

or designed, used, or maintained primarily for the transportation 2698  
of property, and that meets any of the following qualifications: 2699

(1) Is a power unit having a gross vehicle weight in excess 2700  
of twenty-six thousand pounds; 2701

(2) Is a power unit having three or more axles, regardless of 2702  
the gross vehicle weight; 2703

(3) Is a combination vehicle with a gross vehicle weight in 2704  
excess of twenty-six thousand pounds. 2705

"Apportionable vehicle" does not include recreational 2706  
vehicles, vehicles displaying restricted plates, city pick-up and 2707  
delivery vehicles, buses used for the transportation of chartered 2708  
parties, or vehicles owned and operated by the United States, this 2709  
state, or any political subdivisions thereof. 2710

(GG) "Chartered party" means a group of persons who contract 2711  
as a group to acquire the exclusive use of a passenger-carrying 2712  
motor vehicle at a fixed charge for the vehicle in accordance with 2713  
the carrier's tariff, lawfully on file with the United States 2714  
department of transportation, for the purpose of group travel to a 2715  
specified destination or for a particular itinerary, either agreed 2716  
upon in advance or modified by the chartered group after having 2717  
left the place of origin. 2718

(HH) "International registration plan" means a reciprocal 2719  
agreement of member jurisdictions that is endorsed by the American 2720  
association of motor vehicle administrators, and that promotes and 2721  
encourages the fullest possible use of the highway system by 2722  
authorizing apportioned registration of fleets of vehicles and 2723  
recognizing registration of vehicles apportioned in member 2724  
jurisdictions. 2725

(II) "Restricted plate" means a license plate that has a 2726  
restriction of time, geographic area, mileage, or commodity, and 2727  
includes license plates issued to farm trucks under division (J) 2728



of section 4503.04 of the Revised Code. 2729

(JJ) "Gross vehicle weight," with regard to any commercial 2730  
car, trailer, semitrailer, or bus that is taxed at the rates 2731  
established under section 4503.042 or 4503.65 of the Revised Code, 2732  
means the unladen weight of the vehicle fully equipped plus the 2733  
maximum weight of the load to be carried on the vehicle. 2734

(KK) "Combined gross vehicle weight" with regard to any 2735  
combination of a commercial car, trailer, and semitrailer, that is 2736  
taxed at the rates established under section 4503.042 or 4503.65 2737  
of the Revised Code, means the total unladen weight of the 2738  
combination of vehicles fully equipped plus the maximum weight of 2739  
the load to be carried on that combination of vehicles. 2740

(LL) "Chauffeured limousine" means a motor vehicle that is 2741  
designed to carry nine or fewer passengers and is operated for 2742  
hire on an hourly basis pursuant to a prearranged contract for the 2743  
transportation of passengers on public roads and highways along a 2744  
route under the control of the person hiring the vehicle and not 2745  
over a defined and regular route. "Prearranged contract" means an 2746  
agreement, made in advance of boarding, to provide transportation 2747  
from a specific location in a chauffeured limousine at a fixed 2748  
rate per hour or trip. "Chauffeured limousine" does not include 2749  
any vehicle that is used exclusively in the business of funeral 2750  
directing. 2751

(MM) "Manufactured home" has the same meaning as in division 2752  
(C)(4) of section 3781.06 of the Revised Code. 2753

(NN) "Acquired situs," with respect to a manufactured home or 2754  
a mobile home, means to become located in this state by the 2755  
placement of the home on real property, but does not include the 2756  
placement of a manufactured home or a mobile home in the inventory 2757  
of a new motor vehicle dealer or the inventory of a manufacturer, 2758  
remanufacturer, or distributor of manufactured or mobile homes. 2759

(OO) "Electronic" includes electrical, digital, magnetic, 2760  
optical, electromagnetic, or any other form of technology that 2761  
entails capabilities similar to these technologies. 2762

(PP) "Electronic record" means a record generated, 2763  
communicated, received, or stored by electronic means for use in 2764  
an information system or for transmission from one information 2765  
system to another. 2766

(QQ) "Electronic signature" means a signature in electronic 2767  
form attached to or logically associated with an electronic 2768  
record. 2769

(RR) "Financial transaction device" has the same meaning as 2770  
in division (A) of section 113.40 of the Revised Code. 2771

(SS) "Electronic motor vehicle dealer" means a motor vehicle 2772  
dealer licensed under Chapter 4517. of the Revised Code whom the 2773  
registrar of motor vehicles determines meets the criteria 2774  
designated in section 4503.035 of the Revised Code for electronic 2775  
motor vehicle dealers and designates as an electronic motor 2776  
vehicle dealer under that section. 2777

(TT) "Electric personal assistive mobility device" means a 2778  
self-balancing two non-tandem wheeled device that is designed to 2779  
transport only one person, has an electric propulsion system of an 2780  
average of seven hundred fifty watts, and when ridden on a paved 2781  
level surface by an operator who weighs one hundred seventy pounds 2782  
has a maximum speed of less than twenty miles per hour. 2783

(UU) "Limited driving privileges" means the privilege to 2784  
operate a motor vehicle that a court grants under section 4510.021 2785  
of the Revised Code to a person whose driver's or commercial 2786  
driver's license or permit or nonresident operating privilege has 2787  
been suspended. 2788

(VV) "Utility vehicle" means a self-propelled vehicle 2789  
designed with a bed, principally for the purpose of transporting 2790

material or cargo in connection with construction, agricultural, 2791  
forestry, grounds maintenance, lawn and garden, materials 2792  
handling, or similar activities. "Utility vehicle" includes a 2793  
vehicle with a maximum attainable speed of twenty miles per hour 2794  
or less that is used exclusively within the boundaries of state 2795  
parks by state park employees or volunteers for the operation or 2796  
maintenance of state park facilities. 2797

**Sec. 4501.03.** The registrar of motor vehicles shall open an 2798  
account with each county and district of registration in the 2799  
state, and may assign each county and district of registration in 2800  
the state a unique code for identification purposes. Except as 2801  
provided in section 4501.044 or division (A)(1) of section 2802  
4501.045 of the Revised Code, the registrar shall pay all moneys 2803  
the registrar receives under sections 4503.02~~7~~, and 4503.12~~7~~, ~~and~~ 2804  
~~4504.09~~ of the Revised Code into the state treasury to the credit 2805  
of the auto registration distribution fund, which is hereby 2806  
created, for distribution in the manner provided for in this 2807  
section and ~~sections~~ section 4501.04, ~~4501.041, 4501.042, and~~ 2808  
~~4501.043~~ of the Revised Code. All other moneys received by the 2809  
registrar shall be deposited in the state bureau of motor vehicles 2810  
fund established in section 4501.25 of the Revised Code for the 2811  
purposes enumerated in that section, unless otherwise provided by 2812  
law. 2813

All moneys credited to the auto registration distribution 2814  
fund shall be distributed to the counties and districts of 2815  
registration, ~~except for funds received by the registrar under~~ 2816  
~~section 4504.09 of the Revised Code,~~ after receipt of 2817  
certifications from the commissioners of the sinking fund 2818  
certifying, as required by sections 5528.15 and 5528.35 of the 2819  
Revised Code, that there are sufficient moneys to the credit of 2820  
the highway improvement bond retirement fund created by section 2821  
5528.12 of the Revised Code to meet in full all payments of 2822

interest, principal, and charges for the retirement of bonds and 2823  
other obligations issued pursuant to Section 2g of Article VIII, 2824  
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 2825  
Code due and payable during the current calendar year, and that 2826  
there are sufficient moneys to the credit of the highway 2827  
obligations bond retirement fund created by section 5528.32 of the 2828  
Revised Code to meet in full all payments of interest, principal, 2829  
and charges for the retirement of highway obligations issued 2830  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 2831  
sections 5528.30 and 5528.31 of the Revised Code due and payable 2832  
during the current calendar year, in the manner provided in 2833  
section 4501.04 of the Revised Code. 2834

The treasurer of state may invest any portion of the moneys 2835  
credited to the auto registration distribution fund, in the same 2836  
manner and subject to all the laws with respect to the investment 2837  
of state funds by the treasurer of state, and all investment 2838  
earnings of the fund shall be credited to the fund. 2839

Once each month the registrar shall prepare vouchers in favor 2840  
of the county auditor of each county for the amount of the tax 2841  
collection pursuant to sections 4503.02 and 4503.12 of the Revised 2842  
Code apportioned to the county and to the districts of 2843  
registration located wholly or in part in the county auditor's 2844  
county. The county auditor shall distribute the proceeds of the 2845  
tax collections due the county and the districts of registration 2846  
in the manner provided in section 4501.04 of the Revised Code. 2847

~~Once each month the registrar also shall prepare vouchers in 2848  
favor of the county auditor of each county levying a county motor 2849  
vehicle license tax pursuant to section 4504.02, 4504.15, or 2850  
4504.16 of the Revised Code and of each county in which is located 2851  
one or more townships levying a township motor vehicle license tax 2852  
pursuant to section 4504.18 of the Revised Code for the amount of 2853  
the tax due the county or townships in the county. 2854~~

All moneys received by the registrar under sections 4503.02, ~~and 4503.12, and 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, except that a sum equal to five per cent of the total amount received under sections 4503.02 and 4503.12 of the Revised Code may be reserved to make final adjustments in accordance with the formula for distribution set forth in section 4501.04 of the Revised Code. If amounts set aside to make the adjustments are inadequate, necessary adjustments shall be made immediately out of funds available for distribution for the following two registration years.

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

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 2886  
the tax due the county or townships in the county. 2887

All moneys received by the registrar under section 4504.09 of 2888  
the Revised Code shall be distributed to counties, townships, and 2889  
municipal corporations within thirty days of the expiration of the 2890  
registration year. Necessary adjustments shall be made immediately 2891  
out of funds available for distribution for the following two 2892  
registration years. 2893

**Sec. 4501.04.** All moneys paid into the auto registration 2894  
distribution fund under section 4501.03 of the Revised Code, 2895  
except ~~moneys received under section 4504.09 of the Revised Code~~ 2896  
~~and~~ moneys received under section 4503.02 of the Revised Code in 2897  
accordance with section 4501.13 of the Revised Code, and except 2898  
moneys paid for costs of audits under section 4501.03 of the 2899  
Revised Code, after receipt by the treasurer of state of 2900  
certifications from the commissioners of the sinking fund 2901  
certifying, as required by sections 5528.15 and 5528.35 of the 2902  
Revised Code, that there are sufficient moneys to the credit of 2903  
the highway improvement bond retirement fund created by section 2904  
5528.12 of the Revised Code to meet in full all payments of 2905  
interest, principal, and charges for the retirement of bonds and 2906  
other obligations issued pursuant to Section 2g of Article VIII, 2907  
Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised 2908  
Code, due and payable during the current calendar year, and that 2909  
there are sufficient moneys to the credit of the highway 2910  
obligations bond retirement fund created by section 5528.32 of the 2911  
Revised Code to meet in full all payments of interest, principal, 2912  
and charges for the retirement of highway obligations issued 2913  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 2914  
sections 5528.30 and 5528.31 of the Revised Code due and payable 2915  
during the current calendar year, shall be distributed as follows: 2916

(A) Thirty-four per cent of all such moneys are for the use 2917  
of the municipal corporation or county which constitutes the 2918  
district of registration. The portion of such money due to the 2919  
municipal corporation shall be paid into its treasury forthwith 2920  
upon receipt by the county auditor, and shall be used to plan, 2921  
construct, reconstruct, repave, widen, maintain, repair, clear, 2922  
and clean public highways, roads, and streets; to maintain and 2923  
repair bridges and viaducts; to purchase, erect, and maintain 2924  
street and traffic signs and markers; to purchase, erect, and 2925  
maintain traffic lights and signals; to pay the principal, 2926  
interest, and charges on bonds and other obligations issued 2927  
pursuant to Chapter 133. of the Revised Code or incurred pursuant 2928  
to section 5531.09 of the Revised Code for the purpose of 2929  
acquiring or constructing roads, highways, bridges, or viaducts, 2930  
or acquiring or making other highway improvements for which the 2931  
municipal corporation may issue bonds; and to supplement revenue 2932  
already available for such purposes. 2933

The county portion of such funds shall be retained in the 2934  
county treasury and shall be used for the planning, maintenance, 2935  
repair, construction, and repaving of public streets, and 2936  
maintaining and repairing bridges and viaducts; the payment of 2937  
principal, interest, and charges on bonds and other obligations 2938  
issued pursuant to Chapter 133. of the Revised Code or incurred 2939  
pursuant to section 5531.09 of the Revised Code for the purpose of 2940  
acquiring or constructing roads, highways, bridges, or viaducts or 2941  
acquiring or making other highway improvements for which the board 2942  
of county commissioners may issue bonds under such chapter; and 2943  
for no other purpose. 2944

(B) Five per cent of all such moneys, together with interest 2945  
earned by the treasurer of state as provided in section 4501.03 of 2946  
the Revised Code, shall constitute a fund for the use of the 2947  
several counties for the purposes specified in division (C) of 2948

this section. The moneys shall be divided equally among all the 2949  
counties in the state and shall be paid out by the registrar of 2950  
motor vehicles in equal proportions to the county auditor of each 2951  
county within the state. 2952

(C) Forty-seven per cent of all such moneys shall be for the 2953  
use of the county in which the owner resides or in which the place 2954  
is located at which the established business or branch business in 2955  
connection with which the motor vehicle registered is used, for 2956  
the planning, construction, reconstruction, improvement, 2957  
maintenance, and repair of roads and highways; maintaining and 2958  
repairing bridges and viaducts; and the payment of principal, 2959  
interest, and charges on bonds and other obligations issued 2960  
pursuant to Chapter 133. of the Revised Code or incurred pursuant 2961  
to section 5531.09 of the Revised Code for the purpose of 2962  
acquiring or constructing roads, highways, bridges, or viaducts or 2963  
acquiring or making other highway improvements for which the board 2964  
of county commissioners may issue bonds under such chapter. 2965

(D) Nine per cent of all such moneys shall be for the use of 2966  
the several counties for the purposes specified in division (C) of 2967  
this section and shall be distributed to the several counties in 2968  
the ratio which the total number of miles of county roads under 2969  
the jurisdiction of each board of county commissioners in each 2970  
county bears to the total number of miles of county roads in the 2971  
state, as determined by the director of transportation. Before 2972  
such distribution is made each board of county commissioners shall 2973  
certify in writing to the director the actual number of miles 2974  
under its statutory jurisdiction which are used by and maintained 2975  
for the public. 2976

(E) Five per cent of all such moneys shall be for the use of 2977  
the several townships and shall be distributed to the several 2978  
townships in the ratio which the total number of miles of township 2979  
roads under the jurisdiction of each board of township trustees in 2980



each township bears to the total number of miles of township roads 2981  
in the state, as determined by the director of transportation. 2982  
Before such distribution is made each board of township trustees 2983  
shall certify in writing to the director the actual number of 2984  
miles under its statutory jurisdiction which are used by and 2985  
maintained for the public. 2986

**Sec. 4501.041.** Except as provided in section 4501.042 of the 2987  
Revised Code, all moneys received under section 4504.09 of the 2988  
Revised Code with respect to counties levying county motor vehicle 2989  
license taxes pursuant to section 4504.02, 4504.15, or 4504.16 of 2990  
the Revised Code and paid into the state treasury under section 2991  
~~4501.03~~ 4501.031 of the Revised Code shall be distributed to the 2992  
respective counties levying such taxes for allocation and 2993  
distribution as provided in section 4504.05 of the Revised Code. 2994

**Sec. 4501.042.** All moneys received under section 4504.09 of 2995  
the Revised Code from municipal motor vehicle license taxes levied 2996  
pursuant to section 4504.06, 4504.17, 4504.171, or 4504.172 of the 2997  
Revised Code, and any part of the moneys received from county 2998  
motor vehicle license taxes levied pursuant to section 4504.15 of 2999  
the Revised Code which is to be distributed to municipal 3000  
corporations, shall be paid ~~directly~~ into the state treasury to 3001  
the credit of the local motor vehicle license tax fund created 3002  
under section 4501.031 of the Revised Code and shall be 3003  
distributed to the treasuries of the municipal corporations 3004  
levying or entitled to such tax moneys. 3005

**Sec. 4501.043.** All moneys received under section 4504.09 of 3006  
the Revised Code with respect to townships levying township 3007  
license taxes pursuant to section 4504.18 of the Revised Code and 3008  
paid into the state treasury under section ~~4501.03~~ 4501.031 of the 3009  
Revised Code shall be distributed to the respective townships 3010

levying such taxes for allocation and distribution as provided in 3011  
section 4504.19 of the Revised Code. 3012

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or 3013  
referred to in division (O) of section 4503.04, division (E) of 3014  
section 4503.042, division (B) of section 4503.07, division (C)(1) 3015  
of section 4503.10, division (D) of section 4503.182, division (A) 3016  
of section 4503.19, division (D)(2) of section 4507.24, division 3017  
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 3018  
4505.111, 4506.08, ~~4506.09~~, 4507.23, 4508.05, 4513.53, and 5502.12 3019  
of the Revised Code, and the taxes charged in section 4503.65 that 3020  
are distributed in accordance with division (A)(2) of section 3021  
4501.044 of the Revised Code unless otherwise designated by law, 3022  
shall be deposited in the state treasury to the credit of the 3023  
state highway safety fund, which is hereby created, ~~and~~. Money 3024  
credited to the fund shall, after receipt of certifications from 3025  
the commissioners of the sinking fund certifying that there are 3026  
sufficient moneys to the credit of the highway obligations bond 3027  
retirement fund created by section 5528.32 of the Revised Code to 3028  
meet in full all payments of interest, principal, and charges for 3029  
the retirement of highway obligations issued pursuant to Section 3030  
2i of Article VIII, Ohio Constitution, and sections 5528.30 and 3031  
5528.31 of the Revised Code due and payable during the current 3032  
calendar year, be used for the purpose of enforcing and paying the 3033  
expenses of administering the law relative to the registration and 3034  
operation of motor vehicles on the public roads or highways. 3035  
Amounts credited to the fund may also be used to pay the expenses 3036  
of administering and enforcing the laws under which such fees were 3037  
collected. All investment earnings of the state highway safety 3038  
fund shall be credited to the fund. 3039

**Sec. 4503.03.** (A)(1)(a) The registrar of motor vehicles may 3040  
designate the county auditor in each county a deputy registrar. If 3041

the population of a county is forty thousand or less according to 3042  
the last federal census and if the county auditor is designated by 3043  
the registrar as a deputy registrar, no other person need be 3044  
designated in the county to act as a deputy registrar. 3045

(b) The registrar may designate a clerk of a court of common 3046  
pleas as a deputy registrar if the population of the county is 3047  
forty thousand or less according to the last federal census. In a 3048  
county with a population greater than forty thousand but not more 3049  
than fifty thousand according to the last federal census, the 3050  
clerk of a court of common pleas is eligible to act as a deputy 3051  
registrar and may participate in the competitive selection process 3052  
for the award of a deputy registrar contract by applying in the 3053  
same manner as any other person. All fees collected and retained 3054  
by a clerk for conducting deputy registrar services shall be paid 3055  
into the county treasury to the credit of the certificate of title 3056  
administration fund created under section 325.33 of the Revised 3057  
Code. 3058

(c) In all other instances, the registrar shall contract with 3059  
one or more other persons in each county to act as deputy 3060  
registrars. Notwithstanding As part of the selection process in 3061  
awarding a deputy registrar contract, the registrar shall consider 3062  
the customer service performance record of any person previously 3063  
awarded a deputy registrar contract. 3064

Notwithstanding the county population restrictions in 3065  
division (A)(1)(b) of this section, if no person applies to act 3066  
under contract as a deputy registrar in a county and the county 3067  
auditor is not designated as a deputy registrar, the registrar may 3068  
ask the clerk of a court of common pleas to serve as the deputy 3069  
registrar for that county. 3070

(2) Deputy registrars shall accept applications for the 3071  
annual license tax for any vehicle not taxed under section 4503.63 3072  
of the Revised Code and shall assign distinctive numbers in the 3073

same manner as the registrar. Such deputies shall be located in 3074  
such locations in the county as the registrar sees fit. There 3075  
shall be at least one deputy registrar in each county. 3076

Deputy registrar contracts are subject to the provisions of 3077  
division (B) of section 125.081 of the Revised Code. 3078

(B) The registrar shall not contract with any person to act 3079  
as a deputy registrar if the person or, where applicable, the 3080  
person's spouse or a member of the person's immediate family has 3081  
made, within the current calendar year or any one of the previous 3082  
three calendar years, one or more contributions totaling in excess 3083  
of one hundred dollars to any person or entity included in 3084  
division (A)(2) of section 4503.033 of the Revised Code. As used 3085  
in this division, "immediate family" has the same meaning as in 3086  
division (D) of section 102.01 of the Revised Code, and "entity" 3087  
includes any political party and any "continuing association" as 3088  
defined in division (B)(4) of section 3517.01 of the Revised Code 3089  
or "political action committee" as defined in division (B)(8) of 3090  
that section that is primarily associated with that political 3091  
party. For purposes of this division, contributions to any 3092  
continuing association or any political action committee that is 3093  
primarily associated with a political party shall be aggregated 3094  
with contributions to that political party. 3095

The contribution limitations contained in this division do 3096  
not apply to any county auditor or clerk of a court of common 3097  
pleas. A county auditor or clerk of a court of common pleas is not 3098  
required to file the disclosure statement or pay the filing fee 3099  
required under section 4503.033 of the Revised Code. The 3100  
limitations of this division also do not apply to a deputy 3101  
registrar who, subsequent to being awarded a deputy registrar 3102  
contract, is elected to an office of a political subdivision. 3103

The registrar shall not contract with either of the following 3104  
to act as a deputy registrar: 3105

(1) Any elected public official other than a county auditor 3106  
or, as authorized by division (A)(1)(b) of this section, a clerk 3107  
of a court of common pleas, acting in an official capacity, except 3108  
that, the registrar shall continue and may renew a contract with 3109  
any deputy registrar who, subsequent to being awarded a deputy 3110  
registrar contract, is elected to an office of a political 3111  
subdivision; 3112

(2) Any person holding a current, valid contract to conduct 3113  
motor vehicle inspections under section 3704.14 of the Revised 3114  
Code. 3115

As used in division (B) of this section, "political 3116  
subdivision" has the same meaning as in section 3501.01 of the 3117  
Revised Code. 3118

(C)(1) Except as provided in division (C)(2) of this section, 3119  
deputy registrars are independent contractors and neither they nor 3120  
their employees are employees of this state, except that nothing 3121  
in this section shall affect the status of county auditors or 3122  
clerks of courts of common pleas as public officials, nor the 3123  
status of their employees as employees of any of the counties of 3124  
this state, which are political subdivisions of this state. Each 3125  
deputy registrar shall be responsible for the payment of all 3126  
unemployment compensation premiums, all workers' compensation 3127  
premiums, social security contributions, and any and all taxes for 3128  
which the deputy registrar is legally responsible. Each deputy 3129  
registrar shall comply with all applicable federal, state, and 3130  
local laws requiring the withholding of income taxes or other 3131  
taxes from the compensation of the deputy registrar's employees. 3132  
Each deputy registrar shall maintain during the entire term of the 3133  
deputy registrar's contract a policy of business liability 3134  
insurance satisfactory to the registrar and shall hold the 3135  
department of public safety, the director of public safety, the 3136  
bureau of motor vehicles, and the registrar harmless upon any and 3137

all claims for damages arising out of the operation of the deputy registrar agency. 3138  
3139

(2) For purposes of Chapter 4141. of the Revised Code, 3140  
determinations concerning the employment of deputy registrars and 3141  
their employees shall be made under Chapter 4141. of the Revised 3142  
Code. 3143

(D)(1) With the approval of the director, the registrar shall 3144  
adopt rules governing the terms of the contract between the 3145  
registrar and each deputy registrar and specifications for the 3146  
services to be performed. The rules shall include specifications 3147  
relating to the amount of bond to be given as provided in this 3148  
section; the size and location of the deputy's office; and the 3149  
leasing of equipment necessary to conduct the vision screenings 3150  
required under section 4507.12 of the Revised Code and training in 3151  
the use of the equipment. The specifications shall permit and 3152  
encourage every deputy registrar to inform the public of the 3153  
location of the deputy registrar's office and hours of operation 3154  
by means of public service announcements and allow any deputy 3155  
registrar to advertise in regard to the operation of the deputy 3156  
registrar's office. The rules also shall include specifications 3157  
for the hours the deputy's office is to be open to the public and 3158  
shall require as a minimum that one deputy's office in each county 3159  
be open to the public for at least four hours each weekend, 3160  
provided that if only one deputy's office is located within the 3161  
boundary of the county seat, that office is the office that shall 3162  
be open for the four-hour period each weekend, ~~and that every~~ 3163  
~~deputy's office in each county shall be open to the public until~~ 3164  
~~six thirty p.m. on at least one weeknight each week.~~ The rules 3165  
also shall include specifications providing that every deputy in 3166  
each county, upon request, provide any person with information 3167  
about the location and office hours of all deputy registrars in 3168  
the county and that every deputy prominently display within the 3169

deputy's office, the toll-free telephone number of the bureau. The 3170  
rules shall not prohibit the award of a deputy registrar contract 3171  
to a nonprofit corporation formed under the laws of this state. 3172  
The rules shall prohibit any deputy registrar from operating more 3173  
than one such office at any time, except that the rules may permit 3174  
a nonprofit corporation formed for the purposes of providing 3175  
automobile-related services to its members or the public and that 3176  
provides such services from more than one location in this state 3177  
to operate a deputy registrar office at any such location, 3178  
provided that the nonprofit corporation operates no more than one 3179  
deputy registrar office in any one county. The rules may include 3180  
such other specifications as the registrar and director consider 3181  
necessary to provide a high level of service. 3182

The rules shall establish procedures for a deputy registrar 3183  
who requests such authority to collect reinstatement fees under 3184  
sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 3185  
4510.72, and 4511.191 of the Revised Code and to transmit the 3186  
reinstatement fees and two dollars of the service fee collected 3187  
under those sections. The registrar shall ensure that, not later 3188  
than January 1, 2012, at least one deputy registrar in each county 3189  
has the necessary equipment and is able to accept reinstatement 3190  
fees. The registrar shall deposit the service fees received from a 3191  
deputy registrar under those sections into the state bureau of 3192  
motor vehicles fund created in section 4501.25 of the Revised Code 3193  
and shall use the money for deputy registrar equipment necessary 3194  
in connection with accepting reinstatement fees. 3195

(2) As a daily adjustment, the bureau of motor vehicles shall 3196  
credit to a deputy registrar three dollars and fifty cents for 3197  
each damaged license plate or validation sticker the deputy 3198  
registrar replaces as a service to a member of the public. 3199

(3)(a) With the prior approval of the registrar, each deputy 3200  
registrar may conduct at the location of the deputy registrar's 3201

office any business that is consistent with the functions of a 3202  
deputy registrar and that is not specifically mandated or 3203  
authorized by this or another chapter of the Revised Code or by 3204  
implementing rules of the registrar. 3205

(b) In accordance with guidelines the director of public 3206  
safety shall establish, a deputy registrar may operate or contract 3207  
for the operation of a vending machine at a deputy registrar 3208  
location if products of the vending machine are consistent with 3209  
the functions of a deputy registrar. 3210

(c) A deputy registrar may enter into an agreement with the 3211  
Ohio turnpike and infrastructure commission pursuant to division 3212  
(A)(11) of section 5537.04 of the Revised Code for the purpose of 3213  
allowing the general public to acquire from the deputy registrar 3214  
the electronic toll collection devices that are used under the 3215  
multi-jurisdiction electronic toll collection agreement between 3216  
the Ohio turnpike and infrastructure commission and any other 3217  
entities or agencies that participate in such an agreement. The 3218  
approval of the registrar is not necessary if a deputy registrar 3219  
engages in this activity. 3220

(4) As used in this section and in section 4507.01 of the 3221  
Revised Code, "nonprofit corporation" has the same meaning as in 3222  
section 1702.01 of the Revised Code. 3223

(E) Unless otherwise terminated and except for interim 3224  
contracts of less than one year, contracts with deputy registrars 3225  
shall be for a term of at least two years, but no more than three 3226  
years, and all contracts effective on or after July 1, 1996, shall 3227  
be for a term of more than two years, but not more than three 3228  
years. All contracts with deputy registrars shall expire on the 3229  
last Saturday of June in the year of their expiration. The auditor 3230  
of state may examine the accounts, reports, systems, and other 3231  
data of each deputy registrar at least every two years. The 3232  
registrar, with the approval of the director, shall immediately 3233



remove a deputy who violates any provision of the Revised Code 3234  
related to the duties as a deputy, any rule adopted by the 3235  
registrar, or a term of the deputy's contract with the registrar. 3236  
The registrar also may remove a deputy who, in the opinion of the 3237  
registrar, has engaged in any conduct that is either unbecoming to 3238  
one representing this state or is inconsistent with the efficient 3239  
operation of the deputy's office. 3240

If the registrar, with the approval of the director, 3241  
determines that there is good cause to believe that a deputy 3242  
registrar or a person proposing for a deputy registrar contract 3243  
has engaged in any conduct that would require the denial or 3244  
termination of the deputy registrar contract, the registrar may 3245  
require the production of books, records, and papers as the 3246  
registrar determines are necessary, and may take the depositions 3247  
of witnesses residing within or outside the state in the same 3248  
manner as is prescribed by law for the taking of depositions in 3249  
civil actions in the court of common pleas, and for that purpose 3250  
the registrar may issue a subpoena for any witness or a subpoena 3251  
duces tecum to compel the production of any books, records, or 3252  
papers, directed to the sheriff of the county where the witness 3253  
resides or is found. Such a subpoena shall be served and returned 3254  
in the same manner as a subpoena in a criminal case is served and 3255  
returned. The fees of the sheriff shall be the same as that 3256  
allowed in the court of common pleas in criminal cases. Witnesses 3257  
shall be paid the fees and mileage provided for under section 3258  
119.094 of the Revised Code. The fees and mileage shall be paid 3259  
from the fund in the state treasury for the use of the agency in 3260  
the same manner as other expenses of the agency are paid. 3261

In any case of disobedience or neglect of any subpoena served 3262  
on any person or the refusal of any witness to testify to any 3263  
matter regarding which the witness lawfully may be interrogated, 3264  
the court of common pleas of any county where the disobedience, 3265

neglect, or refusal occurs or any judge of that court, on 3266  
application by the registrar, shall compel obedience by attachment 3267  
proceedings for contempt, as in the case of disobedience of the 3268  
requirements of a subpoena issued from that court, or a refusal to 3269  
testify in that court. 3270

Nothing in this division shall be construed to require a 3271  
hearing of any nature prior to the termination of any deputy 3272  
registrar contract by the registrar, with the approval of the 3273  
director, for cause. 3274

(F) Except as provided in section 2743.03 of the Revised 3275  
Code, no court, other than the court of common pleas of Franklin 3276  
county, has jurisdiction of any action against the department of 3277  
public safety, the director, the bureau, or the registrar to 3278  
restrain the exercise of any power or authority, or to entertain 3279  
any action for declaratory judgment, in the selection and 3280  
appointment of, or contracting with, deputy registrars. Neither 3281  
the department, the director, the bureau, nor the registrar is 3282  
liable in any action at law for damages sustained by any person 3283  
because of any acts of the department, the director, the bureau, 3284  
or the registrar, or of any employee of the department or bureau, 3285  
in the performance of official duties in the selection and 3286  
appointment of, and contracting with, deputy registrars. 3287

(G) The registrar shall assign to each deputy registrar a 3288  
series of numbers sufficient to supply the demand at all times in 3289  
the area the deputy registrar serves, and the registrar shall keep 3290  
a record in the registrar's office of the numbers within the 3291  
series assigned. Each deputy shall be required to give bond in the 3292  
amount of at least twenty-five thousand dollars, or in such higher 3293  
amount as the registrar determines necessary, based on a uniform 3294  
schedule of bond amounts established by the registrar and 3295  
determined by the volume of registrations handled by the deputy. 3296  
The form of the bond shall be prescribed by the registrar. The 3297

bonds required of deputy registrars, in the discretion of the registrar, may be individual or schedule bonds or may be included in any blanket bond coverage carried by the department.

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

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

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

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

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

(1) For each motorized bicycle, ten dollars;

(2) For each motorcycle, fourteen dollars.

(B) For each passenger car, twenty dollars;

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

(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	3327
noncommercial motor vehicle designed by the manufacturer to carry	3328
a load of more than three-quarters of one ton, but not more than	3329
one ton, seventy dollars;	3330
(E) For each noncommercial trailer, the license tax is:	3331
(1) Eighty-five cents for each one hundred pounds or part	3332
thereof for the first two thousand pounds or part thereof of	3333
weight of vehicle fully equipped;	3334
(2) One dollar and forty cents for each one hundred pounds or	3335
part thereof in excess of two thousand pounds up to and including	3336
ten thousand pounds.	3337
(F) Notwithstanding its weight, twelve dollars for any:	3338
(1) Vehicle equipped, owned, and used by a charitable or	3339
nonprofit corporation exclusively for the purpose of administering	3340
chest x-rays or receiving blood donations;	3341
(2) Van used principally for the transportation of	3342
handicapped persons that has been modified by being equipped with	3343
adaptive equipment to facilitate the movement of such persons into	3344
and out of the van;	3345
(3) Bus used principally for the transportation of	3346
handicapped persons or persons sixty-five years of age or older.	3347
(G) Notwithstanding its weight, twenty dollars for any bus	3348
used principally for the transportation of persons in a	3349
ridesharing arrangement.	3350
(H) For each transit bus having motor power the license tax	3351
is twelve dollars.	3352
"Transit bus" means either a motor vehicle having a seating	3353
capacity of more than seven persons which is operated and used by	3354
any person in the rendition of a public mass transportation	3355
service primarily in a municipal corporation or municipal	3356

corporations and provided at least seventy-five per cent of the 3357  
annual mileage of such service and use is within such municipal 3358  
corporation or municipal corporations or a motor vehicle having a 3359  
seating capacity of more than seven persons which is operated 3360  
solely for the transportation of persons associated with a 3361  
charitable or nonprofit corporation, but does not mean any motor 3362  
vehicle having a seating capacity of more than seven persons when 3363  
such vehicle is used in a ridesharing capacity or any bus 3364  
described by division (F)(3) of this section. 3365

The application for registration of such transit bus shall be 3366  
accompanied by an affidavit prescribed by the registrar of motor 3367  
vehicles and signed by the person or an agent of the firm or 3368  
corporation operating such bus stating that the bus has a seating 3369  
capacity of more than seven persons, and that it is either to be 3370  
operated and used in the rendition of a public mass transportation 3371  
service and that at least seventy-five per cent of the annual 3372  
mileage of such operation and use shall be within one or more 3373  
municipal corporations or that it is to be operated solely for the 3374  
transportation of persons associated with a charitable or 3375  
nonprofit corporation. 3376

The form of the license plate, and the manner of its 3377  
attachment to the vehicle, shall be prescribed by the registrar of 3378  
motor vehicles. 3379

(I) The minimum tax for any vehicle having motor power other 3380  
than a farm truck, a motorized bicycle, or motorcycle is ten 3381  
dollars and eighty cents, and for each noncommercial trailer, five 3382  
dollars. 3383

(J)(1) Except as otherwise provided in division (J) of this 3384  
section, for each farm truck, except a noncommercial motor 3385  
vehicle, that is owned, controlled, or operated by one or more 3386  
farmers exclusively in farm use as defined in this section, and 3387  
not for commercial purposes, and provided that at least 3388

seventy-five per cent of such farm use is by or for the one or 3389  
more owners, controllers, or operators of the farm in the 3390  
operation of which a farm truck is used, the license tax is five 3391  
dollars plus: 3392

(a) Fifty cents per one hundred pounds or part thereof for 3393  
the first three thousand pounds; 3394

(b) Seventy cents per one hundred pounds or part thereof in 3395  
excess of three thousand pounds up to and including four thousand 3396  
pounds; 3397

(c) Ninety cents per one hundred pounds or part thereof in 3398  
excess of four thousand pounds up to and including six thousand 3399  
pounds; 3400

(d) Two dollars for each one hundred pounds or part thereof 3401  
in excess of six thousand pounds up to and including ten thousand 3402  
pounds; 3403

(e) Two dollars and twenty-five cents for each one hundred 3404  
pounds or part thereof in excess of ten thousand pounds; 3405

(f) The minimum license tax for any farm truck shall be 3406  
twelve dollars. 3407

(2) The owner of a farm truck may register the truck for a 3408  
period of one-half year by paying one-half the registration tax 3409  
imposed on the truck under this chapter and one-half the amount of 3410  
any tax imposed on the truck under Chapter 4504. of the Revised 3411  
Code. 3412

(3) A farm bus may be registered for a period of ~~ninety two~~ two 3413  
hundred ten days from the date of issue of the license plates for 3414  
the bus, for a fee of ten dollars, provided such license plates 3415  
shall not be issued for more than ~~any two ninety day periods~~ one 3416  
such period in any calendar year. Such use does not include the 3417  
operation of trucks by commercial processors of agricultural 3418

products. 3419

(4) License plates for farm trucks and for farm buses shall 3420  
have some distinguishing marks, letters, colors, or other 3421  
characteristics to be determined by the director of public safety. 3422

(5) Every person registering a farm truck or bus under this 3423  
section shall furnish an affidavit certifying that the truck or 3424  
bus licensed to that person is to be so used as to meet the 3425  
requirements necessary for the farm truck or farm bus 3426  
classification. 3427

Any farmer may use a truck owned by the farmer for commercial 3428  
purposes by paying the difference between the commercial truck 3429  
registration fee and the farm truck registration fee for the 3430  
remaining part of the registration period for which the truck is 3431  
registered. Such remainder shall be calculated from the beginning 3432  
of the semiannual period in which application for such commercial 3433  
license is made. 3434

Taxes at the rates provided in this section are in lieu of 3435  
all taxes on or with respect to the ownership of such motor 3436  
vehicles, except as provided in section 4503.042 and section 3437  
4503.06 of the Revised Code. 3438

(K) Other than trucks registered under the international 3439  
registration plan in another jurisdiction and for which this state 3440  
has received an apportioned registration fee, the license tax for 3441  
each truck which is owned, controlled, or operated by a 3442  
nonresident, and licensed in another state, and which is used 3443  
exclusively for the transportation of nonprocessed agricultural 3444  
products intrastate, from the place of production to the place of 3445  
processing, is twenty-four dollars. 3446

"Truck," as used in this division, means any pickup truck, 3447  
straight truck, semitrailer, or trailer other than a travel 3448  
trailer. Nonprocessed agricultural products, as used in this 3449

division, does not include livestock or grain. 3450

A license issued under this division shall be issued for a 3451  
period of one hundred thirty days in the same manner in which all 3452  
other licenses are issued under this section, provided that no 3453  
truck shall be so licensed for more than one 3454  
one-hundred-thirty-day period during any calendar year. 3455

The license issued pursuant to this division shall consist of 3456  
a windshield decal to be designed by the director of public 3457  
safety. 3458

Every person registering a truck under this division shall 3459  
furnish an affidavit certifying that the truck licensed to the 3460  
person is to be used exclusively for the purposes specified in 3461  
this division. 3462

(L) Every person registering a motor vehicle as a 3463  
noncommercial motor vehicle as defined in section 4501.01 of the 3464  
Revised Code, or registering a trailer as a noncommercial trailer 3465  
as defined in that section, shall furnish an affidavit certifying 3466  
that the motor vehicle or trailer so licensed to the person is to 3467  
be so used as to meet the requirements necessary for the 3468  
noncommercial vehicle classification. 3469

(M) Every person registering a van or bus as provided in 3470  
divisions (F)(2) and (3) of this section shall furnish a notarized 3471  
statement certifying that the van or bus licensed to the person is 3472  
to be used for the purposes specified in those divisions. The form 3473  
of the license plate issued for such motor vehicles shall be 3474  
prescribed by the registrar. 3475

(N) Every person registering as a passenger car a motor 3476  
vehicle designed and used for carrying more than nine but not more 3477  
than fifteen passengers, and every person registering a bus as 3478  
provided in division (G) of this section, shall furnish an 3479  
affidavit certifying that the vehicle so licensed to the person is 3480



to be used in a ridesharing arrangement and that the person will 3481  
have in effect whenever the vehicle is used in a ridesharing 3482  
arrangement a policy of liability insurance with respect to the 3483  
motor vehicle in amounts and coverages no less than those required 3484  
by section 4509.79 of the Revised Code. The form of the license 3485  
plate issued for such a motor vehicle shall be prescribed by the 3486  
registrar. 3487

(O)(1) Commencing on October 1, 2009, if an application for 3488  
registration renewal is not applied for prior to the expiration 3489  
date of the registration or within ~~seven~~ thirty days after that 3490  
date, the registrar or deputy registrar shall collect a fee of 3491  
~~twenty ten~~ ten dollars for the issuance of the vehicle registration. 3492  
For any motor vehicle that is used on a seasonal basis, whether 3493  
used for general transportation or not, and that has not been used 3494  
on the public roads or highways since the expiration of the 3495  
registration, the registrar or deputy registrar shall waive the 3496  
fee established under this division if the application is 3497  
accompanied by supporting evidence of seasonal use as the 3498  
registrar may require. The registrar or deputy registrar may waive 3499  
the fee for other good cause shown if the application is 3500  
accompanied by supporting evidence as the registrar may require. 3501  
The fee shall be in addition to all other fees established by this 3502  
section. A deputy registrar shall retain fifty cents of the fee 3503  
and shall transmit the remaining amount to the registrar at the 3504  
time and in the manner provided by section 4503.10 of the Revised 3505  
Code. The registrar shall deposit all moneys received under this 3506  
division into the state highway safety fund established in section 3507  
4501.06 of the Revised Code. 3508

(2) Division (O)(1) of this section does not apply to a farm 3509  
truck or farm bus registered under division (J) of this section. 3510

(P) As used in this section: 3511

(1) "Van" means any motor vehicle having a single rear axle 3512

and an enclosed body without a second seat. 3513

(2) "Handicapped person" means any person who has lost the 3514  
use of one or both legs, or one or both arms, or is blind, deaf, 3515  
or so severely disabled as to be unable to move about without the 3516  
aid of crutches or a wheelchair. 3517

(3) "Farm truck" means a truck used in the transportation 3518  
from the farm of products of the farm, including livestock and its 3519  
products, poultry and its products, floricultural and 3520  
horticultural products, and in the transportation to the farm of 3521  
supplies for the farm, including tile, fence, and every other 3522  
thing or commodity used in agricultural, floricultural, 3523  
horticultural, livestock, and poultry production and livestock, 3524  
poultry, and other animals and things used for breeding, feeding, 3525  
or other purposes connected with the operation of the farm. 3526

(4) "Farm bus" means a bus used only for the transportation 3527  
of agricultural employees and used only in the transportation of 3528  
such employees as are necessary in the operation of the farm. 3529

(5) "Farm supplies" includes fuel used exclusively in the 3530  
operation of a farm, including one or more homes located on and 3531  
used in the operation of one or more farms, and furniture and 3532  
other things used in and around such homes. 3533

**Sec. 4503.042.** The registrar of motor vehicles shall adopt 3534  
rules establishing the date, subsequent to this state's entry into 3535  
membership in the international registration plan, when the rates 3536  
established by this section become operative. 3537

(A) The rates of the taxes imposed by section 4503.02 of the 3538  
Revised Code are as follows for commercial cars having a gross 3539  
vehicle weight or combined gross vehicle weight of: 3540

(1) Not more than two thousand pounds, forty-five dollars; 3541

(2) More than two thousand but not more than six thousand 3542

pounds, seventy dollars;	3543
(3) More than six thousand but not more than ten thousand pounds, eighty-five dollars;	3544 3545
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred five dollars;	3546 3547
(5) More than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-five dollars;	3548 3549
(6) More than eighteen thousand but not more than twenty-two thousand pounds, one hundred fifty dollars;	3550 3551
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, one hundred seventy-five dollars;	3552 3553
(8) More than twenty-six thousand but not more than thirty thousand pounds, three hundred fifty-five dollars;	3554 3555
(9) More than thirty thousand but not more than thirty-four thousand pounds, four hundred twenty dollars;	3556 3557
(10) More than thirty-four thousand but not more than thirty-eight thousand pounds, four hundred eighty dollars;	3558 3559
(11) More than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	3560 3561
(12) More than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	3562 3563
(13) More than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	3564 3565
(14) More than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	3566 3567
(15) More than fifty-four thousand but not more than fifty-eight thousand pounds, seven hundred eighty-five dollars;	3568 3569
(16) More than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	3570 3571

(17) More than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	3572 3573
(18) More than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	3574 3575
(19) More than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	3576 3577
(20) More than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	3578 3579
(21) More than seventy-eight thousand pounds, one thousand three hundred forty dollars.	3580 3581
(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:	3582 3583 3584
(1) Not more than two thousand pounds, ten dollars;	3585
(2) More than two thousand but not more than six thousand pounds, forty dollars;	3586 3587
(3) More than six thousand but not more than ten thousand pounds, one hundred dollars;	3588 3589
(4) More than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	3590 3591
(5) More than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	3592 3593
(6) More than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	3594 3595
(7) More than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars;	3596 3597
(8) More than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars;	3598 3599
(9) More than thirty thousand but not more than thirty-four	3600

thousand pounds, five hundred eighty dollars;	3601
(10) More than thirty-four thousand but not more than	3602
thirty-eight thousand pounds, six hundred sixty dollars;	3603
(11) More than thirty-eight thousand but not more than	3604
forty-two thousand pounds, seven hundred forty dollars;	3605
(12) More than forty-two thousand but not more than forty-six	3606
thousand pounds, eight hundred twenty dollars;	3607
(13) More than forty-six thousand but not more than fifty	3608
thousand pounds, nine hundred forty dollars;	3609
(14) More than fifty thousand but not more than fifty-four	3610
thousand pounds, one thousand dollars;	3611
(15) More than fifty-four thousand but not more than	3612
fifty-eight thousand pounds, one thousand ninety dollars;	3613
(16) More than fifty-eight thousand but not more than	3614
sixty-two thousand pounds, one thousand one hundred eighty	3615
dollars;	3616
(17) More than sixty-two thousand but not more than sixty-six	3617
thousand pounds, one thousand two hundred seventy dollars;	3618
(18) More than sixty-six thousand but not more than seventy	3619
thousand pounds, one thousand three hundred sixty dollars;	3620
(19) More than seventy thousand but not more than	3621
seventy-four thousand pounds, one thousand four hundred fifty	3622
dollars;	3623
(20) More than seventy-four thousand but not more than	3624
seventy-eight thousand pounds, one thousand five hundred forty	3625
dollars;	3626
(21) More than seventy-eight thousand pounds, one thousand	3627
six hundred thirty dollars.	3628
(C) In addition to the license taxes imposed at the rates	3629

specified in divisions (A) and (B) of this section, an 3630  
administrative fee of three dollars and fifty cents, plus an 3631  
appropriate amount to cover the cost of postage, shall be 3632  
collected by the registrar for each international registration 3633  
plan license processed by the registrar. 3634

(D) The rate of the tax for each trailer and semitrailer is 3635  
twenty-five dollars. 3636

(E) Commencing on October 1, 2009, if an application for 3637  
registration renewal is not applied for prior to the expiration 3638  
date of the registration or within ~~seven~~ thirty days after that 3639  
date, the registrar or deputy registrar shall collect a fee of 3640  
~~twenty~~ ten dollars for the issuance of the vehicle registration, 3641  
but may waive the fee for good cause shown if the application is 3642  
accompanied by supporting evidence as the registrar may require. 3643  
The fee shall be in addition to all other fees established by this 3644  
section. A deputy registrar shall retain fifty cents of the fee 3645  
and shall transmit the remaining amount to the registrar at the 3646  
time and in the manner provided by section 4503.10 of the Revised 3647  
Code. The registrar shall deposit all moneys received under this 3648  
division into the state highway safety fund established in section 3649  
4501.06 of the Revised Code. 3650

(F) The rates established by this section shall not apply to 3651  
any of the following: 3652

(1) Vehicles equipped, owned, and used by a charitable or 3653  
nonprofit corporation exclusively for the purpose of administering 3654  
chest x-rays or receiving blood donations; 3655

(2) Vans used principally for the transportation of 3656  
handicapped persons that have been modified by being equipped with 3657  
adaptive equipment to facilitate the movement of such persons into 3658  
and out of the vans; 3659

(3) Buses used principally for the transportation of 3660

handicapped persons or persons sixty-five years of age or older; 3661

(4) Buses used principally for the transportation of persons 3662  
in a ridesharing arrangement; 3663

(5) Transit buses having motor power; 3664

(6) Noncommercial trailers, mobile homes, or manufactured 3665  
homes. 3666

**Sec. 4503.07.** (A) In lieu of the schedule of rates for 3667  
commercial cars fixed in section 4503.04 of the Revised Code, the 3668  
fee shall be ten dollars for each church bus used exclusively to 3669  
transport members of a church congregation to and from church 3670  
services or church functions or to transport children and their 3671  
authorized supervisors to and from any camping function sponsored 3672  
by a nonprofit, tax-exempt, charitable or philanthropic 3673  
organization. A church within the meaning of this section is an 3674  
organized religious group, duly constituted with officers and a 3675  
board of trustees, regularly holding religious services, and 3676  
presided over or administered to by a properly accredited 3677  
ecclesiastical officer, whose name and standing is published in 3678  
the official publication of the officer's religious group. 3679

(B) Commencing on October 1, 2009, if an application for 3680  
registration renewal is not applied for prior to the expiration 3681  
date of the registration or within ~~seven~~ thirty days after that 3682  
date, the registrar or deputy registrar shall collect a fee of 3683  
~~twenty~~ ten dollars for the issuance of the vehicle registration, 3684  
but may waive the fee for good cause shown if the application is 3685  
accompanied by supporting evidence as the registrar may require. 3686  
The fee shall be in addition to all other fees established by this 3687  
section. A deputy registrar shall retain fifty cents of the fee 3688  
and shall transmit the remaining amount to the registrar at the 3689  
time and in the manner provided by section 4503.10 of the Revised 3690  
Code. The registrar shall deposit all moneys received under this 3691

division into the state highway safety fund established in section 3692  
4501.06 of the Revised Code. 3693

(C) The application for registration of such bus shall be 3694  
accompanied by the following, as applicable: 3695

(1) An affidavit, prescribed by the registrar of motor 3696  
vehicles and signed by either the senior pastor, minister, priest, 3697  
or rabbi of the church making application or by the head of the 3698  
governing body of the church making application, stating that the 3699  
bus is to be used exclusively to transport members of a church 3700  
congregation to and from church services or church functions or to 3701  
transport children and their authorized supervisors to and from 3702  
any camping function sponsored by a nonprofit, tax-exempt, 3703  
charitable, or philanthropic organization; 3704

(2) A certificate from the state highway patrol stating that 3705  
the bus involved is safe for operation in accordance with such 3706  
standards as are prescribed by the state highway patrol if the bus 3707  
meets either of the following: 3708

(a) It originally was designed by the manufacturer to 3709  
transport sixteen or more passengers, including the driver; 3710

(b) It has a gross vehicle weight rating of ten thousand one 3711  
pounds or more. 3712

(D) The form of the license plate and the manner of its 3713  
attachment to the vehicle shall be prescribed by the registrar. 3714

**Sec. 4503.103.** (A)(1)(a)(i) The registrar of motor vehicles 3715  
may adopt rules to permit any person or lessee, other than a 3716  
person receiving an apportioned license plate under the 3717  
international registration plan, who owns or leases one or more 3718  
motor vehicles to file a written application for registration for 3719  
no more than five succeeding registration years. The rules adopted 3720  
by the registrar may designate the classes of motor vehicles that 3721



are eligible for such registration. At the time of application, 3722  
all annual taxes and fees shall be paid for each year for which 3723  
the person is registering. 3724

~~(ii)(2)(a)~~ Not later than ~~October 1, 2009~~ December 31, 2013, 3725  
the registrar shall adopt rules to permit any person or lessee who 3726  
owns or leases a trailer or semitrailer that is subject to the tax 3727  
rates prescribed in section 4503.042 of the Revised Code for such 3728  
trailers or semitrailers to file a written application for 3729  
registration for ~~not more than five~~ any number of succeeding 3730  
registration years, including a permanent registration. At the 3731  
time of application, all annual taxes and fees shall be paid for 3732  
each year for which the person is registering, provided that the 3733  
annual taxes due, regardless of the number of years for which the 3734  
person is registering, shall not exceed two hundred dollars. A 3735  
person who registers a vehicle under division (A)~~(1)(a)~~~~(ii)(2)~~ of 3736  
this section shall pay for each year of registration the 3737  
additional fee established under division (C)(1) of section 3738  
4503.10 of the Revised Code, provided that the additional fee due, 3739  
regardless of the number of years for which the person is 3740  
registering, shall not exceed eighty-eight dollars. The person 3741  
also shall pay one single deputy registrar service fee in the 3742  
amount specified in division (D) of section 4503.10 of the Revised 3743  
Code or one single bureau of motor vehicles service fee in the 3744  
amount specified in division (G) of that section, as applicable, 3745  
regardless of the number of years for which the person is 3746  
registering. 3747

(b) In addition, each person registering a trailer or 3748  
semitrailer under division (A)(2)(a) of this section shall pay any 3749  
applicable local motor vehicle license tax levied under Chapter 3750  
4504. of Revised Code for each year for which the person is 3751  
registering, provided that not more than eight times any such 3752  
annual local taxes shall be due upon registration. 3753

(c) The period of registration for a trailer or semitrailer registered under division (A)(2)(a) of this section is exclusive to the trailer or semitrailer for which that certificate of registration is issued and is not transferable to any other trailer or semitrailer. 3754  
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~~(b)(i)(3)~~ Except as provided in division (A)~~(1)(b)(ii)(4)~~ of this section, the registrar shall adopt rules to permit any person who owns a motor vehicle to file an application for registration for the next two not more than five succeeding registration years. 3759  
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At the time of application, the person shall pay the annual taxes and fees for each registration year, calculated in accordance with division (C) of section 4503.11 of the Revised Code. A person who is registering a vehicle under division (A)~~(1)(b)(3)~~ of this section shall pay for each year of registration the additional fee established under division (C)(1) of section 4503.10 of the Revised Code. The person shall also pay ~~one and one half times the amount of~~ the deputy registrar service fee ~~specified in division (D) of section 4503.10 of the Revised Code~~ or the bureau of motor vehicles service fee ~~specified in division (G) of that section~~, as applicable follows: 3774  
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(a) For a two-year registration, the service fee is five dollars and twenty-five cents. 3774  
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(b) For a three-year registration, the service fee is eight dollars. 3776  
3777

(c) For a four- or five-year registration, the service fee is ten dollars. 3778  
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~~(ii)(4)~~ Division (A)~~(1)(b)(i)(3)~~ of this section does not apply to a person receiving an apportioned license plate under the international registration plan, or the owner of a commercial car used solely in intrastate commerce, or the owner of a bus as defined in section 4513.50 of the Revised Code. 3780  
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~~(2)~~(B) No person applying for a multi-year registration under 3785  
division (A)~~(1)~~ of this section is entitled to a refund of any 3786  
taxes or fees paid. 3787

~~(3)~~(C) The registrar shall not issue to any applicant who has 3788  
been issued a final, nonappealable order under division ~~(B)~~(D) of 3789  
this section a multi-year registration or renewal thereof under 3790  
this division or rules adopted under it for any motor vehicle that 3791  
is required to be inspected under section 3704.14 of the Revised 3792  
Code the district of registration of which, as determined under 3793  
section 4503.10 of the Revised Code, is or is located in the 3794  
county named in the order. 3795

~~(B)~~(D) Upon receipt from the director of environmental 3796  
protection of a notice issued under rules adopted under section 3797  
3704.14 of the Revised Code indicating that an owner of a motor 3798  
vehicle that is required to be inspected under that section who 3799  
obtained a multi-year registration for the vehicle under division 3800  
(A) of this section or rules adopted under that division has not 3801  
obtained a required inspection certificate for the vehicle, the 3802  
registrar in accordance with Chapter 119. of the Revised Code 3803  
shall issue an order to the owner impounding the certificate of 3804  
registration and identification license plates for the vehicle. 3805  
The order also shall prohibit the owner from obtaining or renewing 3806  
a multi-year registration for any vehicle that is required to be 3807  
inspected under that section, the district of registration of 3808  
which is or is located in the same county as the county named in 3809  
the order during the number of years after expiration of the 3810  
current multi-year registration that equals the number of years 3811  
for which the current multi-year registration was issued. 3812

An order issued under this division shall require the owner 3813  
to surrender to the registrar the certificate of registration and 3814  
license plates for the vehicle named in the order within five days 3815  
after its issuance. If the owner fails to do so within that time, 3816

the registrar shall certify that fact to the county sheriff or 3817  
local police officials who shall recover the certificate of 3818  
registration and license plates for the vehicle. 3819

~~(C)~~(E) Upon the occurrence of either of the following 3820  
circumstances, the registrar in accordance with Chapter 119. of 3821  
the Revised Code shall issue to the owner a modified order 3822  
rescinding the provisions of the order issued under division 3823  
~~(B)~~(D) of this section impounding the certificate of registration 3824  
and license plates for the vehicle named in that original order: 3825

(1) Receipt from the director of environmental protection of 3826  
a subsequent notice under rules adopted under section 3704.14 of 3827  
the Revised Code that the owner has obtained the inspection 3828  
certificate for the vehicle as required under those rules; 3829

(2) Presentation to the registrar by the owner of the 3830  
required inspection certificate for the vehicle. 3831

~~(D)~~(F) The owner of a motor vehicle for which the certificate 3832  
of registration and license plates have been impounded pursuant to 3833  
an order issued under division ~~(B)~~(D) of this section, upon 3834  
issuance of a modified order under division ~~(C)~~(E) of this 3835  
section, may apply to the registrar for their return. A fee of two 3836  
dollars and fifty cents shall be charged for the return of the 3837  
certificate of registration and license plates for each vehicle 3838  
named in the application. 3839

**Sec. 4503.11.** (A) Except as provided by sections 4503.103, 3840  
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 3841  
person who is the owner or chauffeur of a motor vehicle operated 3842  
or driven upon the public roads or highways shall fail to file 3843  
annually the application for registration or to pay the tax 3844  
therefor. 3845

(B) Except as provided by sections 4503.12 and 4503.16 of the 3846

Revised Code, the taxes payable on all applications made under 3847  
sections 4503.10 and 4503.102 of the Revised Code shall be the sum 3848  
of the tax due under division (B)(1)(a) or (b) of this section 3849  
plus the tax due under division (B)(2)(a) or (b) of this section: 3850

(1)(a) If the application is made before the second month of 3851  
the current registration period to which the motor vehicle is 3852  
assigned as provided in section 4503.101 of the Revised Code, the 3853  
tax due is the full amount of the tax provided in section 4503.04 3854  
of the Revised Code; 3855

(b) If the application is made during or after the second 3856  
month of the current registration period to which the motor 3857  
vehicle is assigned as provided in section 4503.101 of the Revised 3858  
Code, and prior to the beginning of the next such registration 3859  
period, the amount of the tax provided in section 4503.04 of the 3860  
Revised Code shall be reduced by one-twelfth of the amount of such 3861  
tax, rounded upward to the nearest cent, multiplied by the number 3862  
of full months that have elapsed in the current registration 3863  
period. The resulting amount shall be rounded upward to the next 3864  
highest dollar and shall be the amount of tax due. 3865

(2)(a) If the application is made before the sixth month of 3866  
the current registration period to which the motor vehicle is 3867  
assigned as provided in section 4503.101 of the Revised Code, the 3868  
amount of tax due is the full amount of local motor vehicle 3869  
license taxes levied under Chapter 4504. of the Revised Code; 3870

(b) If the application is made during or after the sixth 3871  
month of the current registration period to which the motor 3872  
vehicle is assigned as provided in section 4503.101 of the Revised 3873  
Code and prior to the beginning of the next such registration 3874  
period, the amount of tax due is one-half of the amount of local 3875  
motor vehicle license taxes levied under Chapter 4504. of the 3876  
Revised Code. 3877

(C) The taxes payable on all applications made under division 3878  
(A)~~(1)~~~~(b)~~(3) of section 4503.103 of the Revised Code shall be the 3879  
sum of the tax due under division (B)(1)(a) or (b) of this section 3880  
plus the tax due under division (B)(2)(a) or (b) of this section 3881  
for the first year plus the full amount of the tax provided in 3882  
section 4503.04 of the Revised Code and the full amount of local 3883  
motor vehicle license taxes levied under Chapter 4504. of the 3884  
Revised Code for ~~the second~~ each succeeding year. 3885

(D) Whoever violates this section is guilty of a misdemeanor 3886  
of the fourth degree. 3887

**Sec. 4503.19.** (A) Upon the filing of an application for 3888  
registration and the payment of the tax for registration, the 3889  
registrar of motor vehicles or a deputy registrar shall determine 3890  
whether the owner previously has been issued license plates for 3891  
the motor vehicle described in the application. If no license 3892  
plates previously have been issued to the owner for that motor 3893  
vehicle, the registrar or deputy registrar shall assign to the 3894  
motor vehicle a distinctive number and issue and deliver to the 3895  
owner in the manner that the registrar may select a certificate of 3896  
registration, in the form that the registrar shall prescribe, and, 3897  
except as otherwise provided in this section, two license plates, 3898  
duplicates of each other, and a validation sticker, or a 3899  
validation sticker alone, to be attached to the number plates as 3900  
provided in section 4503.191 of the Revised Code. The registrar or 3901  
deputy registrar also shall charge the owner any fees required 3902  
under division (C) of section 4503.10 of the Revised Code. 3903  
Trailers, manufactured homes, mobile homes, semitrailers, the 3904  
manufacturer thereof, the dealer, or in transit companies therein, 3905  
shall be issued one license plate only and one validation sticker, 3906  
or a validation sticker alone, and the license plate and 3907  
validation sticker shall be displayed only on the rear of such 3908  
vehicles. A commercial tractor that does not receive an 3909

apportioned license plate under the international registration 3910  
plan shall be issued two license plates and one validation 3911  
sticker, and the validation sticker shall be displayed on the 3912  
front of the commercial tractor. An apportioned vehicle receiving 3913  
an apportioned license plate under the international registration 3914  
plan shall be issued one license plate only and one validation 3915  
sticker, or a validation sticker alone; the license plate shall be 3916  
displayed only on the front of a semitractor and on the rear of 3917  
all other vehicles. School buses shall not be issued license 3918  
plates but shall bear identifying numbers in the manner prescribed 3919  
by section 4511.764 of the Revised Code. The certificate of 3920  
registration and license plates and validation stickers, or 3921  
validation stickers alone, shall be issued and delivered to the 3922  
owner in person or by mail. Chauffeured limousines shall be issued 3923  
license plates, a validation sticker, and a livery sticker as 3924  
provided in section 4503.24 of the Revised Code. In the event of 3925  
the loss, mutilation, or destruction of any certificate of 3926  
registration, or of any license plates or validation stickers, or 3927  
if the owner chooses to replace license plates previously issued 3928  
for a motor vehicle, or if the registration certificate and 3929  
license plates have been impounded as provided by division (B)(1) 3930  
of section 4507.02 and section 4507.16 of the Revised Code, the 3931  
owner of a motor vehicle, or manufacturer or dealer, may obtain 3932  
from the registrar, or from a deputy registrar if authorized by 3933  
the registrar, a duplicate thereof or new license plates bearing a 3934  
different number, if the registrar considers it advisable, upon 3935  
filing an application prescribed by the registrar, and upon paying 3936  
a fee of one dollar for such certificate of registration, which 3937  
one dollar fee shall be deposited into the state treasury to the 3938  
credit of the state bureau of motor vehicles fund created in 3939  
section 4501.25 of the Revised Code. Commencing with each request 3940  
made on or after October 1, 2009, or in conjunction with 3941

replacement license plates issued for renewal registrations 3942  
expiring on or after October 1, 2009, a fee of seven dollars and 3943  
fifty cents for each set of two license plates or six dollars and 3944  
fifty cents for each single license plate or validation sticker 3945  
shall be charged and collected, of which the registrar shall 3946  
deposit five dollars and fifty cents of each seven dollar and 3947  
fifty cent fee or each six dollar and fifty cent fee into the 3948  
state treasury to the credit of the state highway safety fund 3949  
created in section 4501.06 of the Revised Code and the remaining 3950  
portion of each such fee into the state treasury to the credit of 3951  
the state bureau of motor vehicles fund created in section 4501.25 3952  
of the Revised Code. In addition, each applicant for a replacement 3953  
certificate of registration, license plate, or validation sticker 3954  
shall pay the fees provided in divisions (C) and (D) of section 3955  
4503.10 of the Revised Code and any applicable fee under section 3956  
4503.192 of the Revised Code. 3957

Additionally, the registrar and each deputy registrar who 3958  
either issues license plates and a validation sticker for use on 3959  
any vehicle other than a commercial tractor, semitrailer, or 3960  
apportioned vehicle, or who issues a validation sticker alone for 3961  
use on such a vehicle and the owner has changed the owner's county 3962  
of residence since the owner last was issued county identification 3963  
stickers, also shall issue and deliver to the owner either one or 3964  
two county identification stickers, as appropriate, which shall be 3965  
attached to the license plates in a manner prescribed by the 3966  
director of public safety. The county identification stickers 3967  
shall identify prominently by name or number the county in which 3968  
the owner of the vehicle resides at the time of registration. 3969

(B) A certificate of registration issued under this section 3970  
shall have a portion that contains all the information contained 3971  
in the main portion of the certificate except for the address of 3972  
the person to whom the certificate is issued. Except as provided 3973



in this division, whenever a reference is made in the Revised Code 3974  
to a motor vehicle certificate of registration that is issued 3975  
under this section, the reference shall be deemed to refer to 3976  
either the main portion of the certificate or the portion 3977  
containing all information in the main portion except the address 3978  
of the person to whom the certificate is issued. If a reference is 3979  
made in the Revised Code to the seizure or surrender of a motor 3980  
vehicle certificate of registration that is issued under this 3981  
section, the reference shall be deemed to refer to both the main 3982  
portion of the certificate and the portion containing all 3983  
information in the main portion except the address of the person 3984  
to whom the certificate is issued. 3985

(C) Whoever violates this section is guilty of a minor 3986  
misdemeanor. 3987

**Sec. 4503.191.** (A)(1) The identification license plate shall 3988  
be issued for a multi-year period as determined by the director of 3989  
public safety, and shall be accompanied by a validation sticker, 3990  
to be attached to the license plate. Except as provided in 3991  
division (A)(2) of this section, the validation sticker shall 3992  
indicate the expiration of the registration period to which the 3993  
motor vehicle for which the license plate is issued is assigned, 3994  
in accordance with rules adopted by the registrar of motor 3995  
vehicles. During each succeeding year of the multi-year period 3996  
following the issuance of the plate and validation sticker, upon 3997  
the filing of an application for registration and the payment of 3998  
the tax therefor, a validation sticker alone shall be issued. The 3999  
validation stickers required under this section shall be of 4000  
different colors or shades each year, the new colors or shades to 4001  
be selected by the director. 4002

(2)(a) Not later than October 1, 2009, the director shall 4003  
develop a universal validation sticker that may be issued to any 4004

owner of two hundred fifty or more passenger vehicles, so that a 4005  
sticker issued to the owner may be placed on any passenger vehicle 4006  
in that owner's fleet. The director may establish and charge an 4007  
additional fee of not more than one dollar per registration to 4008  
compensate for necessary costs of the universal validation sticker 4009  
program. The additional fee shall be credited to the state bureau 4010  
of motor vehicles fund created in section 4501.25 of the Revised 4011  
Code. 4012

(b) A validation sticker issued for an all-purpose vehicle 4013  
that is registered under Chapter 4519. of the Revised Code or for 4014  
a trailer or semitrailer that is permanently registered under 4015  
division (A)~~(1)(a)(ii)~~(2) of section 4503.103 of the Revised Code 4016  
or is registered for ~~a period of not more than five~~ any number of 4017  
succeeding registration years may indicate the expiration of the 4018  
registration period, if any, by any manner determined by the 4019  
registrar by rule. 4020

(B) Identification license plates shall be produced by Ohio 4021  
penal industries. Validation stickers and county identification 4022  
stickers shall be produced by Ohio penal industries unless the 4023  
registrar adopts rules that permit the registrar or deputy 4024  
registrars to print or otherwise produce them in house. 4025

Sec. 4503.192. (A)(1) Except as provided in division (B) of 4026  
this section, any person who is replacing vehicle license plates, 4027  
upon request and payment of a fee of ten dollars, may retain the 4028  
distinctive combination of letters and numerals on license plates 4029  
previously issued to that person. 4030

A person who is replacing license plates specifically created 4031  
by law for which the registrar collects a contribution or 4032  
additional fee, may retain the distinctive combination of letters 4033  
and numerals on license plates previously issued to that person 4034  
upon request and payment of a fee of ten dollars, but the person 4035

also shall be required to pay the contribution or additional fee 4036  
required under the Revised Code section authorizing issuance of 4037  
the license plate. 4038

(2) The registrar of motor vehicles shall charge and collect 4039  
the ten-dollar fee under this section only when a new set of 4040  
license plates are issued. The fee is in addition to the license 4041  
tax established by this chapter and, where applicable, Chapter 4042  
4504. of the Revised Code. A deputy registrar who receives an 4043  
application under this section shall retain one dollar of the 4044  
ten-dollar fee and shall transmit the remaining nine dollars to 4045  
the registrar in a manner determined by the registrar. The 4046  
registrar shall deposit the fees received under this section into 4047  
the state treasury to the credit of the state bureau of motor 4048  
vehicles fund created under section 4501.25 of the Revised Code 4049  
and shall be used by the bureau of motor vehicles to pay the 4050  
expenses of producing license plates and validation stickers, 4051  
including the cost of materials, manufacturing, and administrative 4052  
costs for required replacement of license plates. 4053

(B) This section does not apply to either of the following: 4054

(1) A person who is replacing license plates originally 4055  
obtained under section 4503.40 or 4503.42 of the Revised Code. 4056  
Such a person shall pay the additional fee required under the 4057  
applicable section to retain the distinctive license plates 4058  
previously issued. 4059

(2) A person who is replacing a single, duplicate license 4060  
plate due to the loss, mutilation, or destruction of a license 4061  
plate. 4062

**Sec. 4503.22.** The identification license plate shall consist 4063  
of a placard upon the face of which shall appear the distinctive 4064  
number assigned to the motor vehicle as provided in section 4065  
4503.19 of the Revised Code, in Arabic numerals or letters, or 4066

both. The dimensions of the numerals or letters and of each stroke 4067  
shall be determined by the director of public safety. The license 4068  
placard also shall contain the name of this state and the slogan 4069  
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 4070  
aluminum, plastic, or any other suitable material, and the 4071  
background shall be treated with a reflective material that shall 4072  
provide effective and dependable reflective brightness during the 4073  
service period required of the placard. Specifications for the 4074  
reflective and other materials and the design of the placard, the 4075  
county identification stickers as provided by section 4503.19 of 4076  
the Revised Code, and validation stickers as provided by section 4077  
4503.191 of the Revised Code, shall be adopted by the director as 4078  
rules under sections 119.01 to 119.13 of the Revised Code. The 4079  
identification license plate of motorized bicycles and of motor 4080  
vehicles of the type commonly called "motorcycles" shall consist 4081  
of a single placard, the size of which shall be prescribed by the 4082  
director. The identification plate of a vehicle registered in 4083  
accordance with the international registration plan shall contain 4084  
the word "apportioned." The director may prescribe the type of 4085  
placard, or means of fastening the placard, or both; the placard 4086  
or means of fastening may be so designed and constructed as to 4087  
render difficult the removal of the placard after it has been 4088  
fastened to a motor vehicle. 4089

**Sec. 4503.42.** For each registration renewal with an 4090  
expiration date before October 1, 2009, and for each initial 4091  
application for registration received before that date the 4092  
registrar of motor vehicles shall be allowed a fee not to exceed 4093  
thirty-five dollars, and for each registration renewal with an 4094  
expiration date on or after October 1, 2009, and for each initial 4095  
application for registration received on or after that date the 4096  
registrar shall be allowed a fee of fifty dollars, which shall be 4097  
in addition to the regular license fee for tags as prescribed 4098

under section 4503.04 of the Revised Code and any tax levied under 4099  
~~section 4504.02 or 4504.06~~ Chapter 4504. of the Revised Code, for 4100  
each application received by the registrar for special reserved 4101  
license plate numbers containing more than three letters or 4102  
numerals, and the issuing of such licenses and validation stickers 4103  
in the several series as the registrar may designate. Five dollars 4104  
of the fee shall be for the purpose of compensating the bureau of 4105  
motor vehicles for additional services required in the issuing of 4106  
such licenses and validation stickers, and the remaining portion 4107  
of the fee shall be deposited by the registrar into the state 4108  
treasury to the credit of the state highway safety fund created by 4109  
section 4501.06 of the Revised Code. 4110

This section does not apply to the issuance of reserved 4111  
license plates as authorized by sections 4503.14, 4503.15, and 4112  
4503.40 of the Revised Code. The types of motor vehicles for which 4113  
license plate numbers containing more than three letters or 4114  
numerals may be issued in accordance with this section shall 4115  
include at least buses, passenger cars, and noncommercial motor 4116  
vehicles. 4117

**Sec. 4503.45.** An owner of a collector's vehicle, upon 4118  
complying with the motor vehicle laws relating to registration and 4119  
licensing of motor vehicles, and upon payment of the regular 4120  
license fee as prescribed under section 4503.04 of the Revised 4121  
Code and any tax levied under ~~section 4504.02 or 4504.06~~ Chapter 4122  
4504. of the Revised Code, and the payment of an additional fee of 4123  
five dollars, which shall be for the purpose of compensating the 4124  
bureau of motor vehicles for additional services required in the 4125  
issuing of such licenses, shall be issued validation stickers and 4126  
license plates, or validation stickers alone when required by 4127  
section 4503.191 of the Revised Code, upon which, in addition to 4128  
the letters and numbers ordinarily inscribed thereon, shall be 4129  
inscribed the words "collector's vehicle." 4130

Sec. 4503.49. (A) As used in this section, "ambulance," 4131  
"ambulette," "emergency medical service organization," 4132  
"nonemergency medical service organization," and "nontransport 4133  
vehicle" have the same meanings as in section 4766.01 of the 4134  
Revised Code. 4135

(B) Each private emergency medical service organization and 4136  
each private nonemergency medical service organization shall apply 4137  
to the registrar of motor vehicles for the registration of any 4138  
ambulance, ambulette, or nontransport vehicle it owns or leases. 4139  
The application shall be accompanied by a copy of the certificate 4140  
of licensure issued to the organization by the ~~Ohio~~ state board of 4141  
emergency medical, fire, and transportation board services and the 4142  
following fees: 4143

(1) The regular license tax as prescribed under section 4144  
4503.04 of the Revised Code; 4145

(2) Any local license tax levied under Chapter 4504. of the 4146  
Revised Code; 4147

(3) An additional fee of seven dollars and fifty cents. The 4148  
additional fee shall be for the purpose of compensating the bureau 4149  
of motor vehicles for additional services required to be performed 4150  
under this section and shall be transmitted by the registrar to 4151  
the treasurer of state for deposit in the state bureau of motor 4152  
vehicles fund created by section 4501.25 of the Revised Code. 4153

(C) On receipt of a complete application, the registrar shall 4154  
issue to the applicant the appropriate certificate of registration 4155  
for the vehicle and do one of the following: 4156

(1) Issue a set of license plates with a validation sticker 4157  
and a set of stickers to be attached to the plates as an 4158  
identification of the vehicle's classification as an ambulance, 4159  
ambulette, or nontransport vehicle; 4160

(2) Issue a validation sticker alone when so required by 4161  
section 4503.191 of the Revised Code. 4162

Sec. 4503.83. (A) Commencing January 1, 2014, the owner or 4163  
lessee of a fleet of apportioned vehicles may apply to the 4164  
registrar of motor vehicles for the registration of any 4165  
apportioned vehicle, commercial trailer, or other vehicle of a 4166  
class approved by the registrar and issuance of company logo 4167  
license plates. The initial application shall be for not less than 4168  
fifty eligible vehicles. The applicant shall provide the registrar 4169  
the artwork for the company logo plate in a format designated by 4170  
the registrar. The registrar shall approve the artwork or return 4171  
the artwork for modification in accordance with any design 4172  
requirements reasonably imposed by the registrar. 4173

Upon approval of the artwork and receipt of the completed 4174  
application and compliance with divisions (B) and (C) of this 4175  
section, the registrar shall issue to the applicant the 4176  
appropriate vehicle registration and the appropriate number of 4177  
company logo license plates with a validation sticker or a 4178  
validation sticker alone when required by section 4503.191 of the 4179  
Revised Code, except that no validation sticker shall be issued 4180  
under this section for a motor vehicle for which the registration 4181  
tax is specified in section 4503.042 of the Revised Code. 4182

In addition to the letters and numbers ordinarily inscribed 4183  
on license plates, company logo license plates shall be inscribed 4184  
with words and markings requested by the applicant and approved by 4185  
the registrar. 4186

(B) A company logo license plate and a validation sticker or, 4187  
when applicable, a validation sticker alone shall be issued upon 4188  
payment of the regular license tax prescribed in section 4503.042 4189  
of the Revised Code, any applicable fees prescribed in section 4190  
4503.10 of the Revised Code, any applicable motor vehicle tax 4191

levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles fee of six dollars when a company logo license plate actually is issued, and compliance with all other applicable laws relating to the registration of motor vehicles. If a company logo plate is issued to replace an existing license plate for the same vehicle, the replacement license plate fees prescribed in division (A) of section 4503.19 of the Revised Code shall not apply.

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

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

**Sec. 4504.21.** (A) For the purpose of paying the costs and expenses of enforcing and administering the tax provided for in this section; for planning, constructing, reconstructing, improving, maintaining, and repairing roads, bridges, and culverts; for purchasing, erecting, and maintaining traffic signs, markers, lights, and signals; for paying debt service charges on obligations issued for those purposes; and to supplement revenue already available for those purposes, a transportation improvement district created in accordance with section 5540.02 of the Revised



Code may levy an annual license tax upon the operation of motor 4223  
vehicles on the public roads and highways in the territory of the 4224  
district. The tax shall be levied in increments of five dollars 4225  
and shall not exceed twenty dollars per motor vehicle on all motor 4226  
vehicles the owners of which reside in the district and shall be 4227  
in addition to all other taxes levied under this chapter, subject 4228  
to reduction in the manner provided in division (B)(2) of section 4229  
4503.11 of the Revised Code. The tax may be levied in all or part 4230  
of the territory of the district. 4231

(B) The board of trustees of a transportation improvement 4232  
district proposing to levy a motor vehicle license tax under this 4233  
section shall put the question of the tax to the electors of the 4234  
district or of that part of the district in which the tax would be 4235  
levied. The election shall be held on the date of a primary or 4236  
general election held not less than ninety days after the board of 4237  
trustees certifies to the county board of elections its resolution 4238  
proposing the tax. The resolution shall specify the rate of the 4239  
tax. The board of elections shall submit the question of the tax 4240  
to the electors at the primary or general election. The secretary 4241  
of state shall prescribe the form of the ballot for the election. 4242  
If approved by a majority of the electors voting on the question 4243  
of the tax, the board of trustees shall levy the tax as provided 4244  
in the resolution. 4245

(C) A transportation improvement district license tax levied 4246  
under this section shall continue in effect until repealed, or 4247  
until the dissolution of the transportation improvement district 4248  
that levied it. 4249

(D) Money received by the registrar of motor vehicles 4250  
pursuant to ~~sections 4501.03 and section~~ section 4504.09 of the Revised 4251  
Code that consists of the taxes levied under this section shall be 4252  
deposited in the ~~auto-registration-distribution~~ local motor 4253  
vehicle license tax fund created by section ~~4501.03~~ 4501.031 of 4254

the Revised Code and distributed to the transportation improvement 4255  
district levying such tax. The registrar may assign to the 4256  
transportation improvement district a unique code to facilitate 4257  
the distribution of such money, which may be the same unique code 4258  
assigned to a county under section 4501.03 of the Revised Code. 4259

**Sec. 4505.11.** This section shall also apply to all-purpose 4260  
vehicles and off-highway motorcycles as defined in section 4519.01 4261  
of the Revised Code. 4262

(A) Each owner of a motor vehicle and each person mentioned 4263  
as owner in the last certificate of title, when the motor vehicle 4264  
is dismantled, destroyed, or changed in such manner that it loses 4265  
its character as a motor vehicle, or changed in such manner that 4266  
it is not the motor vehicle described in the certificate of title, 4267  
shall surrender the certificate of title to that motor vehicle to 4268  
a clerk of a court of common pleas, and the clerk, with the 4269  
consent of any holders of any liens noted on the certificate of 4270  
title, then shall enter a cancellation upon the clerk's records 4271  
and shall notify the registrar of motor vehicles of the 4272  
cancellation. 4273

Upon the cancellation of a certificate of title in the manner 4274  
prescribed by this section, any clerk and the registrar of motor 4275  
vehicles may cancel and destroy all certificates and all 4276  
memorandum certificates in that chain of title. 4277

(B)(1) If an Ohio certificate of title or salvage certificate 4278  
of title to a motor vehicle is assigned to a salvage dealer, the 4279  
dealer is not required to obtain an Ohio certificate of title or a 4280  
salvage certificate of title to the motor vehicle in the dealer's 4281  
own name if the dealer dismantles or destroys the motor vehicle, 4282  
indicates the number of the dealer's motor vehicle salvage 4283  
dealer's license on it, marks "FOR DESTRUCTION" across the face of 4284  
the certificate of title or salvage certificate of title, and 4285

surrenders the certificate of title or salvage certificate of 4286  
title to a clerk of a court of common pleas as provided in 4287  
division (A) of this section. If the salvage dealer retains the 4288  
motor vehicle for resale, the dealer shall make application for a 4289  
salvage certificate of title to the motor vehicle in the dealer's 4290  
own name as provided in division (C)(1) of this section. 4291

(2) At the time any salvage motor vehicle is sold at auction 4292  
or through a pool, the salvage motor vehicle auction or salvage 4293  
motor vehicle pool shall give a copy of the salvage certificate of 4294  
title or a copy of the certificate of title marked "FOR 4295  
DESTRUCTION" to the purchaser. 4296

(C)(1) When an insurance company declares it economically 4297  
impractical to repair such a motor vehicle and has paid an agreed 4298  
price for the purchase of the motor vehicle to any insured or 4299  
claimant owner, the insurance company shall proceed as follows: 4300

(a) If an insurance company receives the certificate of title 4301  
and the motor vehicle, within thirty business days, the insurance 4302  
company shall deliver the certificate of title to a clerk of a 4303  
court of common pleas and shall make application for a salvage 4304  
certificate of title. 4305

(b) If an insurance company obtains possession of the motor 4306  
vehicle but is unable to obtain the properly endorsed certificate 4307  
of title for the motor vehicle, within thirty business days 4308  
following the vehicle's owner or lienholder's acceptance of the 4309  
insurance company's payment for the vehicle, the insurance company 4310  
may apply to the clerk of a court of common pleas for a salvage 4311  
certificate of title without delivering the certificate of title 4312  
for the motor vehicle. The application shall be accompanied by 4313  
evidence that the insurance company has paid a total loss claim on 4314  
the vehicle, a copy of the written request for the certificate of 4315  
title on the insurance company's letterhead, and the original 4316  
certified mail, return receipt notice, addressed to the last known 4317

owner of the vehicle and any known lienholder, to obtain the 4318  
certificate of title. 4319

(c) Upon receipt of a properly completed application for a 4320  
salvage certificate of title as described in division (C)(1)(a) or 4321  
(b) or (C)(2) of this section, the clerk shall issue the salvage 4322  
certificate of title on a form, prescribed by the registrar, that 4323  
shall be easily distinguishable from the original certificate of 4324  
title and shall bear the same information as the original 4325  
certificate of title except that it may bear a different number 4326  
than that of the original certificate of title. Except as provided 4327  
in division (C)(3) of this section, the salvage certificate of 4328  
title shall be assigned by the insurance company to a salvage 4329  
dealer or any other person for use as evidence of ownership upon 4330  
the sale or other disposition of the motor vehicle, and the 4331  
salvage certificate of title shall be transferrable to any other 4332  
person. The clerk shall charge a fee of four dollars for the cost 4333  
of processing each salvage certificate of title. 4334

(2) If an insurance company requests that a salvage motor 4335  
vehicle auction take possession of a motor vehicle that is the 4336  
subject of an insurance claim, and subsequently the insurance 4337  
company denies coverage with respect to the motor vehicle or does 4338  
not otherwise take ownership of the motor vehicle, the salvage 4339  
motor vehicle auction may proceed as follows. After the salvage 4340  
motor vehicle auction has possession of the motor vehicle for 4341  
forty-five days, it may apply to the clerk of a court of common 4342  
pleas for a salvage certificate of title without delivering the 4343  
certificate of title for the motor vehicle. The application shall 4344  
be accompanied by a copy of the written request that the vehicle 4345  
be removed from the facility on the salvage motor vehicle 4346  
auction's letterhead, and the original certified mail, return 4347  
receipt notice, addressed to the last known owner of the vehicle 4348  
and any known lienholder, requesting that the vehicle be removed 4349

from the facility of the salvage motor vehicle auction. Upon 4350  
receipt of a properly completed application, the clerk shall 4351  
follow the process as described in division (C)(1)(c) of this 4352  
section. The salvage certificate of title so issued shall be free 4353  
and clear of all liens. 4354

(3) If an insurance company considers a motor vehicle as 4355  
described in division (C)(1)(a) or (b) of this section to be 4356  
impossible to restore for highway operation, the insurance company 4357  
may assign the certificate of title to the motor vehicle to a 4358  
salvage dealer or scrap metal processing facility and send the 4359  
assigned certificate of title to the clerk of the court of common 4360  
pleas of any county. The insurance company shall mark the face of 4361  
the certificate of title "FOR DESTRUCTION" and shall deliver a 4362  
photocopy of the certificate of title to the salvage dealer or 4363  
scrap metal processing facility for its records. 4364

(4) If an insurance company declares it economically 4365  
impractical to repair a motor vehicle, agrees to pay to the 4366  
insured or claimant owner an amount in settlement of a claim 4367  
against a policy of motor vehicle insurance covering the motor 4368  
vehicle, and agrees to permit the insured or claimant owner to 4369  
retain possession of the motor vehicle, the insurance company 4370  
shall not pay the insured or claimant owner any amount in 4371  
settlement of the insurance claim until the owner obtains a 4372  
salvage certificate of title to the vehicle and furnishes a copy 4373  
of the salvage certificate of title to the insurance company. 4374

(D) When a self-insured organization, rental or leasing 4375  
company, or secured creditor becomes the owner of a motor vehicle 4376  
that is burned, damaged, or dismantled and is determined to be 4377  
economically impractical to repair, the self-insured organization, 4378  
rental or leasing company, or secured creditor shall do one of the 4379  
following: 4380

(1) Mark the face of the certificate of title to the motor 4381

vehicle "FOR DESTRUCTION" and surrender the certificate of title 4382  
to a clerk of a court of common pleas for cancellation as 4383  
described in division (A) of this section. The self-insured 4384  
organization, rental or leasing company, or secured creditor then 4385  
shall deliver the motor vehicle, together with a photocopy of the 4386  
certificate of title, to a salvage dealer or scrap metal 4387  
processing facility and shall cause the motor vehicle to be 4388  
dismantled, flattened, crushed, or destroyed. 4389

(2) Obtain a salvage certificate of title to the motor 4390  
vehicle in the name of the self-insured organization, rental or 4391  
leasing company, or secured creditor, as provided in division 4392  
(C)(1) of this section, and then sell or otherwise dispose of the 4393  
motor vehicle. If the motor vehicle is sold, the self-insured 4394  
organization, rental or leasing company, or secured creditor shall 4395  
obtain a salvage certificate of title to the motor vehicle in the 4396  
name of the purchaser from a clerk of a court of common pleas. 4397

(E) If a motor vehicle titled with a salvage certificate of 4398  
title is restored for operation upon the highways, application 4399  
shall be made to a clerk of a court of common pleas for a 4400  
certificate of title. Upon inspection by the state highway patrol, 4401  
which shall include establishing proof of ownership and an 4402  
inspection of the motor number and vehicle identification number 4403  
of the motor vehicle and of documentation or receipts for the 4404  
materials used in restoration by the owner of the motor vehicle 4405  
being inspected, which documentation or receipts shall be 4406  
presented at the time of inspection, the clerk, upon surrender of 4407  
the salvage certificate of title, shall issue a certificate of 4408  
title for a fee prescribed by the registrar. The certificate of 4409  
title shall be in the same form as the original certificate of 4410  
title and shall bear the words "REBUILT SALVAGE" in black boldface 4411  
letters on its face. Every subsequent certificate of title, 4412  
memorandum certificate of title, or duplicate certificate of title 4413

issued for the motor vehicle also shall bear the words "REBUILT 4414  
SALVAGE" in black boldface letters on its face. The exact location 4415  
on the face of the certificate of title of the words "REBUILT 4416  
SALVAGE" shall be determined by the registrar, who shall develop 4417  
an automated procedure within the automated title processing 4418  
system to comply with this division. The clerk shall use 4419  
reasonable care in performing the duties imposed on the clerk by 4420  
this division in issuing a certificate of title pursuant to this 4421  
division, but the clerk is not liable for any of the clerk's 4422  
errors or omissions or those of the clerk's deputies, or the 4423  
automated title processing system in the performance of those 4424  
duties. A fee of fifty dollars shall be assessed by the state 4425  
highway patrol for each inspection made pursuant to this division 4426  
and shall be deposited into the state highway safety fund 4427  
established by section 4501.06 of the Revised Code. 4428

(F) No person shall operate upon the highways in this state a 4429  
motor vehicle, title to which is evidenced by a salvage 4430  
certificate of title, except to deliver the motor vehicle pursuant 4431  
to an appointment for an inspection under this section. 4432

(G) No motor vehicle the certificate of title to which has 4433  
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 4434  
court of common pleas shall be used for anything except parts and 4435  
scrap metal. 4436

(H)(1) Except as otherwise provided in this division, an 4437  
owner of a manufactured or mobile home that will be taxed as real 4438  
property pursuant to division (B) of section 4503.06 of the 4439  
Revised Code shall surrender the certificate of title to the 4440  
auditor of the county containing the taxing district in which the 4441  
home is located. An owner whose home qualifies for real property 4442  
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 4443  
the Revised Code shall surrender the certificate within fifteen 4444  
days after the home meets the conditions specified in those 4445

divisions. The auditor shall deliver the certificate of title to 4446  
the clerk of the court of common pleas who issued it. 4447

(2) If the certificate of title for a manufactured or mobile 4448  
home that is to be taxed as real property is held by a lienholder, 4449  
the lienholder shall surrender the certificate of title to the 4450  
auditor of the county containing the taxing district in which the 4451  
home is located, and the auditor shall deliver the certificate of 4452  
title to the clerk of the court of common pleas who issued it. The 4453  
lienholder shall surrender the certificate within thirty days 4454  
after both of the following have occurred: 4455

(a) The homeowner has provided written notice to the 4456  
lienholder requesting that the certificate of title be surrendered 4457  
to the auditor of the county containing the taxing district in 4458  
which the home is located. 4459

(b) The homeowner has either paid the lienholder the 4460  
remaining balance owed to the lienholder, or, with the 4461  
lienholder's consent, executed and delivered to the lienholder a 4462  
mortgage on the home and land on which the home is sited in the 4463  
amount of the remaining balance owed to the lienholder. 4464

(3) Upon the delivery of a certificate of title by the county 4465  
auditor to the clerk, the clerk shall inactivate it and maintain 4466  
it in the automated title processing system for a period of thirty 4467  
years. 4468

(4) Upon application by the owner of a manufactured or mobile 4469  
home that is taxed as real property pursuant to division (B) of 4470  
section 4503.06 of the Revised Code and that no longer satisfies 4471  
divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that 4472  
section, the clerk shall reactivate the record of the certificate 4473  
of title that was inactivated under division (H)(3) of this 4474  
section and shall issue a new certificate of title, but only if 4475  
the application contains or has attached to it all of the 4476



following: 4477

(a) An endorsement of the county treasurer that all real 4478  
property taxes charged against the home under Title LVII of the 4479  
Revised Code and division (B) of section 4503.06 of the Revised 4480  
Code for all preceding tax years have been paid; 4481

(b) An endorsement of the county auditor that the home will 4482  
be removed from the real property tax list; 4483

(c) Proof that there are no outstanding mortgages or other 4484  
liens on the home or, if there are such mortgages or other liens, 4485  
that the mortgagee or lienholder has consented to the reactivation 4486  
of the certificate of title. 4487

(I)(1) Whoever violates division (F) of this section shall be 4488  
fined not more than two thousand dollars, imprisoned not more than 4489  
one year, or both. 4490

(2) Whoever violates division (G) of this section shall be 4491  
fined not more than one thousand dollars, imprisoned not more than 4492  
six months, or both. 4493

**Sec. 4506.08.** (A)(1) Each application for a commercial 4494  
driver's license temporary instruction permit shall be accompanied 4495  
by a fee of ten dollars. Each application for a commercial 4496  
driver's license, restricted commercial driver's license, renewal 4497  
of such a license, or waiver for farm-related service industries 4498  
shall be accompanied by a fee of twenty-five dollars, except that 4499  
an application for a commercial driver's license or restricted 4500  
commercial driver's license received pursuant to division (A)(3) 4501  
of section 4506.14 of the Revised Code shall be accompanied by a 4502  
fee of eighteen dollars and seventy-five cents if the license will 4503  
expire on the licensee's birthday three years after the date of 4504  
issuance, a fee of twelve dollars and fifty cents if the license 4505  
will expire on the licensee's birthday two years after the date of 4506

issuance, and a fee of six dollars and twenty-five cents if the 4507  
license will expire on the licensee's birthday one year after the 4508  
date of issuance. Each application for a duplicate commercial 4509  
driver's license shall be accompanied by a fee of ten dollars. 4510

(2) In addition, the registrar of motor vehicles or deputy 4511  
registrar may collect and retain an additional fee of no more than 4512  
three dollars and fifty cents for each application for a 4513  
commercial driver's license temporary instruction permit, 4514  
commercial driver's license, renewal of a commercial driver's 4515  
license, or duplicate commercial driver's license received by the 4516  
registrar or deputy. 4517

(B) In addition to the fees imposed under division (A) of 4518  
this section, the registrar of motor vehicles or deputy registrar 4519  
shall collect a fee of twelve dollars for each application for a 4520  
commercial driver's license temporary instruction permit, 4521  
commercial driver's license, or duplicate commercial driver's 4522  
license and for each application for renewal of a commercial 4523  
driver's license. The additional fee is for the purpose of 4524  
defraying the department of public safety's costs associated with 4525  
the administration and enforcement of the motor vehicle and 4526  
traffic laws of Ohio. 4527

(C) Each deputy registrar shall transmit the fees collected 4528  
under divisions (A)(1) and (B) of this section in the time and 4529  
manner prescribed by the registrar. The registrar shall deposit 4530  
all moneys ~~received~~ collected under division ~~(C)(A)(1)~~ of this 4531  
section into the state ~~highway safety~~ bureau of motor vehicles 4532  
fund established in section ~~4501.06~~ 4501.25 of the Revised Code. 4533  
The registrar shall deposit all moneys collected under division 4534  
(B) of this section into the state highway safety fund established 4535  
in section 4501.06 of the Revised Code. 4536

(D) Information regarding the driving record of any person 4537  
holding a commercial driver's license issued by this state shall 4538

be furnished by the registrar, upon request and payment of a fee 4539  
of five dollars, to the employer or prospective employer of such a 4540  
person and to any insurer. 4541

Of each five-dollar fee the registrar collects under this 4542  
division, the registrar shall pay two dollars into the state 4543  
treasury to the credit of the state bureau of motor vehicles fund 4544  
established in section 4501.25 of the Revised Code, sixty cents 4545  
into the state treasury to the credit of the trauma and emergency 4546  
medical services fund established in section 4513.263 of the 4547  
Revised Code, sixty cents into the state treasury to the credit of 4548  
the homeland security fund established in section 5502.03 of the 4549  
Revised Code, thirty cents into the state treasury to the credit 4550  
of the investigations fund established in section 5502.131 of the 4551  
Revised Code, one dollar and twenty-five cents into the state 4552  
treasury to the credit of the emergency management agency service 4553  
and reimbursement fund established in section 5502.39 of the 4554  
Revised Code, and twenty-five cents into the state treasury to the 4555  
credit of the justice program services fund established in section 4556  
5502.67 of the Revised Code. 4557

**Sec. 4506.09.** (A) The registrar of motor vehicles, subject to 4558  
approval by the director of public safety, shall adopt rules 4559  
conforming with applicable standards adopted by the federal motor 4560  
carrier safety administration as regulations under Pub. L. No. 4561  
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4562  
31317. The rules shall establish requirements for the 4563  
qualification and testing of persons applying for a commercial 4564  
driver's license, which shall be in addition to other requirements 4565  
established by this chapter. Except as provided in division (B) of 4566  
this section, the highway patrol or any other employee of the 4567  
department of public safety the registrar authorizes shall 4568  
supervise and conduct the testing of persons applying for a 4569  
commercial driver's license. 4570

(B) The director may adopt rules, in accordance with Chapter 4571  
119. of the Revised Code and applicable requirements of the 4572  
federal motor carrier safety administration, authorizing the 4573  
skills test specified in this section to be administered by any 4574  
person, by an agency of this or another state, or by an agency, 4575  
department, or instrumentality of local government. Each party 4576  
authorized under this division to administer the skills test may 4577  
charge a maximum divisible fee of eighty-five dollars for each 4578  
skills test given as part of a commercial driver's license 4579  
examination. The fee shall consist of not more than twenty dollars 4580  
for the pre-trip inspection portion of the test, not more than 4581  
twenty dollars for the off-road maneuvering portion of the test, 4582  
and not more than forty-five dollars for the on-road portion of 4583  
the test. Each such party may require an appointment fee in the 4584  
same manner provided in division (F)(2) of this section, except 4585  
that the maximum amount such a party may require as an appointment 4586  
fee is eighty-five dollars. The skills test administered by 4587  
another party under this division shall be the same as otherwise 4588  
would be administered by this state. The other party shall enter 4589  
into an agreement with the director that, without limitation, does 4590  
all of the following: 4591

(1) Allows the director or the director's representative and 4592  
the federal motor carrier safety administration or its 4593  
representative to conduct random examinations, inspections, and 4594  
audits of the other party without prior notice; 4595

(2) Requires the director or the director's representative to 4596  
conduct on-site inspections of the other party at least annually; 4597

(3) Requires that all examiners of the other party meet the 4598  
same qualification and training standards as examiners of the 4599  
department of public safety, to the extent necessary to conduct 4600  
skills tests in the manner required by 49 C.F.R. 383.110 through 4601  
383.135; 4602

(4) Requires either that state employees take, at least 4603  
annually and as though the employees were test applicants, the 4604  
tests actually administered by the other party, that the director 4605  
test a sample of drivers who were examined by the other party to 4606  
compare the test results, or that state employees accompany a test 4607  
applicant during an actual test; 4608

(5) Reserves to this state the right to take prompt and 4609  
appropriate remedial action against testers of the other party if 4610  
the other party fails to comply with standards of this state or 4611  
federal standards for the testing program or with any other terms 4612  
of the contract. 4613

(C) The director shall enter into an agreement with the 4614  
department of education authorizing the skills test specified in 4615  
this section to be administered by the department at any location 4616  
operated by the department for purposes of training and testing 4617  
school bus drivers, provided that the agreement between the 4618  
director and the department complies with the requirements of 4619  
division (B) of this section. Skills tests administered by the 4620  
department shall be limited to persons applying for a commercial 4621  
driver's license with a school bus endorsement. 4622

(D) The director shall adopt rules, in accordance with 4623  
Chapter 119. of the Revised Code, authorizing waiver of the skills 4624  
test specified in this section for any applicant for a commercial 4625  
driver's license who meets all of the following requirements: 4626

(1) Certifies that, during the two-year period immediately 4627  
preceding application for a commercial driver's license, all of 4628  
the following apply: 4629

(a) The applicant has not had more than one license. 4630

(b) The applicant has not had any license suspended, revoked, 4631  
or canceled. 4632

(c) The applicant has not had any convictions for any type of 4633

motor vehicle for the offenses for which disqualification is 4634  
prescribed in section 4506.16 of the Revised Code. 4635

(d) The applicant has not had any violation of a state or 4636  
local law relating to motor vehicle traffic control other than a 4637  
parking violation arising in connection with any traffic accident 4638  
and has no record of an accident in which the applicant was at 4639  
fault. 4640

(e) The applicant has previously taken and passed a skills 4641  
test given by a state with a classified licensing and testing 4642  
system in which the test was behind-the-wheel in a representative 4643  
vehicle for the applicant's commercial driver's license 4644  
classification. 4645

(2) Certifies and also provides evidence that the applicant 4646  
is regularly employed in a job requiring operation of a commercial 4647  
motor vehicle and that one of the following applies: 4648

(a) The applicant has previously taken and passed a skills 4649  
test given by a state with a classified licensing and testing 4650  
system in which the test was behind-the-wheel in a representative 4651  
vehicle for the applicant's commercial driver's license 4652  
classification. 4653

(b) The applicant has regularly operated, for at least two 4654  
years immediately preceding application for a commercial driver's 4655  
license, a vehicle representative of the commercial motor vehicle 4656  
the applicant operates or expects to operate. 4657

(E) The director shall adopt rules, in accordance with 4658  
Chapter 119. of the Revised Code, authorizing waiver of the skills 4659  
test specified in this section for any applicant for a commercial 4660  
driver's license who meets all of the following requirements: 4661

(1) At the time of applying, is a member or uniformed 4662  
employee of the armed forces of the United States or their reserve 4663  
components, including the Ohio national guard, or separated from 4664

such service or employment within the preceding ninety days; 4665

(2) Certifies that, during the two-year period immediately 4666  
preceding application for a commercial driver's license, all of 4667  
the following apply: 4668

(a) The applicant has not had more than one license, 4669  
excluding any military license. 4670

(b) The applicant has not had any license suspended, revoked, 4671  
or canceled. 4672

(c) The applicant has not had any convictions for any type of 4673  
motor vehicle for the offenses for which disqualification is 4674  
prescribed in section 4506.16 of the Revised Code. 4675

(d) The applicant has not had more than one conviction for 4676  
any type of motor vehicle for a serious traffic violation. 4677

(e) The applicant has not had any violation of a state or 4678  
local law relating to motor vehicle traffic control other than a 4679  
parking violation arising in connection with any traffic accident 4680  
and has no record of an accident in which the applicant was at 4681  
fault. 4682

(3) In accordance with rules adopted by the director, 4683  
certifies and also provides evidence of all of the following: 4684

(a) That the applicant is regularly employed or was regularly 4685  
employed within the preceding ninety days in a military position 4686  
requiring operation of a commercial motor vehicle; 4687

(b) That the applicant was exempt from the requirements of 4688  
this chapter under division (B)(6) of section 4506.03 of the 4689  
Revised Code; 4690

(c) That, for at least two years immediately preceding the 4691  
date of application or at least two years immediately preceding 4692  
the date the applicant separated from military service or 4693  
employment, the applicant regularly operated a vehicle 4694

representative of the commercial motor vehicle type that the 4695  
applicant operates or expects to operate. 4696

(F)(1) The department of public safety may charge and collect 4697  
a divisible fee of fifty dollars for each skills test given as 4698  
part of a commercial driver's license examination. The fee shall 4699  
consist of ten dollars for the pre-trip inspection portion of the 4700  
test, ten dollars for the off-road maneuvering portion of the 4701  
test, and thirty dollars for the on-road portion of the test. 4702

(2) The director may require an applicant for a commercial 4703  
driver's license who schedules an appointment with the highway 4704  
patrol or other authorized employee of the department of public 4705  
safety to take all portions of the skills test, to pay an 4706  
appointment fee of fifty dollars at the time of scheduling the 4707  
appointment. If the applicant appears at the time and location 4708  
specified for the appointment and takes all portions of the skills 4709  
test during that appointment, the appointment fee shall serve as 4710  
the skills test fee. If the applicant schedules an appointment to 4711  
take all portions of the skills test and fails to appear at the 4712  
time and location specified for the appointment, no portion of the 4713  
appointment fee shall be refunded. If the applicant schedules an 4714  
appointment to take all portions of the skills test and appears at 4715  
the time and location specified for the appointment, but declines 4716  
or is unable to take all portions of the skills test, no portion 4717  
of the appointment fee shall be refunded. If the applicant cancels 4718  
a scheduled appointment forty-eight hours or more prior to the 4719  
time of the appointment time, the applicant shall not forfeit the 4720  
appointment fee. 4721

An applicant for a commercial driver's license who schedules 4722  
an appointment to take one or more, but not all, portions of the 4723  
skills test shall be required to pay an appointment fee equal to 4724  
the costs of each test scheduled, as prescribed in division (F)(1) 4725  
of this section, when scheduling such an appointment. If the 4726



applicant appears at the time and location specified for the 4727  
appointment and takes all the portions of the skills test during 4728  
that appointment that the applicant was scheduled to take, the 4729  
appointment fee shall serve as the skills test fee. If the 4730  
applicant schedules an appointment to take one or more, but not 4731  
all, portions of the skills test and fails to appear at the time 4732  
and location specified for the appointment, no portion of the 4733  
appointment fee shall be refunded. If the applicant schedules an 4734  
appointment to take one or more, but not all, portions of the 4735  
skills test and appears at the time and location specified for the 4736  
appointment, but declines or is unable to take all portions of the 4737  
skills test that the applicant was scheduled to take, no portion 4738  
of the appointment fee shall be refunded. If the applicant cancels 4739  
a scheduled appointment forty-eight hours or more prior to the 4740  
time of the appointment time, the applicant shall not forfeit the 4741  
appointment fee. 4742

(3) The department of public safety shall deposit all fees it 4743  
collects under division (F) of this section in the state ~~highway~~ 4744  
~~safety~~ bureau of motor vehicles fund established in section 4745  
4501.25 of the Revised Code. 4746

(G) As used in this section, "skills test" means a test of an 4747  
applicant's ability to drive the type of commercial motor vehicle 4748  
for which the applicant seeks a commercial driver's license by 4749  
having the applicant drive such a motor vehicle while under the 4750  
supervision of an authorized state driver's license examiner or 4751  
tester. 4752

**Sec. 4507.011.** (A) Each deputy registrar assigned to a 4753  
driver's license examining station by the registrar of motor 4754  
vehicles as provided in section 4507.01 of the Revised Code shall 4755  
remit to the director of public safety a rental fee equal to the 4756  
percentage of space occupied by the deputy registrar in the 4757

driver's license examining station multiplied by the rental fee 4758  
paid for the entire driver's license examining station plus a pro 4759  
rata share of all utility costs. All such moneys received by the 4760  
director shall be deposited in the state treasury to the credit of 4761  
the ~~registrar rental~~ state bureau of motor vehicles fund, ~~which is~~ 4762  
~~hereby~~ created in section 4501.25 of the Revised Code. ~~The moneys~~ 4763  
~~in the fund shall be used by the department of public safety only~~ 4764  
~~to pay the rent and expenses of the driver's license examining~~ 4765  
~~stations. All investment earnings of the fund shall be credited to~~ 4766  
~~the fund.~~ 4767

(B) Each deputy registrar assigned to a bureau of motor 4768  
vehicles' location shall reimburse the registrar a monthly 4769  
building rental fee, including applicable utility charges. All 4770  
such moneys received by the registrar shall be deposited into the 4771  
state bureau of motor vehicles fund ~~created in section 4501.25 of~~ 4772  
~~the Revised Code.~~ 4773

**Sec. 4507.05.** (A) The registrar of motor vehicles, or a 4774  
deputy registrar, upon receiving an application for a temporary 4775  
instruction permit and a temporary instruction permit 4776  
identification card for a driver's license from any person who is 4777  
at least fifteen years six months of age, may issue such a permit 4778  
and identification card entitling the applicant to drive a motor 4779  
vehicle, other than a commercial motor vehicle, upon the highways 4780  
under the following conditions: 4781

(1) If the permit is issued to a person who is at least 4782  
fifteen years six months of age, but less than sixteen years of 4783  
age: 4784

(a) The permit and identification card are in the holder's 4785  
immediate possession; 4786

(b) The holder is accompanied by an eligible adult who 4787  
actually occupies the seat beside the permit holder and does not 4788

have a prohibited concentration of alcohol in the whole blood, 4789  
blood serum or plasma, breath, or urine as provided in division 4790  
(A) of section 4511.19 of the Revised Code; 4791

(c) The total number of occupants of the vehicle does not 4792  
exceed the total number of occupant restraining devices originally 4793  
installed in the motor vehicle by its manufacturer, and each 4794  
occupant of the vehicle is wearing all of the available elements 4795  
of a properly adjusted occupant restraining device. 4796

(2) If the permit is issued to a person who is at least 4797  
sixteen years of age: 4798

(a) The permit and identification card are in the holder's 4799  
immediate possession; 4800

(b) The holder is accompanied by a licensed operator who is 4801  
at least twenty-one years of age, is actually occupying a seat 4802  
beside the driver, and does not have a prohibited concentration of 4803  
alcohol in the whole blood, blood serum or plasma, breath, or 4804  
urine as provided in division (A) of section 4511.19 of the 4805  
Revised Code; 4806

(c) The total number of occupants of the vehicle does not 4807  
exceed the total number of occupant restraining devices originally 4808  
installed in the motor vehicle by its manufacturer, and each 4809  
occupant of the vehicle is wearing all of the available elements 4810  
of a properly adjusted occupant restraining device. 4811

(B) The registrar or a deputy registrar, upon receiving from 4812  
any person an application for a temporary instruction permit and 4813  
temporary instruction permit identification card to operate a 4814  
motorcycle or motorized bicycle, may issue such a permit and 4815  
identification card entitling the applicant, while having the 4816  
permit and identification card in the applicant's immediate 4817  
possession, to drive a motorcycle under the restrictions 4818  
prescribed in section 4511.53 of the Revised Code, or to drive a 4819

motorized bicycle under restrictions determined by the registrar. 4820  
A temporary instruction permit and temporary instruction permit 4821  
identification card to operate a motorized bicycle may be issued 4822  
to a person fourteen or fifteen years old. 4823

(C) Any permit and identification card issued under this 4824  
section shall be issued in the same manner as a driver's license, 4825  
upon a form to be furnished by the registrar. A temporary 4826  
instruction permit to drive a motor vehicle other than a 4827  
commercial motor vehicle shall be valid for a period of one year. 4828

(D) Any person having in the person's possession a valid and 4829  
current driver's license or motorcycle operator's license or 4830  
endorsement issued to the person by another jurisdiction 4831  
recognized by this state is exempt from obtaining a temporary 4832  
instruction permit for a driver's license, ~~but shall submit and~~ 4833  
from submitting to the examination for a temporary instruction 4834  
permit and the regular examination ~~in~~ for obtaining a driver's 4835  
license or motorcycle operator's endorsement in this state if the 4836  
person does all of the following: 4837

(1) Submits to and passes vision screening as provided in 4838  
section 4507.12 of the Revised Code; 4839

(2) Surrenders to the registrar or deputy registrar the 4840  
person's driver's license issued by the other jurisdiction; and 4841

(3) Complies with all other applicable requirements for 4842  
issuance by this state of a driver's license, driver's license 4843  
with a motorcycle operator's endorsement, or restricted license to 4844  
operate a motorcycle. 4845

If the person does not comply with all the requirements of 4846  
this division, the person shall submit to the regular examination 4847  
for obtaining a driver's license or motorcycle operator's 4848  
endorsement in this state in order to obtain such a license or 4849  
endorsement. 4850

(E) The registrar may adopt rules governing the use of 4851  
temporary instruction permits and temporary instruction permit 4852  
identification cards. 4853

(F)(1) No holder of a permit issued under division (A) of 4854  
this section shall operate a motor vehicle upon a highway or any 4855  
public or private property used by the public for purposes of 4856  
vehicular travel or parking in violation of the conditions 4857  
established under division (A) of this section. 4858

(2) Except as provided in division (F)(2) of this section, no 4859  
holder of a permit that is issued under division (A) of this 4860  
section and that is issued on or after July 1, 1998, and who has 4861  
not attained the age of eighteen years, shall operate a motor 4862  
vehicle upon a highway or any public or private property used by 4863  
the public for purposes of vehicular travel or parking between the 4864  
hours of midnight and six a.m. 4865

The holder of a permit issued under division (A) of this 4866  
section on or after July 1, 1998, who has not attained the age of 4867  
eighteen years, may operate a motor vehicle upon a highway or any 4868  
public or private property used by the public for purposes of 4869  
vehicular travel or parking between the hours of midnight and six 4870  
a.m. if, at the time of such operation, the holder is accompanied 4871  
by the holder's parent, guardian, or custodian, and the parent, 4872  
guardian, or custodian holds a current valid driver's or 4873  
commercial driver's license issued by this state, is actually 4874  
occupying a seat beside the permit holder, and does not have a 4875  
prohibited concentration of alcohol in the whole blood, blood 4876  
serum or plasma, breath, or urine as provided in division (A) of 4877  
section 4511.19 of the Revised Code. 4878

(G)(1) Notwithstanding any other provision of law to the 4879  
contrary, no law enforcement officer shall cause the operator of a 4880  
motor vehicle being operated on any street or highway to stop the 4881  
motor vehicle for the sole purpose of determining whether each 4882

occupant of the motor vehicle is wearing all of the available 4883  
elements of a properly adjusted occupant restraining device as 4884  
required by division (A) of this section, or for the sole purpose 4885  
of issuing a ticket, citation, or summons if the requirement in 4886  
that division has been or is being violated, or for causing the 4887  
arrest of or commencing a prosecution of a person for a violation 4888  
of that requirement. 4889

(2) Notwithstanding any other provision of law to the 4890  
contrary, no law enforcement officer shall cause the operator of a 4891  
motor vehicle being operated on any street or highway to stop the 4892  
motor vehicle for the sole purpose of determining whether a 4893  
violation of division (F)(2) of this section has been or is being 4894  
committed or for the sole purpose of issuing a ticket, citation, 4895  
or summons for such a violation or for causing the arrest of or 4896  
commencing a prosecution of a person for such violation. 4897

(H) As used in this section: 4898

(1) "Eligible adult" means any of the following: 4899

(a) An instructor of a driver training course approved by the 4900  
department of public safety; 4901

(b) Any of the following persons who holds a current valid 4902  
driver's or commercial driver's license issued by this state: 4903

(i) A parent, guardian, or custodian of the permit holder; 4904

(ii) A person twenty-one years of age or older who acts in 4905  
loco parentis of the permit holder. 4906

(2) "Occupant restraining device" has the same meaning as in 4907  
section 4513.263 of the Revised Code. 4908

(I) Whoever violates division (F)(1) or (2) of this section 4909  
is guilty of a minor misdemeanor. 4910

**Sec. 4507.23.** (A) Except as provided in division (I) of this 4911

section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.

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

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

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

(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; 4943

(3) If the person is eighteen years of age or older, but less 4944  
than nineteen years of age, a fee of four dollars and seventy-five 4945  
cents; 4946

(4) If the person is nineteen years of age or older, but less 4947  
than twenty years of age, a fee of three dollars and fifty cents; 4948

(5) If the person is twenty years of age or older, but less 4949  
than twenty-one years of age, a fee of two dollars and twenty-five 4950  
cents. 4951

(F) Neither the registrar nor any deputy registrar shall 4952  
charge a fee in excess of one dollar and fifty cents for 4953  
laminating a driver's license, motorized bicycle license, or 4954  
temporary instruction permit identification cards as required by 4955  
sections 4507.13 and 4511.521 of the Revised Code. A deputy 4956  
registrar laminating a driver's license, motorized bicycle 4957  
license, or temporary instruction permit identification cards 4958  
shall retain the entire amount of the fee charged for lamination, 4959  
less the actual cost to the registrar of the laminating materials 4960  
used for that lamination, as specified in the contract executed by 4961  
the bureau for the laminating materials and laminating equipment. 4962  
The deputy registrar shall forward the amount of the cost of the 4963  
laminating materials to the registrar for deposit as provided in 4964  
this section. 4965

(G) Except as provided in division (I) of this section, each 4966  
transaction described in divisions (A), (B), (C), (D), and (E) of 4967  
this section shall be accompanied by an additional fee of twelve 4968  
dollars. The additional fee is for the purpose of defraying the 4969  
department of public safety's costs associated with the 4970  
administration and enforcement of the motor vehicle and traffic 4971  
laws of Ohio. 4972

(H) At the time and in the manner provided by section 4503.10 4973



of the Revised Code, the deputy registrar shall transmit the fees 4974  
collected under divisions (A), (B), (C), (D), and (E), those 4975  
portions of the fees specified in and collected under division 4976  
(F), and the additional fee under division (G) of this section to 4977  
the registrar. The registrar shall pay two dollars and fifty cents 4978  
of each fee collected under divisions (A), (B), (C)(1) and (2), 4979  
(D), and (E)(1) to (4) of this section, and the entire fee 4980  
collected under division (E)(5) of this section, into the state 4981  
~~highway safety~~ bureau of motor vehicles fund established in 4982  
section ~~4501.06~~ 4501.25 of the Revised Code, and such fees shall 4983  
be used for the sole purpose of supporting driver licensing 4984  
activities. The registrar also shall pay five dollars of each fee 4985  
collected under division (C)(2) of this section and the entire fee 4986  
collected under division (G) of this section into the state 4987  
highway safety fund created in section 4501.06 of the Revised 4988  
Code. The remaining fees collected by the registrar under this 4989  
section shall be paid into the state bureau of motor vehicles fund 4990  
established in section 4501.25 of the Revised Code. 4991

(I) A disabled veteran who has a service-connected disability 4992  
rated at one hundred per cent by the veterans' administration may 4993  
apply to the registrar or a deputy registrar for the issuance to 4994  
that veteran, without the payment of any fee prescribed in this 4995  
section, of any of the following items: 4996

(1) A temporary instruction permit and examination; 4997

(2) A new, renewal, or duplicate driver's or commercial 4998  
driver's license; 4999

(3) A motorcycle operator's endorsement; 5000

(4) A motorized bicycle license or duplicate thereof; 5001

(5) Lamination of a driver's license, motorized bicycle 5002  
license, or temporary instruction permit identification card as 5003  
provided in division (F) of this section. 5004

An application made under division (I) of this section shall 5005  
be accompanied by such documentary evidence of disability as the 5006  
registrar may require by rule. 5007

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of 5008  
the Revised Code: 5009

(A) "Vehicle" means every device, including a motorized 5010  
bicycle, in, upon, or by which any person or property may be 5011  
transported or drawn upon a highway, except that "vehicle" does 5012  
not include any motorized wheelchair, any electric personal 5013  
assistive mobility device, any device that is moved by power 5014  
collected from overhead electric trolley wires or that is used 5015  
exclusively upon stationary rails or tracks, or any device, other 5016  
than a bicycle, that is moved by human power. 5017

(B) "Motor vehicle" means every vehicle propelled or drawn by 5018  
power other than muscular power or power collected from overhead 5019  
electric trolley wires, except motorized bicycles, road rollers, 5020  
traction engines, power shovels, power cranes, and other equipment 5021  
used in construction work and not designed for or employed in 5022  
general highway transportation, hole-digging machinery, 5023  
well-drilling machinery, ditch-digging machinery, farm machinery, 5024  
and trailers designed and used exclusively to transport a boat 5025  
between a place of storage and a marina, or in and around a 5026  
marina, when drawn or towed on a street or highway for a distance 5027  
of no more than ten miles and at a speed of twenty-five miles per 5028  
hour or less. 5029

(C) "Motorcycle" means every motor vehicle, other than a 5030  
tractor, having a seat or saddle for the use of the operator and 5031  
designed to travel on not more than three wheels in contact with 5032  
the ground, including, but not limited to, motor vehicles known as 5033  
"motor-driven cycle," "motor scooter," or "motorcycle" without 5034  
regard to weight or brake horsepower. 5035

(D) "Emergency vehicle" means emergency vehicles of 5036  
municipal, township, or county departments or public utility 5037  
corporations when identified as such as required by law, the 5038  
director of public safety, or local authorities, and motor 5039  
vehicles when commandeered by a police officer. 5040

(E) "Public safety vehicle" means any of the following: 5041

(1) Ambulances, including private ambulance companies under 5042  
contract to a municipal corporation, township, or county, and 5043  
private ambulances and nontransport vehicles bearing license 5044  
plates issued under section 4503.49 of the Revised Code; 5045

(2) Motor vehicles used by public law enforcement officers or 5046  
other persons sworn to enforce the criminal and traffic laws of 5047  
the state; 5048

(3) Any motor vehicle when properly identified as required by 5049  
the director of public safety, when used in response to fire 5050  
emergency calls or to provide emergency medical service to ill or 5051  
injured persons, and when operated by a duly qualified person who 5052  
is a member of a volunteer rescue service or a volunteer fire 5053  
department, and who is on duty pursuant to the rules or directives 5054  
of that service. The state fire marshal shall be designated by the 5055  
director of public safety as the certifying agency for all public 5056  
safety vehicles described in division (E)(3) of this section. 5057

(4) Vehicles used by fire departments, including motor 5058  
vehicles when used by volunteer fire fighters responding to 5059  
emergency calls in the fire department service when identified as 5060  
required by the director of public safety. 5061

Any vehicle used to transport or provide emergency medical 5062  
service to an ill or injured person, when certified as a public 5063  
safety vehicle, shall be considered a public safety vehicle when 5064  
transporting an ill or injured person to a hospital regardless of 5065  
whether such vehicle has already passed a hospital. 5066

(5) Vehicles used by the motor carrier enforcement unit for 5067  
the enforcement of orders and rules of the public utilities 5068  
commission as specified in section 5503.34 of the Revised Code. 5069

(F) "School bus" means every bus designed for carrying more 5070  
than nine passengers that is owned by a public, private, or 5071  
governmental agency or institution of learning and operated for 5072  
the transportation of children to or from a school session or a 5073  
school function, or owned by a private person and operated for 5074  
compensation for the transportation of children to or from a 5075  
school session or a school function, provided "school bus" does 5076  
not include a bus operated by a municipally owned transportation 5077  
system, a mass transit company operating exclusively within the 5078  
territorial limits of a municipal corporation, or within such 5079  
limits and the territorial limits of municipal corporations 5080  
immediately contiguous to such municipal corporation, nor a common 5081  
passenger carrier certified by the public utilities commission 5082  
unless such bus is devoted exclusively to the transportation of 5083  
children to and from a school session or a school function, and 5084  
"school bus" does not include a van or bus used by a licensed 5085  
child day-care center or type A family day-care home to transport 5086  
children from the child day-care center or type A family day-care 5087  
home to a school if the van or bus does not have more than fifteen 5088  
children in the van or bus at any time. 5089

(G) "Bicycle" means every device, other than a ~~tricycle~~ 5090  
device that is designed solely for use as a play vehicle by a 5091  
child, that is propelled solely by human power upon which ~~any a~~ 5092  
person may ride ~~having, and that has~~ two tandem or more wheels, ~~or~~ 5093  
~~one wheel in the front and two wheels in the rear, or two wheels~~ 5094  
~~in the front and one wheel in the rear,~~ any of which is more than 5095  
fourteen inches in diameter. 5096

(H) "Motorized bicycle" means any vehicle having either two 5097  
tandem wheels or one wheel in the front and two wheels in the 5098

rear, that is capable of being pedaled and is equipped with a 5099  
helper motor of not more than fifty cubic centimeters piston 5100  
displacement that produces no more than one brake horsepower and 5101  
is capable of propelling the vehicle at a speed of no greater than 5102  
twenty miles per hour on a level surface. 5103

(I) "Commercial tractor" means every motor vehicle having 5104  
motive power designed or used for drawing other vehicles and not 5105  
so constructed as to carry any load thereon, or designed or used 5106  
for drawing other vehicles while carrying a portion of such other 5107  
vehicles, or load thereon, or both. 5108

(J) "Agricultural tractor" means every self-propelling 5109  
vehicle designed or used for drawing other vehicles or wheeled 5110  
machinery but having no provision for carrying loads independently 5111  
of such other vehicles, and used principally for agricultural 5112  
purposes. 5113

(K) "Truck" means every motor vehicle, except trailers and 5114  
semitrailers, designed and used to carry property. 5115

(L) "Bus" means every motor vehicle designed for carrying 5116  
more than nine passengers and used for the transportation of 5117  
persons other than in a ridesharing arrangement, and every motor 5118  
vehicle, automobile for hire, or funeral car, other than a taxicab 5119  
or motor vehicle used in a ridesharing arrangement, designed and 5120  
used for the transportation of persons for compensation. 5121

(M) "Trailer" means every vehicle designed or used for 5122  
carrying persons or property wholly on its own structure and for 5123  
being drawn by a motor vehicle, including any such vehicle when 5124  
formed by or operated as a combination of a "semitrailer" and a 5125  
vehicle of the dolly type, such as that commonly known as a 5126  
"trailer dolly," a vehicle used to transport agricultural produce 5127  
or agricultural production materials between a local place of 5128  
storage or supply and the farm when drawn or towed on a street or 5129

highway at a speed greater than twenty-five miles per hour, and a 5130  
vehicle designed and used exclusively to transport a boat between 5131  
a place of storage and a marina, or in and around a marina, when 5132  
drawn or towed on a street or highway for a distance of more than 5133  
ten miles or at a speed of more than twenty-five miles per hour. 5134

(N) "Semitrailer" means every vehicle designed or used for 5135  
carrying persons or property with another and separate motor 5136  
vehicle so that in operation a part of its own weight or that of 5137  
its load, or both, rests upon and is carried by another vehicle. 5138

(O) "Pole trailer" means every trailer or semitrailer 5139  
attached to the towing vehicle by means of a reach, pole, or by 5140  
being boomed or otherwise secured to the towing vehicle, and 5141  
ordinarily used for transporting long or irregular shaped loads 5142  
such as poles, pipes, or structural members capable, generally, of 5143  
sustaining themselves as beams between the supporting connections. 5144

(P) "Railroad" means a carrier of persons or property 5145  
operating upon rails placed principally on a private right-of-way. 5146

(Q) "Railroad train" means a steam engine or an electric or 5147  
other motor, with or without cars coupled thereto, operated by a 5148  
railroad. 5149

(R) "Streetcar" means a car, other than a railroad train, for 5150  
transporting persons or property, operated upon rails principally 5151  
within a street or highway. 5152

(S) "Trackless trolley" means every car that collects its 5153  
power from overhead electric trolley wires and that is not 5154  
operated upon rails or tracks. 5155

(T) "Explosives" means any chemical compound or mechanical 5156  
mixture that is intended for the purpose of producing an explosion 5157  
that contains any oxidizing and combustible units or other 5158  
ingredients in such proportions, quantities, or packing that an 5159  
ignition by fire, by friction, by concussion, by percussion, or by 5160

a detonator of any part of the compound or mixture may cause such 5161  
a sudden generation of highly heated gases that the resultant 5162  
gaseous pressures are capable of producing destructive effects on 5163  
contiguous objects, or of destroying life or limb. Manufactured 5164  
articles shall not be held to be explosives when the individual 5165  
units contain explosives in such limited quantities, of such 5166  
nature, or in such packing, that it is impossible to procure a 5167  
simultaneous or a destructive explosion of such units, to the 5168  
injury of life, limb, or property by fire, by friction, by 5169  
concussion, by percussion, or by a detonator, such as fixed 5170  
ammunition for small arms, firecrackers, or safety fuse matches. 5171

(U) "Flammable liquid" means any liquid that has a flash 5172  
point of seventy degrees fahrenheit, or less, as determined by a 5173  
tagliabue or equivalent closed cup test device. 5174

(V) "Gross weight" means the weight of a vehicle plus the 5175  
weight of any load thereon. 5176

(W) "Person" means every natural person, firm, 5177  
co-partnership, association, or corporation. 5178

(X) "Pedestrian" means any natural person afoot. 5179

(Y) "Driver or operator" means every person who drives or is 5180  
in actual physical control of a vehicle, trackless trolley, or 5181  
streetcar. 5182

(Z) "Police officer" means every officer authorized to direct 5183  
or regulate traffic, or to make arrests for violations of traffic 5184  
regulations. 5185

(AA) "Local authorities" means every county, municipal, and 5186  
other local board or body having authority to adopt police 5187  
regulations under the constitution and laws of this state. 5188

(BB) "Street" or "highway" means the entire width between the 5189  
boundary lines of every way open to the use of the public as a 5190

thoroughfare for purposes of vehicular travel. 5191

(CC) "Controlled-access highway" means every street or 5192  
highway in respect to which owners or occupants of abutting lands 5193  
and other persons have no legal right of access to or from the 5194  
same except at such points only and in such manner as may be 5195  
determined by the public authority having jurisdiction over such 5196  
street or highway. 5197

(DD) "Private road or driveway" means every way or place in 5198  
private ownership used for vehicular travel by the owner and those 5199  
having express or implied permission from the owner but not by 5200  
other persons. 5201

(EE) "Roadway" means that portion of a highway improved, 5202  
designed, or ordinarily used for vehicular travel, except the berm 5203  
or shoulder. If a highway includes two or more separate roadways 5204  
the term "roadway" means any such roadway separately but not all 5205  
such roadways collectively. 5206

(FF) "Sidewalk" means that portion of a street between the 5207  
curb lines, or the lateral lines of a roadway, and the adjacent 5208  
property lines, intended for the use of pedestrians. 5209

(GG) "Laned highway" means a highway the roadway of which is 5210  
divided into two or more clearly marked lanes for vehicular 5211  
traffic. 5212

(HH) "Through highway" means every street or highway as 5213  
provided in section 4511.65 of the Revised Code. 5214

(II) "State highway" means a highway under the jurisdiction 5215  
of the department of transportation, outside the limits of 5216  
municipal corporations, provided that the authority conferred upon 5217  
the director of transportation in section 5511.01 of the Revised 5218  
Code to erect state highway route markers and signs directing 5219  
traffic shall not be modified by sections 4511.01 to 4511.79 and 5220  
4511.99 of the Revised Code. 5221



(JJ) "State route" means every highway that is designated 5222  
with an official state route number and so marked. 5223

(KK) "Intersection" means: 5224

(1) The area embraced within the prolongation or connection 5225  
of the lateral curb lines, or, if none, the lateral boundary lines 5226  
of the roadways of two highways that join one another at, or 5227  
approximately at, right angles, or the area within which vehicles 5228  
traveling upon different highways that join at any other angle 5229  
might come into conflict. The junction of an alley or driveway 5230  
with a roadway or highway does not constitute an intersection 5231  
unless the roadway or highway at the junction is controlled by a 5232  
traffic control device. 5233

(2) If a highway includes two roadways that are thirty feet 5234  
or more apart, then every crossing of each roadway of such divided 5235  
highway by an intersecting highway constitutes a separate 5236  
intersection. If both intersecting highways include two roadways 5237  
thirty feet or more apart, then every crossing of any two roadways 5238  
of such highways constitutes a separate intersection. 5239

(3) At a location controlled by a traffic control signal, 5240  
regardless of the distance between the separate intersections as 5241  
described in division (KK)(2) of this section: 5242

(a) If a stop line, yield line, or crosswalk has not been 5243  
designated on the roadway within the median between the separate 5244  
intersections, the two intersections and the roadway and median 5245  
constitute one intersection. 5246

(b) Where a stop line, yield line, or crosswalk line is 5247  
designated on the roadway on the intersection approach, the area 5248  
within the crosswalk and any area beyond the designated stop line 5249  
or yield line constitute part of the intersection. 5250

(c) Where a crosswalk is designated on a roadway on the 5251  
departure from the intersection, the intersection includes the 5252

area that extends to the far side of the crosswalk. 5253

(LL) "Crosswalk" means: 5254

(1) That part of a roadway at intersections ordinarily 5255  
included within the real or projected prolongation of property 5256  
lines and curb lines or, in the absence of curbs, the edges of the 5257  
traversable roadway; 5258

(2) Any portion of a roadway at an intersection or elsewhere, 5259  
distinctly indicated for pedestrian crossing by lines or other 5260  
markings on the surface; 5261

(3) Notwithstanding divisions (LL)(1) and (2) of this 5262  
section, there shall not be a crosswalk where local authorities 5263  
have placed signs indicating no crossing. 5264

(MM) "Safety zone" means the area or space officially set 5265  
apart within a roadway for the exclusive use of pedestrians and 5266  
protected or marked or indicated by adequate signs as to be 5267  
plainly visible at all times. 5268

(NN) "Business district" means the territory fronting upon a 5269  
street or highway, including the street or highway, between 5270  
successive intersections within municipal corporations where fifty 5271  
per cent or more of the frontage between such successive 5272  
intersections is occupied by buildings in use for business, or 5273  
within or outside municipal corporations where fifty per cent or 5274  
more of the frontage for a distance of three hundred feet or more 5275  
is occupied by buildings in use for business, and the character of 5276  
such territory is indicated by official traffic control devices. 5277

(OO) "Residence district" means the territory, not comprising 5278  
a business district, fronting on a street or highway, including 5279  
the street or highway, where, for a distance of three hundred feet 5280  
or more, the frontage is improved with residences or residences 5281  
and buildings in use for business. 5282

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

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

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

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

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

(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;	5314
(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.	5315 5316 5317 5318 5319 5320
(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.	5321 5322
(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.	5323 5324 5325
(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.	5326 5327 5328 5329 5330 5331
(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.	5332 5333 5334
(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.	5335 5336 5337
(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.	5338 5339 5340
(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.	5341 5342
(CCC) "Arterial street" means any United States or state	5343

numbered route, controlled access highway, or other major radial 5344  
or circumferential street or highway designated by local 5345  
authorities within their respective jurisdictions as part of a 5346  
major arterial system of streets or highways. 5347

(DDD) "Ridesharing arrangement" means the transportation of 5348  
persons in a motor vehicle where such transportation is incidental 5349  
to another purpose of a volunteer driver and includes ridesharing 5350  
arrangements known as carpools, vanpools, and buspools. 5351

(EEE) "Motorized wheelchair" means any self-propelled vehicle 5352  
designed for, and used by, a handicapped person and that is 5353  
incapable of a speed in excess of eight miles per hour. 5354

(FFF) "Child day-care center" and "type A family day-care 5355  
home" have the same meanings as in section 5104.01 of the Revised 5356  
Code. 5357

(GGG) "Multi-wheel agricultural tractor" means a type of 5358  
agricultural tractor that has two or more wheels or tires on each 5359  
side of one axle at the rear of the tractor, is designed or used 5360  
for drawing other vehicles or wheeled machinery, has no provision 5361  
for carrying loads independently of the drawn vehicles or 5362  
machinery, and is used principally for agricultural purposes. 5363

(HHH) "Operate" means to cause or have caused movement of a 5364  
vehicle, streetcar, or trackless trolley. 5365

(III) "Predicate motor vehicle or traffic offense" means any 5366  
of the following: 5367

(1) A violation of section 4511.03, 4511.051, 4511.12, 5368  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 5369  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 5370  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 5371  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 5372  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 5373  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 5374

4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 5375  
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 5376  
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 5377  
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 5378

(2) A violation of division (A)(2) of section 4511.17, 5379  
divisions (A) to (D) of section 4511.51, or division (A) of 5380  
section 4511.74 of the Revised Code; 5381

(3) A violation of any provision of sections 4511.01 to 5382  
4511.76 of the Revised Code for which no penalty otherwise is 5383  
provided in the section that contains the provision violated; 5384

(4) A violation of a municipal ordinance that is 5385  
substantially similar to any section or provision set forth or 5386  
described in division (III)(1), (2), or (3) of this section. 5387

(JJJ) "Road service vehicle" means wreckers, utility repair 5388  
vehicles, and state, county, and municipal service vehicles 5389  
equipped with visual signals by means of flashing, rotating, or 5390  
oscillating lights. 5391

(KKK) "Beacon" means a highway traffic signal with one or 5392  
more signal sections that operate in a flashing mode. 5393

(LLL) "Hybrid beacon" means a type of beacon that is 5394  
intentionally placed in a dark mode between periods of operation 5395  
where no indications are displayed and, when in operation, 5396  
displays both steady and flashing traffic control signal 5397  
indications. 5398

(MMM) "Highway traffic signal" means a power-operated traffic 5399  
control device by which traffic is warned or directed to take some 5400  
specific action. "Highway traffic signal" does not include a 5401  
power-operated sign, steadily illuminated pavement marker, warning 5402  
light, or steady burning electric lamp. 5403

(NNN) "Median" means the area between two roadways of a 5404

divided highway, measured from edge of traveled way to edge of 5405  
traveled way, but excluding turn lanes. The width of a median may 5406  
be different between intersections, between interchanges, and at 5407  
opposite approaches of the same intersection. 5408

(OOO) "Private road open to public travel" means a private 5409  
toll road or road, including any adjacent sidewalks that generally 5410  
run parallel to the road, within a shopping center, airport, 5411  
sports arena, or other similar business or recreation facility 5412  
that is privately owned but where the public is allowed to travel 5413  
without access restrictions. "Private road open to public travel" 5414  
includes a gated toll road but does not include a road within a 5415  
private gated property where access is restricted at all times, a 5416  
parking area, a driving aisle within a parking area, or a private 5417  
grade crossing. 5418

(PPP) "Shared-use path" means a bikeway outside the traveled 5419  
way and physically separated from motorized vehicular traffic by 5420  
an open space or barrier and either within the highway 5421  
right-of-way or within an independent alignment. A shared-use path 5422  
also may be used by pedestrians, including skaters, joggers, users 5423  
of manual and motorized wheelchairs, and other authorized 5424  
motorized and non-motorized users. 5425

**Sec. 4511.13.** Highway traffic signal indications for vehicles 5426  
and pedestrians shall have the following meanings: 5427

(A) Steady green signal indication: 5428

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 5429  
facing a circular green signal indication are permitted to proceed 5430  
straight through or turn right or left or make a u-turn movement 5431  
except as such movement is modified by a lane-use sign, turn 5432  
prohibition sign, lane marking, roadway design, separate turn 5433  
signal indication, or other traffic control device. Such vehicular 5434  
traffic, including vehicles turning right or left or making a 5435

u-turn movement, shall yield the right-of-way to both of the 5436  
following: 5437

(i) Pedestrians lawfully within an associated crosswalk; 5438

(ii) Other vehicles lawfully within the intersection. 5439

(b) In addition, vehicular traffic turning left or making a 5440  
u-turn movement to the left shall yield the right-of-way to other 5441  
vehicles approaching from the opposite direction so closely as to 5442  
constitute an immediate hazard during the time when such turning 5443  
vehicle is moving across or within the intersection. 5444

(2) Vehicular traffic, streetcars, and trackless trolleys 5445  
facing a green arrow signal indication, displayed alone or in 5446  
combination with another signal indication, are permitted to 5447  
cautiously enter the intersection only to make the movement 5448  
indicated by such arrow, or such other movement as is permitted by 5449  
other indications displayed at the same time. Such vehicular 5450  
traffic, streetcars, and trackless trolleys, including vehicles 5451  
turning right or left or making a u-turn movement, shall yield the 5452  
right-of-way to both of the following: 5453

(a) Pedestrians lawfully within an associated crosswalk; 5454

(b) Other traffic lawfully using the intersection. 5455

(3)(a) Unless otherwise directed by a pedestrian signal 5456  
indication, as provided in section 4511.14 of the Revised Code, 5457  
pedestrians facing a circular green signal indication are 5458  
permitted to proceed across the roadway within any marked or 5459  
unmarked associated crosswalk. The pedestrian shall yield the 5460  
right-of-way to vehicles lawfully within the intersection or so 5461  
close as to create an immediate hazard at the time that the green 5462  
signal indication is first displayed. 5463

(b) Pedestrians facing a green arrow signal indication, 5464  
unless otherwise directed by a pedestrian signal indication or 5465



other traffic control device, shall not cross the roadway. 5466

(B) Steady yellow signal indication: 5467

(1) Vehicular traffic, streetcars, and trackless trolleys 5468  
facing a steady circular yellow signal indication are thereby 5469  
warned that the related green movement or the related flashing 5470  
arrow movement is being terminated or that a steady red signal 5471  
indication will be exhibited immediately thereafter when vehicular 5472  
traffic, streetcars, and trackless trolleys shall not enter the 5473  
intersection. The provisions governing vehicular operation under 5474  
the movement being terminated shall continue to apply while the 5475  
steady circular yellow signal indication is displayed. 5476

(2) Vehicular traffic facing a steady yellow arrow signal 5477  
indication is thereby warned that the related green arrow movement 5478  
or the related flashing arrow movement is being terminated. The 5479  
provisions governing vehicular operation under the movement being 5480  
terminated shall continue to apply while the steady yellow arrow 5481  
signal indication is displayed. 5482

(3) Pedestrians facing a steady circular yellow or yellow 5483  
arrow signal indication, unless otherwise directed by a pedestrian 5484  
signal indication as provided in section 4511.14 of the Revised 5485  
Code or other traffic control device, shall not start to cross the 5486  
roadway. 5487

(C) Steady red signal indication: 5488

(1)(a) Vehicular traffic, streetcars, and trackless trolleys 5489  
facing a steady circular red signal indication, unless entering 5490  
the intersection to make another movement permitted by another 5491  
signal indication, shall stop at a clearly marked stop line; but 5492  
if there is no stop line, traffic shall stop before entering the 5493  
crosswalk on the near side of the intersection; or if there is no 5494  
crosswalk, then before entering the intersection; and shall remain 5495  
stopped until a signal indication to proceed is displayed except 5496

as provided in divisions (C)(1), (2), and (3) of this section. 5497

(b) Except when a traffic control device is in place 5498  
prohibiting a turn on red or a steady red arrow signal indication 5499  
is displayed, vehicular traffic facing a steady circular red 5500  
signal indication is permitted, after stopping, to enter the 5501  
intersection to turn right, or to turn left from a one-way street, 5502  
~~after stopping into a one-way street~~. The right to proceed with 5503  
the turn shall be subject to the provisions that are applicable 5504  
after making a stop at a stop sign. 5505

(2)(a) Vehicular traffic, streetcars, and trackless trolleys 5506  
facing a steady red arrow signal indication shall not enter the 5507  
intersection to make the movement indicated by the arrow and, 5508  
unless entering the intersection to make another movement 5509  
permitted by another signal indication, shall stop at a clearly 5510  
marked stop line; but if there is no stop line, before entering 5511  
the crosswalk on the near side of the intersection; or if there is 5512  
no crosswalk, then before entering the intersection; and shall 5513  
remain stopped until a signal indication or other traffic control 5514  
device permitting the movement indicated by such red arrow is 5515  
displayed. 5516

(b) When a traffic control device is in place permitting a 5517  
turn on a steady red arrow signal indication, vehicular traffic 5518  
facing a steady red arrow indication is permitted, after stopping, 5519  
to enter the intersection to ~~make the movement indicated by the~~ 5520  
~~arrow signal indication, after stopping~~ turn right, or to turn 5521  
left from a one-way street into a one-way street. The right to 5522  
proceed with the turn shall be limited to the direction indicated 5523  
by the arrow and shall be subject to the provisions that are 5524  
applicable after making a stop at a stop sign. 5525

(3) Unless otherwise directed by a pedestrian signal 5526  
indication as provided in section 4511.14 of the Revised Code or 5527  
other traffic control device, pedestrians facing a steady circular 5528

red or steady red arrow signal indication shall not enter the 5529  
roadway. 5530

(4) Local authorities by ordinance, or the director of 5531  
transportation on state highways, may prohibit a right or a left 5532  
turn against a steady red signal at any intersection, which shall 5533  
be effective when signs giving notice thereof are posted at the 5534  
intersection. 5535

(D) A flashing green signal indication has no meaning and 5536  
shall not be used. 5537

(E) Flashing yellow signal indication: 5538

(1)(a) Vehicular traffic, on an approach to an intersection, 5539  
facing a flashing circular yellow signal indication, is permitted 5540  
to cautiously enter the intersection to proceed straight through 5541  
or turn right or left or make a u-turn movement except as such 5542  
movement is modified by lane-use signs, turn prohibition signs, 5543  
lane markings, roadway design, separate turn signal indications, 5544  
or other traffic control devices. Such vehicular traffic, 5545  
including vehicles turning right or left or making a u-turn 5546  
movement, shall yield the right-of-way to both of the following: 5547

(i) Pedestrians lawfully within an associated crosswalk; 5548

(ii) Other vehicles lawfully within the intersection. 5549

(b) In addition, vehicular traffic turning left or making a 5550  
u-turn to the left shall yield the right-of-way to other vehicles 5551  
approaching from the opposite direction so closely as to 5552  
constitute an immediate hazard during the time when such turning 5553  
vehicle is moving across or within the intersection. 5554

(2)(a) Vehicular traffic, on an approach to an intersection, 5555  
facing a flashing yellow arrow signal indication, displayed alone 5556  
or in combination with another signal indication, is permitted to 5557  
cautiously enter the intersection only to make the movement 5558

indicated by such arrow, or other such movement as is permitted by 5559  
other signal indications displayed at the same time. Such 5560  
vehicular traffic, including vehicles turning right or left or 5561  
making a u-turn, shall yield the right-of-way to both of the 5562  
following: 5563

(i) Pedestrians lawfully within an associated crosswalk; 5564

(ii) Other vehicles lawfully within the intersection. 5565

(b) In addition, vehicular traffic turning left or making a 5566  
u-turn to the left shall yield the right-of-way to other vehicles 5567  
approaching from the opposite direction so closely as to 5568  
constitute an immediate hazard during the time when such turning 5569  
vehicle is moving across or within the intersection. 5570

(3) Pedestrians facing any flashing yellow signal indication 5571  
at an intersection, unless otherwise directed by a pedestrian 5572  
signal indication or other traffic control device, are permitted 5573  
to proceed across the roadway within any marked or unmarked 5574  
associated crosswalk. Pedestrians shall yield the right-of-way to 5575  
vehicles lawfully within the intersection at the time that the 5576  
flashing yellow signal indication is first displayed. 5577

(4) When a flashing circular yellow signal indication is 5578  
displayed as a beacon to supplement another traffic control 5579  
device, road users are notified that there is a need to pay 5580  
additional attention to the message contained thereon or that the 5581  
regulatory or warning requirements of the other traffic control 5582  
device, which might not be applicable at all times, are currently 5583  
applicable. 5584

(F) Flashing red signal indication: 5585

(1) Vehicular traffic, on an approach to an intersection, 5586  
facing a flashing circular red signal indication, shall stop at a 5587  
clearly marked stop line; but if there is no stop line, before 5588  
entering the crosswalk on the near side of the intersection; or if 5589

there is no crosswalk, at the point nearest the intersecting 5590  
roadway where the driver has a view of approaching traffic on the 5591  
intersecting roadway before entering the intersection. The right 5592  
to proceed shall be subject to the provisions that are applicable 5593  
after making a stop at a stop sign. 5594

(2) Pedestrians facing any flashing red signal indication at 5595  
an intersection, unless otherwise directed by a pedestrian signal 5596  
indication or other traffic control device, are permitted to 5597  
proceed across the roadway within any marked or unmarked 5598  
associated crosswalk. Pedestrians shall yield the right-of-way to 5599  
vehicles lawfully within the intersection at the time that the 5600  
flashing red signal indication is first displayed. 5601

(3) When a flashing circular red signal indication is 5602  
displayed as a beacon to supplement another traffic control 5603  
device, road users are notified that there is a need to pay 5604  
additional attention to the message contained thereon or that the 5605  
regulatory requirements of the other traffic control device, which 5606  
might not be applicable at all times, are currently applicable. 5607  
Use of this signal indication shall be limited to supplementing 5608  
stop, do not enter, or wrong way signs, and to applications where 5609  
compliance with the supplemented traffic control device requires a 5610  
stop at a designated point. 5611

(G) In the event an official traffic-control signal is 5612  
erected and maintained at a place other than an intersection, the 5613  
provisions of this section shall be applicable except as to those 5614  
provisions which by their nature can have no application. Any stop 5615  
required shall be made at a sign or marking on the pavement 5616  
indicating where the stop shall be made, but in the absence of any 5617  
such sign or marking the stop shall be made at the signal. 5618

(H) This section does not apply at railroad grade crossings. 5619  
Conduct of drivers of vehicles, trackless trolleys, and streetcars 5620  
approaching railroad grade crossings shall be governed by sections 5621

4511.61 and 4511.62 of the Revised Code. 5622

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 5623  
trackless trolley, or streetcar at a speed greater or less than is 5624  
reasonable or proper, having due regard to the traffic, surface, 5625  
and width of the street or highway and any other conditions, and 5626  
no person shall drive any motor vehicle, trackless trolley, or 5627  
streetcar in and upon any street or highway at a greater speed 5628  
than will permit the person to bring it to a stop within the 5629  
assured clear distance ahead. 5630

(B) It is prima-facie lawful, in the absence of a lower limit 5631  
declared or established pursuant to this section by the director 5632  
of transportation or local authorities, for the operator of a 5633  
motor vehicle, trackless trolley, or streetcar to operate the same 5634  
at a speed not exceeding the following: 5635

(1)(a) Twenty miles per hour in school zones during school 5636  
recess and while children are going to or leaving school during 5637  
the opening or closing hours, and when twenty miles per hour 5638  
school speed limit signs are erected; except that, on 5639  
controlled-access highways and expressways, if the right-of-way 5640  
line fence has been erected without pedestrian opening, the speed 5641  
shall be governed by division (B)(4) of this section and on 5642  
freeways, if the right-of-way line fence has been erected without 5643  
pedestrian opening, the speed shall be governed by divisions 5644  
(B)(9) and (10) of this section. The end of every school zone may 5645  
be marked by a sign indicating the end of the zone. Nothing in 5646  
this section or in the manual and specifications for a uniform 5647  
system of traffic control devices shall be construed to require 5648  
school zones to be indicated by signs equipped with flashing or 5649  
other lights, or giving other special notice of the hours in which 5650  
the school zone speed limit is in effect. 5651

(b) As used in this section and in section 4511.212 of the 5652

Revised Code, "school" means any school chartered under section 5653  
3301.16 of the Revised Code and any nonchartered school that 5654  
during the preceding year filed with the department of education 5655  
in compliance with rule 3301-35-08 of the Ohio Administrative 5656  
Code, a copy of the school's report for the parents of the 5657  
school's pupils certifying that the school meets Ohio minimum 5658  
standards for nonchartered, nontax-supported schools and presents 5659  
evidence of this filing to the jurisdiction from which it is 5660  
requesting the establishment of a school zone. "School" also 5661  
includes a special elementary school that in writing requests the 5662  
county engineer of the county in which the special elementary 5663  
school is located to create a school zone at the location of that 5664  
school. Upon receipt of such a written request, the county 5665  
engineer shall create a school zone at that location by erecting 5666  
the appropriate signs. 5667

(c) As used in this section, "school zone" means that portion 5668  
of a street or highway passing a school fronting upon the street 5669  
or highway that is encompassed by projecting the school property 5670  
lines to the fronting street or highway, and also includes that 5671  
portion of a state highway. Upon request from local authorities 5672  
for streets and highways under their jurisdiction and that portion 5673  
of a state highway under the jurisdiction of the director of 5674  
transportation or a request from a county engineer in the case of 5675  
a school zone for a special elementary school, the director may 5676  
extend the traditional school zone boundaries. The distances in 5677  
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 5678  
exceed three hundred feet per approach per direction and are 5679  
bounded by whichever of the following distances or combinations 5680  
thereof the director approves as most appropriate: 5681

(i) The distance encompassed by projecting the school 5682  
building lines normal to the fronting highway and extending a 5683  
distance of three hundred feet on each approach direction; 5684

(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;

(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.

Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section.

(d) As used in this division, "crosswalk" has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code.

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and



extending three hundred feet on each approach direction of the 5717  
state route. 5718

(e) As used in this section, "special elementary school" 5719  
means a school that meets all of the following criteria: 5720

(i) It is not chartered and does not receive tax revenue from 5721  
any source. 5722

(ii) It does not educate children beyond the eighth grade. 5723

(iii) It is located outside the limits of a municipal 5724  
corporation. 5725

(iv) A majority of the total number of students enrolled at 5726  
the school are not related by blood. 5727

(v) The principal or other person in charge of the special 5728  
elementary school annually sends a report to the superintendent of 5729  
the school district in which the special elementary school is 5730  
located indicating the total number of students enrolled at the 5731  
school, but otherwise the principal or other person in charge does 5732  
not report any other information or data to the superintendent. 5733

(2) Twenty-five miles per hour in all other portions of a 5734  
municipal corporation, except on state routes outside business 5735  
districts, through highways outside business districts, and 5736  
alleys; 5737

(3) Thirty-five miles per hour on all state routes or through 5738  
highways within municipal corporations outside business districts, 5739  
except as provided in divisions (B)(4) and (6) of this section; 5740

(4) Fifty miles per hour on controlled-access highways and 5741  
expressways within municipal corporations; 5742

(5) Fifty-five miles per hour on highways outside municipal 5743  
corporations, other than highways within island jurisdictions as 5744  
provided in division (B)(8) of this section, highways as provided 5745  
in division (B)(9) of this section, and freeways as provided in 5746

divisions (B)(13) <del>and (14)</del> , (16), and (17) of this section;	5747
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	5748 5749 5750
(7) Fifteen miles per hour on all alleys within the municipal corporation;	5751 5752
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	5753 5754
(9) <u>Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section.</u>	5755 5756 5757
<u>(10)</u> Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(13) <del>and (14)</del> , (16), and (17) of this section;	5758 5759 5760 5761
<del>(10)</del> (11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(13) <del>and (14)</del> , (16), and (17) of this section;	5762 5763 5764
<del>(11)</del> (12) Fifty-five miles per hour at all times <del>on all portions of freeways that are part of the interstate system and on</del> all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus, <del>except as provided in division (B)(14) of this section;</del>	5765 5766 5767 5768 5769 5770 5771 5772
<del>(12)</del> (13) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that <del>are part of the interstate system and that had such a speed limit</del>	5773 5774 5775 5776

established prior to October 1, 1995, and freeways that are not 5777  
part of the interstate system, but are built to the standards and 5778  
specifications that are applicable to freeways that are part of 5779  
the interstate system and that had such a speed limit established 5780  
prior to October 1, 1995, unless a higher speed limit is 5781  
established under division (L) of this section; 5782

~~(13)~~(14) Sixty-five miles per hour for operators of any motor 5783  
vehicle weighing eight thousand pounds or less empty weight and 5784  
any commercial bus at all times on all portions of the following: 5785

(a) ~~Freeways that are part of the interstate system and that~~ 5786  
~~had such a speed limit established prior to October 1, 1995, and~~ 5787  
~~freeways~~ that are not part of the interstate system, but are built 5788  
to the standards and specifications that are applicable to 5789  
freeways that are part of the interstate system and that had such 5790  
a speed limit established prior to October 1, 1995; 5791

(b) ~~Freeways that are part of the interstate system and~~ 5792  
~~freeways~~ that are not part of the interstate system but are built 5793  
to the standards and specifications that are applicable to 5794  
freeways that are part of the interstate system, and that had such 5795  
a speed limit established under division (L) of this section; 5796

(c) Rural, divided, multi-lane highways that are designated 5797  
as part of the national highway system under the "National Highway 5798  
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 5799  
and that had such a speed limit established under division (M) of 5800  
this section. 5801

~~(14)~~ Sixty-five (15) Fifty-five miles per hour for operators 5802  
of any motor vehicle at all times on all portions of freeways in 5803  
congested areas as determined by the director and that are part of 5804  
the interstate system and are located within a municipal 5805  
corporation or within an interstate freeway outerbelt; 5806

(16) Sixty-five miles per hour for operators of any motor 5807

vehicle at all times on all portions of freeways in urban areas as 5808  
determined by the director and that are part of the interstate 5809  
system and are part of an interstate freeway outerbelt; 5810

(17) Seventy miles per hour at all times on all portions of 5811  
freeways that are part of the interstate system and ~~that had such~~ 5812  
~~a speed limit on the effective date of this amendment~~ are outside 5813  
urbanized areas, as designated in accordance with 23 U.S.C. 101, 5814  
for operators of any all motor ~~vehicle weighing in excess of eight~~ 5815  
~~thousand pounds empty weight and any noncommercial bus~~ vehicles. 5816

(C) It is prima-facie unlawful for any person to exceed any 5817  
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 5818  
(6), (7), and (8) of this section, or any declared or established 5819  
pursuant to this section by the director or local authorities and 5820  
it is unlawful for any person to exceed any of the speed 5821  
limitations in division (D) of this section. No person shall be 5822  
convicted of more than one violation of this section for the same 5823  
conduct, although violations of more than one provision of this 5824  
section may be charged in the alternative in a single affidavit. 5825

(D) No person shall operate a motor vehicle, trackless 5826  
trolley, or streetcar upon a street or highway as follows: 5827

(1) At a speed exceeding fifty-five miles per hour, except 5828  
upon a two-lane state route as provided in division (B)(9) of this 5829  
section and upon a freeway as provided in divisions (B)(13) and 5830  
~~(14), (16), and (17)~~ of this section; 5831

(2) At a speed exceeding sixty miles per hour upon a two-lane 5832  
state route as provided in division (B)(9) of this section. 5833

(3) At a speed exceeding sixty-five miles per hour upon a 5834  
freeway as provided in division (B)(16) of this section, except 5835  
upon a freeway as provided in division (B)(17) of this section; 5836

(4) At a speed exceeding ~~sixty-five~~ seventy miles per hour 5837  
upon a freeway as provided in ~~divisions~~ division (B)~~(13) and~~ 5838

~~(14)~~(17) of this section; 5839

~~(3)~~(5) If a motor vehicle weighing in excess of eight 5840  
thousand pounds empty weight or a noncommercial bus as prescribed 5841  
in division (B)(11) of this section, at a speed exceeding 5842  
fifty-five miles per hour, except upon a freeway as provided in 5843  
~~that division~~ divisions (B)(16) and (17) of this section; 5844

~~(4)~~(6) At a speed exceeding the posted speed limit upon a 5845  
freeway for which the director has determined and declared a speed 5846  
limit of not more than sixty-five miles per hour pursuant to 5847  
division (L)(2) or (M) of this section; 5848

~~(5)~~(7) At a speed exceeding sixty-five miles per hour upon a 5849  
freeway for which such a speed limit has been established through 5850  
the operation of division (L)(3) of this section; 5851

~~(6)~~(8) At a speed exceeding the posted speed limit upon a 5852  
freeway for which the director has determined and declared a speed 5853  
limit pursuant to division (I)(2) of this section. 5854

(E) In every charge of violation of this section the 5855  
affidavit and warrant shall specify the time, place, and speed at 5856  
which the defendant is alleged to have driven, and in charges made 5857  
in reliance upon division (C) of this section also the speed which 5858  
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 5859  
declared or established pursuant to, this section declares is 5860  
prima-facie lawful at the time and place of such alleged 5861  
violation, except that in affidavits where a person is alleged to 5862  
have driven at a greater speed than will permit the person to 5863  
bring the vehicle to a stop within the assured clear distance 5864  
ahead the affidavit and warrant need not specify the speed at 5865  
which the defendant is alleged to have driven. 5866

(F) When a speed in excess of both a prima-facie limitation 5867  
and a limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ of 5868  
this section is alleged, the defendant shall be charged in a\_ 5869

single affidavit, alleging a single act, with a violation 5870  
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 5871  
(8) of this section, or of a limit declared or established 5872  
pursuant to this section by the director or local authorities, and 5873  
of the limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ 5874  
of this section. If the court finds a violation of division 5875  
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 5876  
or established pursuant to, this section has occurred, it shall 5877  
enter a judgment of conviction under such division and dismiss the 5878  
charge under division (D)~~(1), (2), (3), (4), (5), or (6)~~ of this 5879  
section. If it finds no violation of division (B)(1)(a), (2), (3), 5880  
(4), (6), (7), or (8) of, or a limit declared or established 5881  
pursuant to, this section, it shall then consider whether the 5882  
evidence supports a conviction under division (D)~~(1), (2), (3),~~ 5883  
~~(4), (5), or (6)~~ of this section. 5884

(G) Points shall be assessed for violation of a limitation 5885  
under division (D) of this section in accordance with section 5886  
4510.036 of the Revised Code. 5887

(H)(1) Whenever the director determines upon the basis of a 5888  
geometric and traffic characteristic study that any speed limit 5889  
set forth in divisions (B)(1)(a) to (D) of this section is greater 5890  
or less than is reasonable or safe under the conditions found to 5891  
exist at any portion of a street or highway under the jurisdiction 5892  
of the director, the director shall determine and declare a 5893  
reasonable and safe prima-facie speed limit, which shall be 5894  
effective when appropriate signs giving notice of it are erected 5895  
at the location. 5896

(2) Whenever the director determines upon the basis of a 5897  
geometric and traffic characteristic study that the speed limit of 5898  
fifty-five miles per hour on a two-lane state route outside a 5899  
municipal corporation is less than is reasonable or safe under the 5900  
conditions found to exist at that portion of the state route, the 5901

director may determine and declare a speed limit of sixty miles 5902  
per hour for that portion of the state route, which shall be 5903  
effective when appropriate signs giving notice of it are erected 5904  
at the location. 5905

(I)(1) Except as provided in divisions (I)(2) and (K) of this 5906  
section, whenever local authorities determine upon the basis of an 5907  
engineering and traffic investigation that the speed permitted by 5908  
divisions (B)(1)(a) to (D) of this section, on any part of a 5909  
highway under their jurisdiction, is greater than is reasonable 5910  
and safe under the conditions found to exist at such location, the 5911  
local authorities may by resolution request the director to 5912  
determine and declare a reasonable and safe prima-facie speed 5913  
limit. Upon receipt of such request the director may determine and 5914  
declare a reasonable and safe prima-facie speed limit at such 5915  
location, and if the director does so, then such declared speed 5916  
limit shall become effective only when appropriate signs giving 5917  
notice thereof are erected at such location by the local 5918  
authorities. The director may withdraw the declaration of a 5919  
prima-facie speed limit whenever in the director's opinion the 5920  
altered prima-facie speed becomes unreasonable. Upon such 5921  
withdrawal, the declared prima-facie speed shall become 5922  
ineffective and the signs relating thereto shall be immediately 5923  
removed by the local authorities. 5924

(2) A local authority may determine on the basis of a 5925  
geometric and traffic characteristic study that the speed limit of 5926  
sixty-five miles per hour on a portion of a freeway under its 5927  
jurisdiction that was established through the operation of 5928  
division (L)(3) of this section is greater than is reasonable or 5929  
safe under the conditions found to exist at that portion of the 5930  
freeway. If the local authority makes such a determination, the 5931  
local authority by resolution may request the director to 5932  
determine and declare a reasonable and safe speed limit of not 5933

less than fifty-five miles per hour for that portion of the 5934  
freeway. If the director takes such action, the declared speed 5935  
limit becomes effective only when appropriate signs giving notice 5936  
of it are erected at such location by the local authority. 5937

(J) Local authorities in their respective jurisdictions may 5938  
authorize by ordinance higher prima-facie speeds than those stated 5939  
in this section upon through highways, or upon highways or 5940  
portions thereof where there are no intersections, or between 5941  
widely spaced intersections, provided signs are erected giving 5942  
notice of the authorized speed, but local authorities shall not 5943  
modify or alter the basic rule set forth in division (A) of this 5944  
section or in any event authorize by ordinance a speed in excess 5945  
of fifty miles per hour. 5946

Alteration of prima-facie limits on state routes by local 5947  
authorities shall not be effective until the alteration has been 5948  
approved by the director. The director may withdraw approval of 5949  
any altered prima-facie speed limits whenever in the director's 5950  
opinion any altered prima-facie speed becomes unreasonable, and 5951  
upon such withdrawal, the altered prima-facie speed shall become 5952  
ineffective and the signs relating thereto shall be immediately 5953  
removed by the local authorities. 5954

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 5955  
section, "unimproved highway" means a highway consisting of any of 5956  
the following: 5957

(a) Unimproved earth; 5958

(b) Unimproved graded and drained earth; 5959

(c) Gravel. 5960

(2) Except as otherwise provided in divisions (K)(4) and (5) 5961  
of this section, whenever a board of township trustees determines 5962  
upon the basis of an engineering and traffic investigation that 5963  
the speed permitted by division (B)(5) of this section on any part 5964



of an unimproved highway under its jurisdiction and in the 5965  
unincorporated territory of the township is greater than is 5966  
reasonable or safe under the conditions found to exist at the 5967  
location, the board may by resolution declare a reasonable and 5968  
safe prima-facie speed limit of fifty-five but not less than 5969  
twenty-five miles per hour. An altered speed limit adopted by a 5970  
board of township trustees under this division becomes effective 5971  
when appropriate traffic control devices, as prescribed in section 5972  
4511.11 of the Revised Code, giving notice thereof are erected at 5973  
the location, which shall be no sooner than sixty days after 5974  
adoption of the resolution. 5975

(3)(a) Whenever, in the opinion of a board of township 5976  
trustees, any altered prima-facie speed limit established by the 5977  
board under this division becomes unreasonable, the board may 5978  
adopt a resolution withdrawing the altered prima-facie speed 5979  
limit. Upon the adoption of such a resolution, the altered 5980  
prima-facie speed limit becomes ineffective and the traffic 5981  
control devices relating thereto shall be immediately removed. 5982

(b) Whenever a highway ceases to be an unimproved highway and 5983  
the board has adopted an altered prima-facie speed limit pursuant 5984  
to division (K)(2) of this section, the board shall, by 5985  
resolution, withdraw the altered prima-facie speed limit as soon 5986  
as the highway ceases to be unimproved. Upon the adoption of such 5987  
a resolution, the altered prima-facie speed limit becomes 5988  
ineffective and the traffic control devices relating thereto shall 5989  
be immediately removed. 5990

(4)(a) If the boundary of two townships rests on the 5991  
centerline of an unimproved highway in unincorporated territory 5992  
and both townships have jurisdiction over the highway, neither of 5993  
the boards of township trustees of such townships may declare an 5994  
altered prima-facie speed limit pursuant to division (K)(2) of 5995  
this section on the part of the highway under their joint 5996

jurisdiction unless the boards of township trustees of both of the 5997  
townships determine, upon the basis of an engineering and traffic 5998  
investigation, that the speed permitted by division (B)(5) of this 5999  
section is greater than is reasonable or safe under the conditions 6000  
found to exist at the location and both boards agree upon a 6001  
reasonable and safe prima-facie speed limit of less than 6002  
fifty-five but not less than twenty-five miles per hour for that 6003  
location. If both boards so agree, each shall follow the procedure 6004  
specified in division (K)(2) of this section for altering the 6005  
prima-facie speed limit on the highway. Except as otherwise 6006  
provided in division (K)(4)(b) of this section, no speed limit 6007  
altered pursuant to division (K)(4)(a) of this section may be 6008  
withdrawn unless the boards of township trustees of both townships 6009  
determine that the altered prima-facie speed limit previously 6010  
adopted becomes unreasonable and each board adopts a resolution 6011  
withdrawing the altered prima-facie speed limit pursuant to the 6012  
procedure specified in division (K)(3)(a) of this section. 6013

(b) Whenever a highway described in division (K)(4)(a) of 6014  
this section ceases to be an unimproved highway and two boards of 6015  
township trustees have adopted an altered prima-facie speed limit 6016  
pursuant to division (K)(4)(a) of this section, both boards shall, 6017  
by resolution, withdraw the altered prima-facie speed limit as 6018  
soon as the highway ceases to be unimproved. Upon the adoption of 6019  
the resolution, the altered prima-facie speed limit becomes 6020  
ineffective and the traffic control devices relating thereto shall 6021  
be immediately removed. 6022

(5) As used in division (K)(5) of this section: 6023

(a) "Commercial subdivision" means any platted territory 6024  
outside the limits of a municipal corporation and fronting a 6025  
highway where, for a distance of three hundred feet or more, the 6026  
frontage is improved with buildings in use for commercial 6027  
purposes, or where the entire length of the highway is less than 6028

three hundred feet long and the frontage is improved with 6029  
buildings in use for commercial purposes. 6030

(b) "Residential subdivision" means any platted territory 6031  
outside the limits of a municipal corporation and fronting a 6032  
highway, where, for a distance of three hundred feet or more, the 6033  
frontage is improved with residences or residences and buildings 6034  
in use for business, or where the entire length of the highway is 6035  
less than three hundred feet long and the frontage is improved 6036  
with residences or residences and buildings in use for business. 6037

Whenever a board of township trustees finds upon the basis of 6038  
an engineering and traffic investigation that the prima-facie 6039  
speed permitted by division (B)(5) of this section on any part of 6040  
a highway under its jurisdiction that is located in a commercial 6041  
or residential subdivision, except on highways or portions thereof 6042  
at the entrances to which vehicular traffic from the majority of 6043  
intersecting highways is required to yield the right-of-way to 6044  
vehicles on such highways in obedience to stop or yield signs or 6045  
traffic control signals, is greater than is reasonable and safe 6046  
under the conditions found to exist at the location, the board may 6047  
by resolution declare a reasonable and safe prima-facie speed 6048  
limit of less than fifty-five but not less than twenty-five miles 6049  
per hour at the location. An altered speed limit adopted by a 6050  
board of township trustees under this division shall become 6051  
effective when appropriate signs giving notice thereof are erected 6052  
at the location by the township. Whenever, in the opinion of a 6053  
board of township trustees, any altered prima-facie speed limit 6054  
established by it under this division becomes unreasonable, it may 6055  
adopt a resolution withdrawing the altered prima-facie speed, and 6056  
upon such withdrawal, the altered prima-facie speed shall become 6057  
ineffective, and the signs relating thereto shall be immediately 6058  
removed by the township. 6059

(L)(1) Within one hundred twenty days of February 29, 1996, 6060

the director of transportation, based upon a geometric and traffic 6061  
characteristic study of a freeway that is part of the interstate 6062  
system or that is not part of the interstate system, but is built 6063  
to the standards and specifications that are applicable to 6064  
freeways that are part of the interstate system, in consultation 6065  
with the director of public safety and, if applicable, the local 6066  
authority having jurisdiction over a portion of such freeway, may 6067  
determine and declare that the speed limit of less than sixty-five 6068  
miles per hour established on such freeway or portion of freeway 6069  
either is reasonable and safe or is less than that which is 6070  
reasonable and safe. 6071

(2) If the established speed limit for such a freeway or 6072  
portion of freeway is determined to be less than that which is 6073  
reasonable and safe, the director of transportation, in 6074  
consultation with the director of public safety and, if 6075  
applicable, the local authority having jurisdiction over the 6076  
portion of freeway, shall determine and declare a reasonable and 6077  
safe speed limit of not more than sixty-five miles per hour for 6078  
that freeway or portion of freeway. 6079

The director of transportation or local authority having 6080  
jurisdiction over the freeway or portion of freeway shall erect 6081  
appropriate signs giving notice of the speed limit at such 6082  
location within one hundred fifty days of February 29, 1996. Such 6083  
speed limit becomes effective only when such signs are erected at 6084  
the location. 6085

(3) If, within one hundred twenty days of February 29, 1996, 6086  
the director of transportation does not make a determination and 6087  
declaration of a reasonable and safe speed limit for a freeway or 6088  
portion of freeway that is part of the interstate system or that 6089  
is not part of the interstate system, but is built to the 6090  
standards and specifications that are applicable to freeways that 6091  
are part of the interstate system and that has a speed limit of 6092

less than sixty-five miles per hour, the speed limit on that 6093  
freeway or portion of a freeway shall be sixty-five miles per 6094  
hour. The director of transportation or local authority having 6095  
jurisdiction over the freeway or portion of the freeway shall 6096  
erect appropriate signs giving notice of the speed limit of 6097  
sixty-five miles per hour at such location within one hundred 6098  
fifty days of February 29, 1996. Such speed limit becomes 6099  
effective only when such signs are erected at the location. A 6100  
speed limit established through the operation of division (L)(3) 6101  
of this section is subject to reduction under division (I)(2) of 6102  
this section. 6103

(M) Within three hundred sixty days after February 29, 1996, 6104  
the director of transportation, based upon a geometric and traffic 6105  
characteristic study of a rural, divided, multi-lane highway that 6106  
has been designated as part of the national highway system under 6107  
the "National Highway System Designation Act of 1995," 109 Stat. 6108  
568, 23 U.S.C.A. 103, in consultation with the director of public 6109  
safety and, if applicable, the local authority having jurisdiction 6110  
over a portion of the highway, may determine and declare that the 6111  
speed limit of less than sixty-five miles per hour established on 6112  
the highway or portion of highway either is reasonable and safe or 6113  
is less than that which is reasonable and safe. 6114

If the established speed limit for the highway or portion of 6115  
highway is determined to be less than that which is reasonable and 6116  
safe, the director of transportation, in consultation with the 6117  
director of public safety and, if applicable, the local authority 6118  
having jurisdiction over the portion of highway, shall determine 6119  
and declare a reasonable and safe speed limit of not more than 6120  
sixty-five miles per hour for that highway or portion of highway. 6121  
The director of transportation or local authority having 6122  
jurisdiction over the highway or portion of highway shall erect 6123  
appropriate signs giving notice of the speed limit at such 6124

location within three hundred ninety days after February 29, 1996. 6125  
The speed limit becomes effective only when such signs are erected 6126  
at the location. 6127

(N)(1)(a) If the boundary of two local authorities rests on 6128  
the centerline of a highway and both authorities have jurisdiction 6129  
over the highway, the speed limit for the part of the highway 6130  
within their joint jurisdiction shall be either one of the 6131  
following as agreed to by both authorities: 6132

(i) Either prima-facie speed limit permitted by division (B) 6133  
of this section; 6134

(ii) An altered speed limit determined and posted in 6135  
accordance with this section. 6136

(b) If the local authorities are unable to reach an 6137  
agreement, the speed limit shall remain as established and posted 6138  
under this section. 6139

(2) Neither local authority may declare an altered 6140  
prima-facie speed limit pursuant to this section on the part of 6141  
the highway under their joint jurisdiction unless both of the 6142  
local authorities determine, upon the basis of an engineering and 6143  
traffic investigation, that the speed permitted by this section is 6144  
greater than is reasonable or safe under the conditions found to 6145  
exist at the location and both authorities agree upon a uniform 6146  
reasonable and safe prima-facie speed limit of less than 6147  
fifty-five but not less than twenty-five miles per hour for that 6148  
location. If both authorities so agree, each shall follow the 6149  
procedure specified in this section for altering the prima-facie 6150  
speed limit on the highway, and the speed limit for the part of 6151  
the highway within their joint jurisdiction shall be uniformly 6152  
altered. No altered speed limit may be withdrawn unless both local 6153  
authorities determine that the altered prima-facie speed limit 6154  
previously adopted becomes unreasonable and each adopts a 6155

resolution withdrawing the altered prima-facie speed limit 6156  
pursuant to the procedure specified in this section. 6157

(0) As used in this section: 6158

(1) "Interstate system" has the same meaning as in 23 6159  
U.S.C.A. 101. 6160

(2) "Commercial bus" means a motor vehicle designed for 6161  
carrying more than nine passengers and used for the transportation 6162  
of persons for compensation. 6163

(3) "Noncommercial bus" includes but is not limited to a 6164  
school bus or a motor vehicle operated solely for the 6165  
transportation of persons associated with a charitable or 6166  
nonprofit organization. 6167

(4) "Outerbelt" means a portion of a freeway that is part of 6168  
the interstate system and is located in the outer vicinity of a 6169  
major municipal corporation or group of municipal corporations, as 6170  
designated by the director. 6171

(P)(1) A violation of any provision of this section is one of 6172  
the following: 6173

(a) Except as otherwise provided in divisions (P)(1)(b), 6174  
(1)(c), (2), and (3) of this section, a minor misdemeanor; 6175

(b) If, within one year of the offense, the offender 6176  
previously has been convicted of or pleaded guilty to two 6177  
violations of any provision of this section or of any provision of 6178  
a municipal ordinance that is substantially similar to any 6179  
provision of this section, a misdemeanor of the fourth degree; 6180

(c) If, within one year of the offense, the offender 6181  
previously has been convicted of or pleaded guilty to three or 6182  
more violations of any provision of this section or of any 6183  
provision of a municipal ordinance that is substantially similar 6184  
to any provision of this section, a misdemeanor of the third 6185

degree. 6186

(2) If the offender has not previously been convicted of or 6187  
pleaded guilty to a violation of any provision of this section or 6188  
of any provision of a municipal ordinance that is substantially 6189  
similar to this section and operated a motor vehicle faster than 6190  
thirty-five miles an hour in a business district of a municipal 6191  
corporation, faster than fifty miles an hour in other portions of 6192  
a municipal corporation, or faster than thirty-five miles an hour 6193  
in a school zone during recess or while children are going to or 6194  
leaving school during the school's opening or closing hours, a 6195  
misdemeanor of the fourth degree. 6196

(3) Notwithstanding division (P)(1) of this section, if the 6197  
offender operated a motor vehicle in a construction zone where a 6198  
sign was then posted in accordance with section 4511.98 of the 6199  
Revised Code, the court, in addition to all other penalties 6200  
provided by law, shall impose upon the offender a fine of two 6201  
times the usual amount imposed for the violation. No court shall 6202  
impose a fine of two times the usual amount imposed for the 6203  
violation upon an offender if the offender alleges, in an 6204  
affidavit filed with the court prior to the offender's sentencing, 6205  
that the offender is indigent and is unable to pay the fine 6206  
imposed pursuant to this division and if the court determines that 6207  
the offender is an indigent person and unable to pay the fine. 6208

**Sec. 4511.61.** (A) As used in this section, "active grade 6209  
crossing warning device" has the same meaning as in section 6210  
5733.43 of the Revised Code. 6211

(B) The department of transportation and local authorities in 6212  
their respective jurisdictions, with the approval of the 6213  
department, may designate dangerous highway crossings over 6214  
railroad tracks whether on state, county, or township highways or 6215  
on streets or ways within municipal corporations, and erect stop 6216



signs thereat. ~~When such~~ 6217

(C)(1) The department and local authorities shall erect stop 6218  
signs at a railroad highway grade crossing in either of the 6219  
following circumstances: 6220

(a) New warning devices that are not active grade crossing 6221  
warning devices are being installed at the grade crossing, and 6222  
railroad crossbucks were the only warning devices at the grade 6223  
crossing prior to the installation of the new warning devices. 6224

(b) The grade crossing is constructed after the effective 6225  
date of this amendment and only warning devices that are not 6226  
active grade crossing warning devices are installed at the grade 6227  
crossing. 6228

(2) Division (C)(1) of this section does not apply to a 6229  
railroad highway grade crossing that the director of 6230  
transportation has exempted from that division because of traffic 6231  
flow or other considerations or factors. 6232

(D) When stop signs are erected pursuant to division (B) or 6233  
(C) of this section, the operator of any vehicle, streetcar, or 6234  
trackless trolley shall stop within fifty, but not less than 6235  
fifteen, feet from the nearest rail of the railroad tracks and 6236  
shall exercise due care before proceeding across such grade 6237  
crossing. 6238

~~(B)~~(E) Except as otherwise provided in this division, whoever 6239  
violates division (D) of this section is guilty of a minor 6240  
misdemeanor. If, within one year of the offense, the offender 6241  
previously has been convicted of or pleaded guilty to one 6242  
predicate motor vehicle or traffic offense, whoever violates this 6243  
section is guilty of a misdemeanor of the fourth degree. If, 6244  
within one year of the offense, the offender previously has been 6245  
convicted of two or more predicate motor vehicle or traffic 6246  
offenses, whoever violates this section is guilty of a misdemeanor 6247

of the third degree. 6248

**Sec. 4513.263.** (A) As used in this section and in section 6249  
4513.99 of the Revised Code: 6250

(1) "Automobile" means any commercial tractor, passenger car, 6251  
commercial car, or truck that is required to be factory-equipped 6252  
with an occupant restraining device for the operator or any 6253  
passenger by regulations adopted by the United States secretary of 6254  
transportation pursuant to the "National Traffic and Motor Vehicle 6255  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 6256

(2) "Occupant restraining device" means a seat safety belt, 6257  
shoulder belt, harness, or other safety device for restraining a 6258  
person who is an operator of or passenger in an automobile and 6259  
that satisfies the minimum federal vehicle safety standards 6260  
established by the United States department of transportation. 6261

(3) "Passenger" means any person in an automobile, other than 6262  
its operator, who is occupying a seating position for which an 6263  
occupant restraining device is provided. 6264

(4) "Commercial tractor," "passenger car," and "commercial 6265  
car" have the same meanings as in section 4501.01 of the Revised 6266  
Code. 6267

(5) "Vehicle" and "motor vehicle," as used in the definitions 6268  
of the terms set forth in division (A)(4) of this section, have 6269  
the same meanings as in section 4511.01 of the Revised Code. 6270

(6) "Tort action" means a civil action for damages for 6271  
injury, death, or loss to person or property. "Tort action" 6272  
includes a product liability claim, as defined in section 2307.71 6273  
of the Revised Code, and an asbestos claim, as defined in section 6274  
2307.91 of the Revised Code, but does not include a civil action 6275  
for damages for breach of contract or another agreement between 6276  
persons. 6277

(B) No person shall do any of the following: 6278

(1) Operate an automobile on any street or highway unless 6279  
that person is wearing all of the available elements of a properly 6280  
adjusted occupant restraining device, or operate a school bus that 6281  
has an occupant restraining device installed for use in its 6282  
operator's seat unless that person is wearing all of the available 6283  
elements of the device, as properly adjusted; 6284

(2) Operate an automobile on any street or highway unless 6285  
each passenger in the automobile who is subject to the requirement 6286  
set forth in division (B)(3) of this section is wearing all of the 6287  
available elements of a properly adjusted occupant restraining 6288  
device; 6289

(3) Occupy, as a passenger, a seating position on the front 6290  
seat of an automobile being operated on any street or highway 6291  
unless that person is wearing all of the available elements of a 6292  
properly adjusted occupant restraining device; 6293

(4) Operate a taxicab on any street or highway unless all 6294  
factory-equipped occupant restraining devices in the taxicab are 6295  
maintained in usable form. 6296

(C) Division (B)(3) of this section does not apply to a 6297  
person who is required by section 4511.81 of the Revised Code to 6298  
be secured in a child restraint device or booster seat. Division 6299  
(B)(1) of this section does not apply to a person who is an 6300  
employee of the United States postal service or of a newspaper 6301  
home delivery service, during any period in which the person is 6302  
engaged in the operation of an automobile to deliver mail or 6303  
newspapers to addressees. Divisions (B)(1) and (3) of this section 6304  
do not apply to a person who has an affidavit signed by a 6305  
physician licensed to practice in this state under Chapter 4731. 6306  
of the Revised Code or a chiropractor licensed to practice in this 6307  
state under Chapter 4734. of the Revised Code that states that the 6308

person has a physical impairment that makes use of an occupant 6309  
restraining device impossible or impractical. 6310

(D) Notwithstanding any provision of law to the contrary, no 6311  
law enforcement officer shall cause an operator of an automobile 6312  
being operated on any street or highway to stop the automobile for 6313  
the sole purpose of determining whether a violation of division 6314  
(B) of this section has been or is being committed or for the sole 6315  
purpose of issuing a ticket, citation, or summons for a violation 6316  
of that nature or causing the arrest of or commencing a 6317  
prosecution of a person for a violation of that nature, and no law 6318  
enforcement officer shall view the interior or visually inspect 6319  
any automobile being operated on any street or highway for the 6320  
sole purpose of determining whether a violation of that nature has 6321  
been or is being committed. 6322

(E) All fines collected for violations of division (B) of 6323  
this section, or for violations of any ordinance or resolution of 6324  
a political subdivision that is substantively comparable to that 6325  
division, shall be forwarded to the treasurer of state for deposit 6326  
into the state treasury to the credit of the trauma and emergency 6327  
medical services fund, which is hereby created. In addition, sixty 6328  
cents of each fee collected under sections 4501.34, 4503.26, 6329  
4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as 6330  
specified in those sections, plus the portion of the driver's 6331  
license reinstatement fee described in division (F)(2)(g) of 6332  
section 4511.191 of the Revised Code, plus all fees collected 6333  
under section 4765.11 of the Revised Code, plus all fines imposed 6334  
under section 4765.55 of the Revised Code, plus the fees and other 6335  
moneys specified in section 4766.05 of the Revised Code, and plus 6336  
five per cent of fines and moneys arising from bail forfeitures as 6337  
directed by section 5503.04 of the Revised Code, also shall be 6338  
deposited into the trauma and emergency medical services fund. All 6339  
money deposited into the trauma and emergency medical services 6340

fund shall be used by the department of public safety for the 6341  
administration and operation of the division of emergency medical 6342  
services and the state board of emergency medical, fire, and 6343  
transportation services, and by the state board of emergency 6344  
medical, fire, and transportation services to make grants, in 6345  
accordance with section 4765.07 of the Revised Code and rules the 6346  
board adopts under section 4765.11 of the Revised Code. The 6347  
director of budget and management may transfer excess money from 6348  
the trauma and emergency medical services fund to the state 6349  
highway safety fund if the director of public safety determines 6350  
that the amount of money in the trauma and emergency medical 6351  
services fund exceeds the amount required to cover such costs 6352  
incurred by the emergency medical services agency and the grants 6353  
made by the state board of emergency medical, fire, and 6354  
transportation services and requests the director of budget and 6355  
management to make the transfer. 6356

(F)(1) Subject to division (F)(2) of this section, the 6357  
failure of a person to wear all of the available elements of a 6358  
properly adjusted occupant restraining device in violation of 6359  
division (B)(1) or (3) of this section or the failure of a person 6360  
to ensure that each minor who is a passenger of an automobile 6361  
being operated by that person is wearing all of the available 6362  
elements of a properly adjusted occupant restraining device in 6363  
violation of division (B)(2) of this section shall not be 6364  
considered or used by the trier of fact in a tort action as 6365  
evidence of negligence or contributory negligence. But, the trier 6366  
of fact may determine based on evidence admitted consistent with 6367  
the Ohio Rules of Evidence that the failure contributed to the 6368  
harm alleged in the tort action and may diminish a recovery of 6369  
compensatory damages that represents noneconomic loss, as defined 6370  
in section 2307.011 of the Revised Code, in a tort action that 6371  
could have been recovered but for the plaintiff's failure to wear 6372  
all of the available elements of a properly adjusted occupant 6373

restraining device. Evidence of that failure shall not be used as 6374  
a basis for a criminal prosecution of the person other than a 6375  
prosecution for a violation of this section; and shall not be 6376  
admissible as evidence in a criminal action involving the person 6377  
other than a prosecution for a violation of this section. 6378

(2) If, at the time of an accident involving a passenger car 6379  
equipped with occupant restraining devices, any occupant of the 6380  
passenger car who sustained injury or death was not wearing an 6381  
available occupant restraining device, was not wearing all of the 6382  
available elements of such a device, or was not wearing such a 6383  
device as properly adjusted, then, consistent with the Rules of 6384  
Evidence, the fact that the occupant was not wearing the available 6385  
occupant restraining device, was not wearing all of the available 6386  
elements of such a device, or was not wearing such a device as 6387  
properly adjusted is admissible in evidence in relation to any 6388  
claim for relief in a tort action to the extent that the claim for 6389  
relief satisfies all of the following: 6390

(a) It seeks to recover damages for injury or death to the 6391  
occupant. 6392

(b) The defendant in question is the manufacturer, designer, 6393  
distributor, or seller of the passenger car. 6394

(c) The claim for relief against the defendant in question is 6395  
that the injury or death sustained by the occupant was enhanced or 6396  
aggravated by some design defect in the passenger car or that the 6397  
passenger car was not crashworthy. 6398

(G)(1) Whoever violates division (B)(1) of this section shall 6399  
be fined thirty dollars. 6400

(2) Whoever violates division (B)(3) of this section shall be 6401  
fined twenty dollars. 6402

(3) Except as otherwise provided in this division, whoever 6403  
violates division (B)(4) of this section is guilty of a minor 6404

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

**Sec. 4513.34.** (A)(1) The director of transportation with  
respect to all highways that are a part of the state highway  
system and local authorities with respect to highways under their  
jurisdiction, upon application in writing, shall issue a special  
regional heavy hauling permit authorizing the applicant to operate  
or move a vehicle or combination of vehicles as follows:

(a) At a size or weight of vehicle or load exceeding the  
maximum specified in sections 5577.01 to 5577.09 of the Revised  
Code, or otherwise not in conformity with sections 4513.01 to  
4513.37 of the Revised Code;

(b) Upon any highway under the jurisdiction of the authority  
granting the permit except those highways with a condition  
insufficient to bear the weight of the vehicle or combination of  
vehicles as stated in the application;

(c) For regional trips at distances of one hundred fifty  
miles or less from a facility stated on the application as the  
applicant's point of origin.

Issuance of a special regional heavy hauling permit is  
subject to the payment of a fee established by the director or  
local authority in accordance with this section.

(2) In circumstances where a person is not eligible to  
receive a permit under division (A)(1) of this section, the  
director of transportation with respect to all highways that are a  
part of the state highway system and local authorities with  
respect to highways under their jurisdiction, upon application in  
writing and for good cause shown, may issue a special permit in

writing authorizing the applicant to operate or move a vehicle or 6435  
combination of vehicles of a size or weight of vehicle or load 6436  
exceeding the maximum specified in sections 5577.01 to 5577.09 of 6437  
the Revised Code, or otherwise not in conformity with sections 6438  
4513.01 to 4513.37 of the Revised Code, upon any highway under the 6439  
jurisdiction of the authority granting the permit. 6440

(3) For purposes of this section, the director may designate 6441  
certain state highways or portions of state highways as special 6442  
economic development highways. If an application submitted to the 6443  
director under this section involves travel of a nonconforming 6444  
vehicle or combination of vehicles upon a special economic 6445  
development highway, the director, in determining whether good 6446  
cause has been shown that issuance of a permit is justified, shall 6447  
consider the effect the travel of the vehicle or combination of 6448  
vehicles will have on the economic development in the area in 6449  
which the designated highway or portion of highway is located. 6450

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 6451  
Code, the holder of a ~~special~~ permit issued by the director under 6452  
this section may move the vehicle or combination of vehicles 6453  
described in the ~~special~~ permit on any highway that is a part of 6454  
the state highway system when the movement is partly within and 6455  
partly without the corporate limits of a municipal corporation. No 6456  
local authority shall require any other permit or license or 6457  
charge any license fee or other charge against the holder of a 6458  
permit for the movement of a vehicle or combination of vehicles on 6459  
any highway that is a part of the state highway system. The 6460  
director shall not require the holder of a permit issued by a 6461  
local authority to obtain a special permit for the movement of 6462  
vehicles or combination of vehicles on highways within the 6463  
jurisdiction of the local authority. Permits may be issued for any 6464  
period of time not to exceed one year, as the director in the 6465  
director's discretion or a local authority in its discretion 6466



determines advisable, or for the duration of any public 6467  
construction project. 6468

(C)(1) The application for a permit issued under this section 6469  
shall be in the form that the director or local authority 6470  
prescribes. The director or local authority may prescribe a permit 6471  
fee to be imposed and collected when any permit described in this 6472  
section is issued. The permit fee may be in an amount sufficient 6473  
to reimburse the director or local authority for the 6474  
administrative costs incurred in issuing the permit, and also to 6475  
cover the cost of the normal and expected damage caused to the 6476  
roadway or a street or highway structure as the result of the 6477  
operation of the nonconforming vehicle or combination of vehicles. 6478  
The director, in accordance with Chapter 119. of the Revised Code, 6479  
shall establish a schedule of fees for permits issued by the 6480  
director under this section; however, the fee to operate a triple 6481  
trailer unit, at locations authorized under federal law, shall be 6482  
one hundred dollars. 6483

(2) For the purposes of this section and of rules adopted by 6484  
the director under this section, milk transported in bulk by 6485  
vehicle is deemed a nondivisible load. 6486

(D) The director or a local authority shall issue a special 6487  
regional heavy hauling permit under division (A)(1) of this 6488  
section upon application and payment of the applicable fee. 6489  
However, the director or local authority may issue or withhold a 6490  
special permit specified in division (A)(2) of this section. If a 6491  
permit is to be issued, the director or local authority may limit 6492  
or prescribe conditions of operation for the vehicle and may 6493  
require the posting of a bond or other security conditioned upon 6494  
the sufficiency of the permit fee to compensate for damage caused 6495  
to the roadway or a street or highway structure. In addition, a 6496  
local authority, as a condition of issuance of an overweight 6497  
permit, may require the applicant to develop and enter into a 6498

mutual agreement with the local authority to compensate for or to 6499  
repair excess damage caused to the roadway by travel under the 6500  
permit. 6501

For a permit that will allow travel of a nonconforming 6502  
vehicle or combination of vehicles on a special economic 6503  
development highway, the director, as a condition of issuance, may 6504  
require the applicant to agree to make periodic payments to the 6505  
department to compensate for damage caused to the roadway by 6506  
travel under the permit. 6507

(E) Every permit issued under this section shall be carried 6508  
in the vehicle or combination of vehicles to which it refers and 6509  
shall be open to inspection by any police officer or authorized 6510  
agent of any authority granting the permit. No person shall 6511  
violate any of the terms of a permit. 6512

(F) The director may debar an applicant from applying for a 6513  
~~special~~ permit under this section upon a finding based on a 6514  
reasonable belief that the applicant has done any of the 6515  
following: 6516

(1) Abused the process by repeatedly submitting false 6517  
information or false travel plans or by using another company or 6518  
individual's name, insurance, or escrow account without proper 6519  
authorization; 6520

(2) Failed to comply with or substantially perform under a 6521  
previously issued ~~special~~ permit according to its terms, 6522  
conditions, and specifications within specified time limits; 6523

(3) Failed to cooperate in the application process for the 6524  
~~special~~ permit or in any other procedures that are related to the 6525  
issuance of the ~~special~~ permit by refusing to provide information 6526  
or documents required in a permit or by failing to respond to and 6527  
correct matters related to the ~~special~~ permit; 6528

(4) Accumulated repeated justified complaints regarding 6529

performance under a ~~special~~ permit that was previously issued to 6530  
the applicant or previously failed to obtain a ~~special~~ permit when 6531  
such a permit was required; 6532

(5) Attempted to influence a public employee to breach 6533  
ethical conduct standards; 6534

(6) Been convicted of a criminal offense related to the 6535  
application for, or performance under, a ~~special~~ permit, 6536  
including, but not limited to, bribery, falsification, fraud or 6537  
destruction of records, receiving stolen property, and any other 6538  
offense that directly reflects on the applicant's integrity or 6539  
commercial driver's license; 6540

(7) Accumulated repeated convictions under a state or federal 6541  
safety law governing commercial motor vehicles or a rule or 6542  
regulation adopted under such a law; 6543

(8) Accumulated repeated convictions under a law, rule, or 6544  
regulation governing the movement of traffic over the public 6545  
streets and highways; 6546

(9) Failed to pay any fees associated with any permitted 6547  
operation or move; 6548

(10) Deliberately or willfully submitted false or misleading 6549  
information in connection with the application for, or performance 6550  
under, a ~~special~~ permit issued under this section. 6551

If the applicant is a partnership, association, or 6552  
corporation, the director also may debar from consideration for 6553  
~~special~~ permits any partner of the partnership, or the officers, 6554  
directors, or employees of the association or corporation being 6555  
debarred. 6556

The director may adopt rules in accordance with Chapter 119. 6557  
of the Revised Code governing the debarment of an applicant. 6558

(G) When the director reasonably believes that grounds for 6559

debarment exist, the director shall send the person that is 6560  
subject to debarment a notice of the proposed debarment. A notice 6561  
of proposed debarment shall indicate the grounds for the debarment 6562  
of the person and the procedure for requesting a hearing. The 6563  
notice and hearing shall be in accordance with Chapter 119. of the 6564  
Revised Code. If the person does not respond with a request for a 6565  
hearing in the manner specified in that chapter, the director 6566  
shall issue the debarment decision without a hearing and shall 6567  
notify the person of the decision by certified mail, return 6568  
receipt requested. The debarment period may be of any length 6569  
determined by the director, and the director may modify or rescind 6570  
the debarment at any time. During the period of debarment, the 6571  
director shall not issue, or consider issuing, a ~~special~~ permit 6572  
under this section to any partnership, association, or corporation 6573  
that is affiliated with a debarred person. After the debarment 6574  
period expires, the person, and any partnership, association, or 6575  
corporation affiliated with the person, may reapply for a ~~special~~ 6576  
permit. 6577

(H)(1) No person shall violate the terms of a permit issued 6578  
under this section that relate to gross load limits. 6579

(2) No person shall violate the terms of a permit issued 6580  
under this section that relate to axle load by more than two 6581  
thousand pounds per axle or group of axles. 6582

(3) No person shall violate the terms of a permit issued 6583  
under this section that relate to an approved route except upon 6584  
order of a law enforcement officer. 6585

(I) Whoever violates division (H) of this section shall be 6586  
punished as provided in section 4513.99 of the Revised Code. 6587

(J) A permit issued by the department of transportation or a 6588  
local authority under this section for the operation of a vehicle 6589  
or combination of vehicles is valid for the purposes of the 6590

vehicle operation in accordance with the conditions and 6591  
limitations specified on the permit. Such a permit is voidable by 6592  
law enforcement only for operation of a vehicle or combination of 6593  
vehicles in violation of the weight, dimension, or route 6594  
provisions of the permit. However, a permit is not voidable for 6595  
operation in violation of a route provision of a permit if the 6596  
operation is upon the order of a law enforcement officer. 6597

**Sec. 4513.53.** (A) The superintendent of the state highway 6598  
patrol, with approval of the director of public safety, may 6599  
appoint and maintain necessary staff to carry out the inspection 6600  
of buses. 6601

(B) The superintendent of the state highway patrol shall 6602  
adopt a distinctive annual safety inspection decal bearing the 6603  
date of inspection. The state highway patrol may remove any decal 6604  
from a bus that fails any inspection. 6605

(C) ~~Fees~~ Bus inspection fees collected by the state highway 6606  
patrol under section 4513.52 of the Revised Code shall be paid 6607  
into the state treasury to the credit of the ~~general revenue fund.~~ 6608  
~~Annually by the first day of June, the director of public safety~~ 6609  
~~shall determine the amount of fees collected under section 4513.52~~ 6610  
~~of the Revised Code and shall certify the amount to the director~~ 6611  
~~of budget and management for reimbursement. The director of budget~~ 6612  
~~and management then may transfer cash up to the amount certified~~ 6613  
~~from the general revenue fund to the state highway safety fund~~ 6614  
created in section 4501.06 of the Revised Code. 6615

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on any 6616  
highway, public street, or other property open to the public for 6617  
purposes of vehicular travel and if any motor vehicle, cargo, or 6618  
personal property that has been damaged or spilled as a result of 6619  
the motor vehicle accident is blocking the highway, street, or 6620

other property or is otherwise endangering public safety, the 6621  
sheriff of the county, or the chief of police of the municipal 6622  
corporation, township, or township or joint police district, in 6623  
which the accident occurred, a state highway patrol trooper, ~~or~~ 6624  
the chief of the fire department having jurisdiction where the 6625  
accident occurred ~~may~~, or a duly authorized subordinate acting on 6626  
behalf of an official specified above, without consent of the 6627  
owner but with the approval of the law enforcement agency 6628  
conducting any investigation of the accident, may remove the motor 6629  
vehicle if the motor vehicle is unoccupied, cargo, or personal 6630  
property from the portion of the highway, public street, or 6631  
property ordinarily used for vehicular travel on the highway, 6632  
public street, or other property open to the public for purposes 6633  
of vehicular travel. 6634

(B)(1) Except as provided in division (B)(2) or (3) of this 6635  
section, no employee of the department of transportation, sheriff, 6636  
deputy sheriff, chief of police or police officer of a municipal 6637  
corporation, township, or township or joint police district, state 6638  
highway patrol trooper, chief of a fire department, ~~or~~ fire 6639  
fighter, or a duly authorized subordinate acting on behalf of such 6640  
an official who authorizes or participates in the removal of any 6641  
unoccupied motor vehicle, cargo, or personal property as 6642  
authorized by division (A) of this section is liable in civil 6643  
damages for any injury, death, or loss to person or property that 6644  
results from the removal of that unoccupied motor vehicle, cargo, 6645  
or personal property. Except as provided in division (B)(2) or (3) 6646  
of this section, if the department of transportation or a sheriff, 6647  
chief of police of a municipal corporation, township, or township 6648  
or joint police district, head of the state highway patrol, ~~or~~ 6649  
chief of a fire department, or a duly authorized subordinate 6650  
acting on behalf of such an official authorizes, employs, or 6651  
arranges to have a private tow truck operator or towing company 6652

remove any unoccupied motor vehicle, cargo, or personal property 6653  
as authorized by division (A) of this section, that private tow 6654  
truck operator or towing company is not liable in civil damages 6655  
for any injury, death, or loss to person or property that results 6656  
from the removal of that unoccupied motor vehicle, cargo, or 6657  
personal property, ~~and. Further,~~ the department of transportation, 6658  
sheriff, chief of police, head of the state highway patrol, ~~or~~ 6659  
fire department chief, or a duly authorized subordinate acting on 6660  
behalf of such an official is not liable in civil damages for any 6661  
injury, death, or loss to person or property that results from the 6662  
private tow truck operator or towing company's removal of that 6663  
unoccupied motor vehicle, cargo, or personal property. 6664

(2) Division (B)(1) of this section does not apply to any 6665  
person or entity involved in the removal of an unoccupied motor 6666  
vehicle, cargo, or personal property pursuant to division (A) of 6667  
this section if that removal causes or contributes to the release 6668  
of a hazardous material or to structural damage to the roadway. 6669

(3) Division (B)(1) of this section does not apply to a 6670  
private tow truck operator or towing company that was not 6671  
authorized, employed, or arranged by the department of 6672  
transportation, a sheriff, a chief of police of a municipal 6673  
corporation, township, or township or joint police district, the 6674  
head of the state highway patrol, ~~or~~ a chief of a fire department, 6675  
or a duly authorized subordinate acting on behalf of such an 6676  
official or to a private tow truck operator or towing company that 6677  
was authorized, employed, or arranged by the department of 6678  
transportation, a sheriff, a chief of police of a municipal 6679  
corporation, township, or township or joint police district, the 6680  
head of the state highway patrol, or a chief of a fire department, 6681  
or a duly authorized subordinate acting on behalf of such an 6682  
official to perform the removal of the unoccupied motor vehicle, 6683  
cargo, or personal property and the private tow truck operator or 6684

towing company performed the removal in a reckless or willful manner. 6685  
6686

(C) As used in this section, "hazardous material" has the same meaning as in section 2305.232 of the Revised Code. 6687  
6688

**Sec. 4517.021.** (A) Sections 4517.01, 4517.02, and 4517.03 to 4517.45 of the Revised Code do not apply to a person auctioning classic motor vehicles, provided all of the following apply: 6689  
6690  
6691

(1) The person is responsible for not more than ~~two~~ four auctions of classic motor vehicles per year, with no auction lasting more than two days; 6692  
6693  
6694

(2) The person requests and receives permission for the auction from the registrar of motor vehicles by filing an application for each proposed auction of classic motor vehicles, at least thirty days before the auction, in a form prescribed by the registrar, signed and sworn to by the person, that contains all of the following: 6695  
6696  
6697  
6698  
6699  
6700

(a) The person's name and business address; 6701

(b) The location of the auction; 6702

(c) Evidence, sufficient to satisfy the registrar, that the person does not exclusively sell motor vehicles; 6703  
6704

(d) Any necessary, reasonable, and relevant information that the registrar may require to verify compliance with this section. 6705  
6706

(3) The person will be auctioning the classic motor vehicle to the general public for the legal owner of the vehicle, which ownership must be evidenced at the time of the auction by a valid certificate of title issued pursuant to Chapter 4505. of the Revised Code; 6707  
6708  
6709  
6710  
6711

(4) The person keeps a record of the following information for each classic motor vehicle offered for sale at auction, in a 6712  
6713



manner prescribed by the registrar:	6714
(a) The certificate of title number, county, and state of registration;	6715 6716
(b) The year, make, model, and vehicle identification number;	6717
(c) The name and address of the person offering the vehicle for sale;	6718 6719
(d) The name and address of any vehicle purchaser;	6720
(e) The date the vehicle is offered for sale;	6721
(f) Any purchase price;	6722
(g) The odometer reading at the time of the auction and an odometer statement from the person offering the vehicle for sale at auction that complies with 49 U.S.C. 32705.	6723 6724 6725
(5) The person allows reasonable inspection by the registrar of the person's records relating to each classic motor vehicle auction.	6726 6727 6728
(B) Any person that auctions classic motor vehicles under this section shall use the auction services of an auction firm to conduct the auction.	6729 6730 6731
(C) The registrar may refuse permission to hold an auction if the registrar finds that the person has not complied with division (A) of this section or has made a false statement of a material fact in the application filed under division (A)(2) of this section.	6732 6733 6734 6735 6736
(D) The registrar shall not authorize a person licensed under section 4707.072 of the Revised Code to offer auction services or act as an auctioneer in regard to an auction of classic motor vehicles pursuant to this section.	6737 6738 6739 6740
(E) As used in this section:	6741
(1) "Auction firm" and "auction services" have the same	6742

meanings as in section 4707.01 of the Revised Code. 6743

(2) "Classic motor vehicle" means a motor vehicle that is 6744  
over twenty-six years old. 6745

**Sec. 4561.01.** As used in sections 4561.01 to ~~4561.151~~ 4561.25 6746  
of the Revised Code: 6747

(A) "Aviation" means transportation by aircraft; operation of 6748  
aircraft; the establishment, operation, maintenance, repair, and 6749  
improvement of airports, landing fields, and other air navigation 6750  
facilities; and all other activities connected therewith or 6751  
incidental thereto. 6752

(B) "Aircraft" means any contrivance used or designed for 6753  
navigation or flight in the air, excepting a parachute or other 6754  
contrivance for such navigation used primarily as safety 6755  
equipment. 6756

(C) "Airport" means any location either on land or water 6757  
which is used for the landing and taking off of aircraft. 6758

(D) "Landing field" means any location either on land or 6759  
water of such size and nature as to permit the landing or taking 6760  
off of aircraft with safety, and used for that purpose but not 6761  
equipped to provide for the shelter, supply, or care of aircraft. 6762

(E) "Air navigation facility" means any facility used, 6763  
available for use, or designed for use in aid of navigation of 6764  
aircraft, including airports, landing fields, facilities for the 6765  
servicing of aircraft or for the comfort and accommodation of air 6766  
travelers, and any structures, mechanisms, lights, beacons, marks, 6767  
communicating systems, or other instrumentalities or devices used 6768  
or useful as an aid to the safe taking off, navigation, and 6769  
landing of aircraft, or to the safe and efficient operation or 6770  
maintenance of an airport or landing field, and any combination of 6771  
such facilities. 6772

(F) "Air navigation hazard" means any structure, object of 6773  
natural growth, or use of land, that obstructs the air space 6774  
required for the flight of aircraft in landing or taking off at 6775  
any airport or landing field, or that otherwise is hazardous to 6776  
such landing or taking off. 6777

(G) "Air navigation," "navigation of aircraft," or "navigate 6778  
aircraft" means the operation of aircraft in the air space over 6779  
this state. 6780

(H) "~~Airman~~ Airperson" means any individual who, as the 6781  
person in command, or as pilot, mechanic, or member of the crew, 6782  
engages in the navigation of aircraft. 6783

(I) "Airway" means a route in the air space over and above 6784  
the lands or waters of this state, designated by the Ohio aviation 6785  
board as a route suitable for the navigation of aircraft. 6786

(J) "Person" means any individual, firm, partnership, 6787  
corporation, company, association, joint stock association, or 6788  
body politic, and includes any trustee, receiver, assignee, or 6789  
other similar representative thereof. 6790

(K) "Government agency" means a state agency, state 6791  
institution of higher education, regional port authority, or any 6792  
other political subdivision of the state, or the federal 6793  
government or other states. 6794

**Sec. 4561.06.** The department of transportation shall 6795  
encourage the development of aviation and the promotion of 6796  
aviation education and research within this state as, in its 6797  
judgment, may best serve the public interest. 6798

The department may furnish engineering or other technical 6799  
counsel and services, with or without charge therefor, to any 6800  
appropriate government agency ~~of any county or municipal~~ 6801  
~~corporation of the state~~ desiring such counsel or services in 6802

connection with any question or problem concerning the need for, 6803  
or the location, construction, maintenance, or operation of 6804  
airports, landing fields, or other air navigation facilities ~~in~~ 6805  
~~the county or municipal corporation.~~ 6806

The department shall be the official representative of this 6807  
state in all civil actions, matters, or proceedings pertaining to 6808  
aviation in which this state is a party or has an interest. 6809

The department may investigate, and may cooperate with any 6810  
other appropriate ~~governmental~~ government agency in the 6811  
investigation of, any accident occurring in this state in 6812  
connection with aviation. It may issue an order to preserve, 6813  
protect, or prevent the removal of any aircraft or air navigation 6814  
facility involved in an accident being so investigated until the 6815  
investigation is completed. The chief executive officer or any law 6816  
enforcement officer of this state or any political subdivision in 6817  
which an accident occurred shall assist the department in 6818  
enforcing such an order when called upon to do so. 6819

The department, in connection with any investigation it is 6820  
authorized to conduct, or in connection with any matter it is 6821  
required to consider and determine, may conduct hearings thereon. 6822  
All such hearings shall be open to the public. The administrator 6823  
of the office of aviation or those employees of that office or its 6824  
agents who are designated to conduct such hearings may administer 6825  
oaths and affirmations and issue subpoenas for and compel the 6826  
attendance and testimony of witnesses and the production of 6827  
papers, books, and documents at the hearings. In case of failure 6828  
to comply with such a subpoena or refusal to testify, the 6829  
administrator or the employees of the office of aviation or its 6830  
agents who are designated to conduct the hearings may invoke the 6831  
aid of the court of common pleas of the county in which the 6832  
hearing is being conducted, and the court may order the witness to 6833  
comply with the requirements of the subpoena or to give testimony 6834

concerning the matter in question. Failure to obey any order of 6835  
the court may be punished as a contempt of the court. 6836

Reports of any investigations or hearings, or parts thereof, 6837  
conducted by the department shall not be admitted in evidence or 6838  
used for any purpose in any action or proceeding arising out of 6839  
any matter referred to in the investigation, hearings, or report 6840  
thereof, except in actions or proceedings instituted by the state 6841  
or by the department on behalf of the state, nor shall any member 6842  
of the department or any of its employees be required to testify 6843  
to any facts ascertained in, or information obtained by reason of, 6844  
the member's or employee's official capacity, or to testify as an 6845  
expert witness in any action or proceeding involving or pertaining 6846  
to aviation to which the state is not a party. Subject to this 6847  
section, the department may make available to appropriate agencies 6848  
of government any information and material developed in the course 6849  
of its investigations and hearings. 6850

The department shall report to the appropriate agency of the 6851  
United States all cases that come to its attention of persons 6852  
navigating aircraft without a valid aviator's certificate, or in 6853  
which an aircraft is navigated without a valid air-worthiness 6854  
certificate in probable violation of the laws of the United States 6855  
requiring such certificates, and it also shall report to the 6856  
proper governmental agency any probable infringement or violation 6857  
of laws, rules, and regulations pertaining to aviation that come 6858  
to its attention. 6859

The department may prepare, adopt, and subsequently revise a 6860  
plan showing the locations and types of airports, landing fields, 6861  
and other air navigation facilities within this state; it also may 6862  
prepare another plan of a system of airways within this state, the 6863  
establishment, maintenance, and use of which will, in its 6864  
judgment, serve the development of transportation by aircraft 6865  
within this state in the best interests of the public. It may 6866

publish plans and pertinent information as the public interest  
requires. 6867  
6868

The department periodically may prepare, publish, and 6869  
distribute such maps, charts, or other information as the public 6870  
interest requires, showing the location of and containing a 6871  
description of all airports, landing fields, and other air 6872  
navigation facilities then in operation in this state, together 6873  
with information concerning the manner in which, and the terms 6874  
upon which, those facilities may be used, and showing all airways 6875  
then in use, or recommended for use, within this state, together 6876  
with information concerning the manner in which the facilities 6877  
should be used. 6878

**Sec. 4561.07.** The department of transportation may cooperate 6879  
with ~~and assist the federal~~ any government, ~~regional airport~~ 6880  
~~authorities, the political subdivisions of this state,~~ agency and 6881  
~~others,~~ including private persons, engaged in aviation, aviation 6882  
education or research, or the promotion of aviation, and shall 6883  
seek to promote the aeronautic activities of these bodies. 6884

The department may confer with or hold joint meetings and 6885  
hearings with any ~~federal aeronautical agency, any regional~~ 6886  
~~airport authority, or any~~ government agency ~~of a political~~ 6887  
~~subdivision of this state,~~ in connection with any matter arising 6888  
under ~~sections 4561.01 to 4561.151 of the Revised Code~~ this 6889  
chapter, or relating to the sound development of aviation, and the 6890  
department may avail itself of the cooperation, services, records, 6891  
and facilities of any ~~such regional airport authority or~~ 6892  
government agency, as fully as is practicable, in the 6893  
administration and enforcement of such sections. It shall 6894  
reciprocate by furnishing to any such regional airport authority 6895  
or agency its cooperation, services, records, and facilities, as 6896  
fully as is practicable and in the best interests of the public. 6897

If the federal government, any agency of the federal 6898  
government, ~~or~~ any regional airport authority or political 6899  
subdivision of this state, or any government agency, requires a 6900  
state agency to receive and disburse any airport assistance or 6901  
development and maintenance funds, the department may act as that 6902  
state agency in all such matters pertaining to aviation. 6903

**Sec. 4561.08.** The department of transportation may cooperate 6904  
with ~~the United States, and~~ any government agency ~~thereof~~, in the 6905  
acquisition, establishment, construction, enlargement, 6906  
improvement, equipment, or operation of airports, landing fields, 6907  
and other air navigation facilities in this state, and may comply 6908  
with the laws of the United States and any regulations made 6909  
thereunder with respect to the expenditure of federal funds for or 6910  
in connection with such airports, landing fields, and other air 6911  
navigation facilities. 6912

The department may accept, receive, and receipt for federal 6913  
funds, upon such terms as are prescribed by the laws of the United 6914  
States and any regulations made thereunder, on behalf of the 6915  
state, and may treat similarly, for the state or as agent for any 6916  
regional airport authority, county, or municipal corporation 6917  
thereof, other funds, public or private, for the acquisition, 6918  
establishment, construction, enlargement, improvement, equipment, 6919  
or operation of airports, landing fields, and other air navigation 6920  
facilities, whether such work is to be done severally by the state 6921  
or by a political subdivision thereof or by a regional airport 6922  
authority, or by the state and a regional airport authority or one 6923  
or more such political subdivisions jointly, or by any two or more 6924  
such political subdivisions jointly, or by a regional airport 6925  
authority and any one or more such political subdivisions jointly. 6926  
The department may also act as agent of any regional airport 6927  
authority, county, or municipal corporation of the state in any 6928  
other matter connected with the acquisition, establishment, 6929

construction, enlargement, improvement, equipment, or operation of 6930  
airports, landing fields, and other air navigation facilities. In 6931  
the discharge of its duties as such agent, the department may use 6932  
all its powers in the same manner as when acting for and in behalf 6933  
of the state. 6934

The department may approve or disapprove all contracts and 6935  
agreements for the acquisition, establishment, construction, 6936  
enlargement, improvement, equipment, or operation of airports, 6937  
landing fields, and other air navigation facilities insofar as its 6938  
rules require. 6939

The department may advise and cooperate with any regional 6940  
airport authority or political subdivision of this state or of any 6941  
other state, when it is acting jointly with a regional airport 6942  
authority or subdivision of this state, in all matters pertaining 6943  
to the location, acquisition, establishment, construction, 6944  
enlargement, improvement, equipment, or operation of airports, 6945  
landing fields, and other air navigation facilities. 6946

All money accepted by the department pursuant to sections 6947  
4561.01 to 4561.151 of the Revised Code shall be deposited in the 6948  
state treasury to the credit of the highway operating fund. All 6949  
such moneys shall be expended in accordance with the terms imposed 6950  
by the United States in making the grants thereof. 6951

**Sec. 4561.09.** Each regional airport authority, county, ~~and~~ 6952  
municipal corporation, and agency of this state may accept, 6953  
receive, and give receipt for federal funds upon such terms as are 6954  
prescribed by the laws of the United States and any rules and 6955  
regulations made thereunder, and may treat similarly other funds, 6956  
public or private, for the acquisition, establishment, 6957  
construction, enlargement, improvement, equipment, or operation of 6958  
airports, landing fields, and other air navigation facilities. 6959

The board of trustees of a regional airport authority and the 6960



legislative body of each county or municipal corporation may 6961  
designate the department of transportation as the agent of such 6962  
regional airport authority, county, or municipal corporation to 6963  
accept, receive, and receipt for federal funds upon such terms as 6964  
are prescribed by the laws of the United States and any rules or 6965  
regulations made thereunder, and to treat similarly other funds, 6966  
public or private, for the acquisition, establishment, 6967  
construction, enlargement, improvement, equipment, or operation of 6968  
airports, landing fields, and other air navigation facilities, 6969  
whether such work is to be done by the regional airport authority, 6970  
county, or municipal corporation alone, or jointly with the state, 6971  
or jointly with the state and other counties or municipal 6972  
corporations. Such board of trustees or legislative body may 6973  
designate the department as its agent in any other matter 6974  
connected with the acquisition, establishment, construction, 6975  
enlargement, improvement, equipment, or operation of airports, 6976  
landing fields, and other air navigation facilities, and may enter 6977  
into, or authorize the executive department of such political 6978  
subdivision to enter into, an agreement with the department 6979  
prescribing the terms of such agency, in accordance with the laws 6980  
of the United States and any rules or regulations made thereunder. 6981

All contracts for the acquisition, establishment, 6982  
construction, enlargement, improvement, equipment, or operation of 6983  
airports, landing fields, or other air navigation facilities made 6984  
by a regional airport authority, county, ~~or~~ municipal corporation, 6985  
or agency of this state shall be made pursuant to the laws of this 6986  
state governing the making of such contracts; provided that when 6987  
the acquisition, establishment, construction, enlargement, 6988  
improvement, equipment, or operation of airports, landing fields, 6989  
or other air navigation facilities is financed wholly or partly 6990  
with federal funds, the regional airport authority, county, ~~or~~ 6991  
municipal corporation, or agency of this state may let contracts 6992  
in the manner prescribed by the federal authorities acting under 6993

the laws of the United States and any rules or regulations made 6994  
thereunder. 6995

**Sec. 4561.12.** (A) ~~No~~ Unless operated by the department of 6996  
transportation or its agents, no aircraft shall be operated or 6997  
maintained on any public land or water owned or controlled by this 6998  
state, or by any political subdivision of this state, except at 6999  
such places and under such rules and regulations governing and 7000  
controlling the operation and maintenance of aircraft as are 7001  
adopted and promulgated by the department ~~of transportation~~ in 7002  
accordance with sections 119.01 to 119.13 of the Revised Code. 7003

Such action and approval by the department shall not become 7004  
effective until it has been approved by the adoption and 7005  
promulgation of appropriate rules ~~and regulations~~ governing, 7006  
controlling, and approving said places and the method of operation 7007  
and maintenance of aircraft, by the department, division, 7008  
political subdivision, agent, or agency of this state having 7009  
ownership or control of the places on said public land or water 7010  
which are affected by such operation or maintenance of aircraft 7011  
thereon. 7012

(B) Whoever violates this section shall be fined not more 7013  
than five hundred dollars, imprisoned not more than ninety days, 7014  
or both. 7015

**Sec. 4561.21.** (A) The director of transportation shall 7016  
deposit all aircraft transfer fees in the state treasury to the 7017  
credit of the general fund. 7018

(B) The director shall deposit all aircraft license taxes and 7019  
fines in the state treasury to the credit of the airport 7020  
assistance fund, which is hereby created. Money in the fund shall 7021  
be used for maintenance and capital improvements to publicly owned 7022  
airports, and the operating costs associated with the office of 7023

aviation. For maintenance and capital improvements to publicly 7024  
owned airports, the director shall distribute the money to 7025  
eligible recipients in accordance with such procedures, 7026  
guidelines, and criteria as the director shall establish. No more 7027  
than ten per cent of all funds deposited annually into the fund 7028  
shall be spent annually to pay operating costs associated with the 7029  
office of aviation. 7030

**Sec. 4582.06.** (A) A port authority created in accordance with 7031  
section 4582.02 of the Revised Code may: 7032

(1) Acquire, construct, furnish, equip, maintain, repair, 7033  
sell, exchange, lease to or from, lease with an option to 7034  
purchase, convey other interests in, or operate real or personal 7035  
property, or any combination thereof, related to, useful for, or 7036  
in furtherance of any authorized purpose, and make charges for the 7037  
use of any port authority facility, which shall be not less than 7038  
the charges established for the same services furnished by a 7039  
public utility or common carrier in the jurisdiction of the 7040  
particular port authority; 7041

(2) Straighten, deepen, and improve any canal, channel, 7042  
river, stream, or other water course or way that may be necessary 7043  
or proper in the development of the facilities of the port 7044  
authority; 7045

(3) Issue bonds or notes for the acquisition, construction, 7046  
furnishing, or equipping of any real or personal property, or any 7047  
combination thereof, related to, useful for, or in furtherance of 7048  
any authorized purpose, in compliance with Chapter 133. of the 7049  
Revised Code, except that the bonds or notes only may be issued 7050  
pursuant to a vote of the electors residing within the territory 7051  
of the port authority. The net indebtedness incurred by a port 7052  
authority shall never exceed two per cent of the total value of 7053  
all property within the territory comprising the authority as 7054

listed and assessed for taxation. 7055

(4) By resolution of its board of directors, issue revenue 7056  
bonds beyond the limit of bonded indebtedness provided by law, for 7057  
the acquisition, construction, furnishing, or equipping of any 7058  
real or personal property, or any combination thereof, related to, 7059  
useful for, or in furtherance of any authorized purpose, including 7060  
all costs in connection with or incidental thereto. 7061

The revenue bonds of the port authority shall be secured only 7062  
by a pledge of and a lien on the revenues of the port authority 7063  
derived from those loan payments, rentals, fees, charges, or other 7064  
revenues that are designated in the resolution, including, but not 7065  
limited to, any property to be acquired, constructed, furnished, 7066  
or equipped with the proceeds of the bond issue, after provision 7067  
only for the reasonable cost of operating, maintaining, and 7068  
repairing the property of the port authority so designated. The 7069  
bonds may further be secured by the covenant of the port authority 7070  
to maintain rates or charges that will produce revenues sufficient 7071  
to meet the costs of operating, maintaining, and repairing such 7072  
property and to meet the interest and principal requirements of 7073  
the bonds and to establish and maintain reserves for the foregoing 7074  
purposes. The board of directors, by resolution, may provide for 7075  
the issuance of additional revenue bonds from time to time, to be 7076  
secured equally and ratably, without preference, priority, or 7077  
distinction, with outstanding revenue bonds, but subject to the 7078  
terms and limitations of any trust agreement described in this 7079  
section, and of any resolution authorizing bonds then outstanding. 7080  
The board of directors, by resolution, may designate additional 7081  
property of the port authority, the revenues of which shall be 7082  
pledged and be subject to a lien for the payment of the debt 7083  
charges on revenue bonds theretofore authorized by resolution of 7084  
the board of directors, to the same extent as the revenues above 7085  
described. 7086

In the discretion of the board of directors, the revenue 7087  
bonds of the port authority may be secured by a trust agreement 7088  
between the board of directors on behalf of the port authority and 7089  
a corporate trustee, that may be any trust company or bank having 7090  
powers of a trust company, within or without the state. 7091

The trust agreement may provide for the pledge or assignment 7092  
of the revenues to be received, but shall not pledge the general 7093  
credit and taxing power of the port authority. A trust agreement 7094  
securing revenue bonds issued to acquire, construct, furnish, or 7095  
equip real property, plants, factories, offices, and other 7096  
structures and facilities for authorized purposes consistent with 7097  
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 7098  
the real or personal property, or a combination thereof, to be 7099  
acquired, constructed, furnished, or equipped from the proceeds of 7100  
such revenue bonds, as further security for the bonds. The trust 7101  
agreement or the resolution providing for the issuance of revenue 7102  
bonds may set forth the rights and remedies of the bondholders and 7103  
trustee, and may contain other provisions for protecting and 7104  
enforcing their rights and remedies that are determined in the 7105  
discretion of the board of directors to be reasonable and proper. 7106  
The agreement or resolution may provide for the custody, 7107  
investment, and disbursement of all moneys derived from the sale 7108  
of such bonds, or from the revenues of the port authority, other 7109  
than those moneys received from taxes levied pursuant to section 7110  
4582.14 of the Revised Code, and may provide for the deposit of 7111  
such funds without regard to section 4582.15 of the Revised Code. 7112

All bonds issued under authority of this chapter, regardless 7113  
of form or terms and regardless of any other law to the contrary, 7114  
shall have all qualities and incidents of negotiable instruments, 7115  
subject to provisions for registration, and may be issued in 7116  
coupon, fully registered, or other form, or any combination 7117  
thereof, as the board of directors determines. Provision may be 7118

made for the registration of any coupon bonds as to principal 7119  
alone or as to both principal and interest, and for the conversion 7120  
into coupon bonds of any fully registered bonds or bonds 7121  
registered as to both principal and interest. 7122

The revenue bonds shall bear interest at such rate or rates, 7123  
shall bear such date or dates, and shall mature within forty-five 7124  
years following the date of issuance and in such amount, at such 7125  
time or times, and in such number of installments, as may be 7126  
provided in or pursuant to the resolution authorizing their 7127  
issuance. The final maturity of any original issue of revenue 7128  
bonds shall not be later than forty-five years from their date of 7129  
issue. Such resolution also shall provide for the execution of the 7130  
bonds, which may be by facsimile signatures unless prohibited by 7131  
the resolution, and the manner of sale of the bonds. The 7132  
resolution shall provide for, or provide for the determination of, 7133  
any other terms and conditions relative to the issuance, sale, and 7134  
retirement of the bonds that the board of directors in its 7135  
discretion determines to be reasonable and proper. 7136

Whenever a port authority considers it expedient, it may 7137  
issue renewal notes and refund any bonds, whether the bonds to be 7138  
refunded have or have not matured. The final maturity of any 7139  
notes, including any renewal notes, shall not be later than five 7140  
years from the date of issue of the original issue of notes. The 7141  
final maturity of any refunding bonds shall not be later than the 7142  
later of forty-five years from the date of issue of the original 7143  
issue of bonds. The refunding bonds shall be sold and the proceeds 7144  
applied to the purchase, redemption, or payment of the bonds to be 7145  
refunded and the costs of issuance of the refunding bonds. The 7146  
bonds and notes issued under this chapter, their transfer, and the 7147  
income therefrom, shall at all times be free from taxation within 7148  
the state. 7149

(5) Do any of the following, in regard to any interests in 7150

any real or personal property, or any combination thereof, 7151  
including, without limitation, machinery, equipment, plants, 7152  
factories, offices, and other structures and facilities related 7153  
to, useful for, or in furtherance of any authorized purpose, for 7154  
such consideration and in such manner, consistent with Article 7155  
VIII, Ohio Constitution, as the board in its sole discretion may 7156  
determine: 7157

(a) Loan moneys to any person or governmental entity for the 7158  
acquisition, construction, furnishing, and equipping of the 7159  
property; 7160

(b) Acquire, construct, maintain, repair, furnish, and equip 7161  
the property; 7162

(c) Sell to, exchange with, lease, convey other interests in, 7163  
or lease with an option to purchase the same or any lesser 7164  
interest in the property to the same or any other person or 7165  
governmental entity; 7166

(d) Guarantee the obligations of any person or governmental 7167  
entity. 7168

A port authority may accept and hold as consideration for the 7169  
conveyance of property or any interest therein such property or 7170  
interests therein as the board in its discretion may determine, 7171  
notwithstanding any restrictions that apply to the investment of 7172  
funds by a port authority. 7173

(6) Construct, maintain, repair, furnish, equip, sell, 7174  
exchange, lease, or lease with an option to purchase, any property 7175  
that it is authorized to acquire. A port authority that is subject 7176  
to this section also may operate any property in connection with 7177  
transportation, recreational, governmental operations, or cultural 7178  
activities. 7179

(a) Any purchase, exchange, sale, lease, lease with an option 7180  
to purchase, conveyance of other interests in, or other contract 7181

with a person or governmental entity that pertains to the 7182  
acquisition, construction, maintenance, repair, furnishing, 7183  
equipping, or operation of any real or personal property, or any 7184  
combination thereof, related to, useful for, or in furtherance of 7185  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 7186  
Constitution, shall be made in such manner and subject to such 7187  
terms and conditions as may be determined by the board of 7188  
directors in its discretion. 7189

(b) Division (A)(6)(a) of this section applies to all 7190  
contracts that are subject to the division, notwithstanding any 7191  
other provision of law that might otherwise apply, including, 7192  
without limitation, any requirement of notice, any requirement of 7193  
competitive bidding or selection, or any requirement for the 7194  
provision of security. 7195

(c) Divisions (A)(6)(a) and (b) of this section do not apply 7196  
to either of the following: 7197

(i) Any contract secured by or to be paid from moneys raised 7198  
by taxation or the proceeds of obligations secured by a pledge of 7199  
moneys raised by taxation; 7200

(ii) Any contract secured exclusively by or to be paid 7201  
exclusively from the general revenues of the port authority. For 7202  
the purposes of this section, any revenues derived by the port 7203  
authority under a lease or other agreement that, by its terms, 7204  
contemplates the use of amounts payable under the agreement either 7205  
to pay the costs of the improvement that is the subject of the 7206  
contract or to secure obligations of the port authority issued to 7207  
finance costs of such improvement, are excluded from general 7208  
revenues. 7209

(7) Apply to the proper authorities of the United States 7210  
pursuant to appropriate law for the right to establish, operate, 7211  
and maintain foreign trade zones and to establish, operate, and 7212



maintain foreign trade zones; and to acquire land or property 7213  
therefor, in a manner consistent with section 4582.17 of the 7214  
Revised Code; 7215

(8) Exercise the right of eminent domain to appropriate any 7216  
land, rights, rights-of-way, franchises, easements, or other 7217  
property, necessary or proper for any authorized purpose, pursuant 7218  
to the procedure provided in sections 163.01 to 163.22 of the 7219  
Revised Code, if funds equal to the appraised value of the 7220  
property to be acquired as a result of such proceedings are 7221  
available for that purpose, except that nothing contained in 7222  
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 7223  
port authority to take or disturb property or facilities belonging 7224  
to any agency or political subdivision of this state, public 7225  
utility, or common carrier, which property or facilities are 7226  
necessary and convenient in the operation of the agency or 7227  
political subdivision, public utility, or common carrier, unless 7228  
provision is made for the restoration, relocation, or duplication 7229  
of the property or facilities, or upon the election of the agency 7230  
or political subdivision, public utility, or common carrier, for 7231  
the payment of compensation, if any, at the sole cost of the port 7232  
authority, provided that: 7233

(a) If any restoration or duplication proposed to be made 7234  
pursuant to this section involves a relocation of such property or 7235  
facilities, the new facilities and location shall be of at least 7236  
comparable utilitarian value and effectiveness, and the relocation 7237  
shall not impair the ability of the public utility or common 7238  
carrier to compete in its original area of operation. 7239

(b) If any restoration or duplication made pursuant to this 7240  
section involves a relocation of such property or facilities, the 7241  
port authority shall acquire no interest or right in or to the 7242  
appropriated property or facilities, except as provided in 7243  
division (A)(11) of this section, until the relocated property or 7244

facilities are available for use and until marketable title 7245  
thereto has been transferred to the public utility or common 7246  
carrier. 7247

(c) Provisions for restoration or duplication shall be 7248  
described in detail in the resolution for appropriation passed by 7249  
the port authority. 7250

(9) Enjoy and possess the same rights, privileges, and powers 7251  
granted municipal corporations under sections 721.04 to 721.11 of 7252  
the Revised Code; 7253

(10) Maintain such funds as it considers necessary; 7254

(11) Direct its agents or employees, when properly identified 7255  
in writing, and after at least five days' written notice, to enter 7256  
upon lands within the confines of its jurisdiction in order to 7257  
make surveys and examinations preliminary to location and 7258  
construction of works for the purposes of the port authority, 7259  
without liability of the port authority or its agents or employees 7260  
except for actual damage done; 7261

(12) Sell, lease, or convey other interests in real and 7262  
personal property and grant easements or rights-of-way over 7263  
property of the port authority. The board of directors shall 7264  
specify the consideration and any terms thereof for the sale, 7265  
lease, or conveyance of other interests in real and personal 7266  
property. Any determinations made by the board of directors under 7267  
this division shall be conclusive. The sale, lease, or conveyance 7268  
may be made without advertising and the receipt of bids. 7269

(13) Promote, advertise, and publicize the port authority 7270  
facilities and its authorized purposes, provide information to 7271  
persons with an interest in transportation and other port 7272  
authority activities, and appear before rate-making authorities to 7273  
represent and promote the interests of the port authority and its 7274  
authorized purposes; 7275

(14) Adopt rules, not in conflict with general law, governing 7276  
the use of and the safeguarding of its property, grounds, 7277  
buildings, equipment, and facilities, safeguarding persons and 7278  
their property located on or in port authority property, and 7279  
governing the conduct of its employees and the public, in order to 7280  
promote the public safety and convenience in and about its 7281  
terminals and grounds, and to maintain order. Any such regulation 7282  
shall be posted at no less than five public places in the port 7283  
authority, as determined by the board of directors, for a period 7284  
of not fewer than fifteen days, and shall be available for public 7285  
inspection at the principal office of the port authority during 7286  
regular business hours. No person shall violate any lawful 7287  
regulation adopted and posted as provided in this division. 7288

(15) Do all acts necessary or appropriate to carry out its 7289  
authorized purposes. The port authority shall have the powers and 7290  
rights granted to other subdivisions under section 9.20 of the 7291  
Revised Code. 7292

(B) Any instrument by which real property is acquired 7293  
pursuant to this section shall identify the agency of the state 7294  
that has the use and benefit of the real property as specified in 7295  
section 5301.012 of the Revised Code. 7296

(C) Whoever violates division (A)(14) of this section is 7297  
guilty of a minor misdemeanor. 7298

Sec. 4582.171. A port authority may charge, alter, and 7299  
collect rentals or other charges for the use or services of any 7300  
port authority facility and contract in the manner provided by 7301  
this section with one or more persons, one or more governmental 7302  
agencies, or any combination thereof, desiring the use or services 7303  
of the facility, and fix the terms, conditions, rentals, or other 7304  
charges for the use or services. If the services are furnished in 7305  
the jurisdiction of the port authority by a public utility or a 7306

common carrier, charges by the port authority for the services 7307  
shall not be less than the charges established for the same 7308  
services furnished by a public utility or common carrier in the 7309  
port authority jurisdiction. The rentals or other charges shall 7310  
not be subject to supervision or regulation by any other 7311  
authority, commission, board, bureau, or agency of the state and 7312  
the contract may provide for acquisition by the person or 7313  
governmental agency of all or any part of the port authority 7314  
facility for such consideration payable over the period of the 7315  
contract or otherwise as the port authority in its sole discretion 7316  
determines to be appropriate, but subject to the provisions of any 7317  
resolution authorizing the issuance of port authority revenue 7318  
bonds or any trust agreement securing the bonds. Any governmental 7319  
agency that has power to construct, operate, and maintain port 7320  
authority facilities may enter into a contract or lease with a 7321  
port authority whereby the use or services of any port authority 7322  
facility will be made available to the governmental agency, and 7323  
may pay for the use or services rentals or other charges as may be 7324  
agreed to by the port authority and the governmental agency. 7325

Any governmental agency or combination of governmental 7326  
agencies may cooperate with the port authority in the acquisition 7327  
or construction of port authority facilities and shall enter into 7328  
such agreements with the port authority as may be appropriate, 7329  
with a view to effective cooperative action and safeguarding of 7330  
the respective interests of the parties thereto, which agreements 7331  
shall provide for contributions by the parties thereto in a 7332  
proportion as may be agreed upon and other terms as may be 7333  
mutually satisfactory to the parties including, without 7334  
limitation, the authorization of the construction of the facility 7335  
by one of the parties acting as agent for all of the parties and 7336  
the ownership and control of the facility by the port authority to 7337  
the extent necessary or appropriate. Any governmental agency may 7338  
provide the funds for the payment of any contribution required 7339

under such agreements by the levy of taxes or assessments if 7340  
otherwise authorized by the laws governing the governmental agency 7341  
in the construction of the type of port authority facility 7342  
provided for in the agreements, and may pay the proceeds from the 7343  
collection of the taxes or assessments; or the governmental agency 7344  
may issue bonds or notes, if authorized by those laws, in 7345  
anticipation of the collection of the taxes or assessments, and 7346  
may pay the proceeds of the bonds or notes to the port authority 7347  
pursuant to such agreements. In addition, any governmental agency 7348  
may provide the funds for the payment of a contribution by the 7349  
appropriation of money or, if otherwise authorized by law, by the 7350  
issuance of bonds or notes and may pay the appropriated money or 7351  
the proceeds of the bonds or notes to the port authority pursuant 7352  
to such agreements. The agreement by the governmental agency to 7353  
provide a contribution, whether from appropriated money or from 7354  
the proceeds of taxes or assessments, or bonds or notes, or any 7355  
combination thereof, shall not be subject to Chapter 133. of the 7356  
Revised Code or any rules or limitations contained therein. The 7357  
proceeds from the collection of taxes or assessments, and any 7358  
interest earned thereon, shall be paid into a special fund 7359  
immediately upon the collection thereof by the governmental agency 7360  
for the purpose of providing the contribution at the times 7361  
required under such agreements. 7362

When the contribution of any governmental agency is to be 7363  
made over a period of time from the proceeds of the collection of 7364  
special assessments, the interest accrued and to accrue before the 7365  
first installment of the assessments is collected, which is 7366  
payable by the governmental agency on the contribution under the 7367  
terms and provisions of the agreements, shall be treated as part 7368  
of the cost of the improvement for which the assessments are 7369  
levied, and that portion of the assessments that is collected in 7370  
installments shall bear interest at the same rate as the 7371  
governmental agency is obligated to pay on the contribution under 7372

the terms and provisions of the agreements and for the same period 7373  
of time as the contribution is to be made under the agreements. If 7374  
the assessment or any installment thereof is not paid when due, it 7375  
shall bear interest until the payment thereof at the same rate as 7376  
the contribution and the county auditor shall annually place on 7377  
the tax list and duplicate the interest applicable to the 7378  
assessment and the penalty thereon as otherwise authorized by law. 7379

As used in this section, the term "governmental agency" has 7380  
the meaning defined in section 4582.21 of the Revised Code. 7381

**Sec. 4737.04.** (A) As used in this section and sections 7382  
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, and 4737.99 of 7383  
the Revised Code: 7384

(1) "Scrap metal dealer" means the owner or operator of a 7385  
business that purchases or receives scrap metal for the purpose of 7386  
sorting, grading, and shipping metals to third parties for direct 7387  
or indirect melting into new products. 7388

(2) "Special purchase article" means all of the following: 7389

(a) Beer kegs; 7390

(b) Cable, wire, electrical components, and other equipment 7391  
used in providing cable service or any utility service, including, 7392  
but not limited to, copper or aluminum coverings, housings, or 7393  
enclosures related thereto; 7394

(c) Grave markers, sculptures, plaques, and vases made out of 7395  
metal, the appearance of which suggests that the articles have 7396  
been obtained from a cemetery; 7397

(d) Guard rails for bridges, highways, and roads; highway and 7398  
street signs; street light poles and fixtures; worker access hole 7399  
covers, water meter covers, and other similar types of utility 7400  
access covers; traffic directional and control signs and light 7401  
signals, metal marked with the name of a political subdivision of 7402

the state, and other metal articles that are purchased and 7403  
installed for use upon authorization of the state or any political 7404  
subdivision of the state; 7405

(e) Historical, commemorative, and memorial markers and 7406  
plaques made out of metal; 7407

(f) Four-wheel metal carts, commonly referred to as "grocery 7408  
carts," that are generally used by individuals to collect and 7409  
transport consumer goods while shopping; 7410

(g) Four-wheel metal carts, commonly referred to as "metal 7411  
bossies," that are used to transport or merchandise food products 7412  
that are stored in crates, shells, or trays; 7413

(h) Railroad material, including journal brasses, rail 7414  
spikes, rails, tie plates, frogs, and communication wire; 7415

(i) Metal trays, merchandise containers, or similar transport 7416  
containers used by a product producer, distributor, retailer, or 7417  
an agent of a product producer, distributor, or retailer as a 7418  
means for the bulk transportation, storage, or carrying of retail 7419  
containers of milk, baked goods, eggs, or bottled beverage 7420  
products; 7421

(j) "Burnt wire," which is any coated metal wire that has 7422  
been smelted, burned, or melted thereby removing the 7423  
manufacturer's or owner's identifying marks. 7424

(3) "Bulk merchandise container" has the same meaning as in 7425  
section 4737.012 of the Revised Code. 7426

(4) "Bulk merchandise container dealer" means a dealer who is 7427  
subject to section 4737.012 of the Revised Code. 7428

(5) "Common recycled matter" means bottles and other 7429  
containers made out of steel, tin, or aluminum and other consumer 7430  
goods that are metal that are recycled by individual consumers and 7431  
not in the bulk or quantity that could be supplied or recycled by 7432

large business establishments. "Common recycled matter" does not  
include a metal tray used by a product producer, distributor,  
retailer, or agent of a product producer, distributor, or retailer  
as a means for the bulk transportation, storage, or carrying of  
retail containers of milk, baked goods, eggs, or bottled beverage  
products.

(6) "Consumer goods" has the same meaning as in section  
1309.102 of the Revised Code.

(7) "Recyclable materials" means the metal materials  
described in division (C)(5) of this section, on the condition  
that those metal materials are not special purchase articles.

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

(B)(1) No person shall engage in the business of scrap metal  
dealing or act as a bulk merchandise container dealer without  
first registering with the director of public safety in accordance  
with section 4737.045 of the Revised Code.

~~(2) Notwithstanding section 2913.02 of the Revised Code, no  
person, with purpose to deprive the owner of a special purchase  
article or bulk merchandise container, shall knowingly obtain or  
exert control over the special purchase article or bulk  
merchandise container in any of the following ways:~~

~~(a) Without the consent of the owner or person authorized to  
give consent;~~

~~(b) Beyond the scope of the express or implied consent of the  
owner or person authorized to give consent;~~

~~(c) By deception;~~

~~(d) By threat;~~

~~(e) By intimidation.~~

~~(3) No person shall receive, purchase, or sell a special~~



purchase article or a bulk merchandise container except as in 7463  
accordance with sections 4737.012 and 4737.04 to 4737.045 of the 7464  
Revised Code. 7465

(C) Every scrap metal dealer shall maintain a record book or 7466  
electronic file, in which the dealer shall keep an accurate and 7467  
complete record of all articles purchased or received by the 7468  
dealer in the course of the dealer's daily business. On and after 7469  
September 11, 2008, every entry in the record book or electronic 7470  
file shall be numbered consecutively and, on or after ~~the~~ 7471  
~~effective date of this amendment~~ September 28, 2012, shall be 7472  
maintained for inspection in numerical order. Until the registry 7473  
developed by the director pursuant to section 4737.045 of the 7474  
Revised Code is operational, a dealer shall maintain the record 7475  
for each article purchased or received for a minimum period of one 7476  
year after the date the dealer purchased or received the article, 7477  
except that the dealer shall maintain the photograph required 7478  
under division (I) of this section only for a period of sixty days 7479  
after the dealer purchased or received the article. Beginning on 7480  
the date the registry is operational, a dealer shall maintain the 7481  
record for each article purchased or received only for a period of 7482  
sixty days after the date the dealer purchased or received the 7483  
article. The director shall adopt rules for the format and 7484  
maintenance of the records required under this division. 7485

The records shall contain all of the following: 7486

(1) The name and residence of the person from whom the 7487  
articles were purchased or received, a copy of that person's 7488  
personal identification card, and a photograph of the person taken 7489  
pursuant to division (I) of this section; 7490

(2) The date and time the scrap metal dealer purchased or 7491  
received the articles and the weight of the articles as determined 7492  
by a licensed commercial scale; 7493

(3) If the seller or provider of the articles arrives at the dealer's place of business in a motor vehicle, the license plate number of that motor vehicle along with the state that issued the license plate;

(4) For metal articles that are not recyclable materials, a full and accurate description of each article purchased or received by the dealer that includes identifying letters or marks written, inscribed, or otherwise included on the article and the name and maker of the article if known;

(5) For recyclable materials that are not special purchase articles, the following category codes to identify the recyclable materials that the dealer receives:

(a) "Number one copper," which includes clean copper pipe, clean copper wire, or other number one copper that does not have solder, paint, or coating;

(b) "Number two copper," which includes unclean copper pipe, unclean copper wire, or other number two copper;

(c) "Sheet copper," which includes copper roofing, copper gutters, copper downspouts, and other sheet copper;

(d) "Insulated copper wire";

(e) "Aluminum or copper radiators," which includes aluminum radiators, aluminum copper radiators, and copper radiators;

(f) "Red brass," which includes red brass valves and other red brass;

(g) "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow brass;

(h) "Aluminum sheet";

(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other

aluminum extrusions;	7524
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	7525 7526 7527
(k) "Clean aluminum wire";	7528
(l) "Unclean aluminum wire";	7529
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	7530 7531 7532
(n) "Contaminated aluminum";	7533
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	7534 7535 7536
(p) "Large appliances," which includes consumer and other appliances;	7537 7538
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	7539 7540 7541
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	7542 7543 7544
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	7545 7546
(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;	7547 7548 7549
(u) "Catalytic converters";	7550
(v) "Lead";	7551
(w) "Electric motors-";	7552

(x) "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.

(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A)(2) of this section.

(D) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire, other than purchases and sales under sections 4973.13 to 4973.16 of the Revised Code, shall be held by a scrap metal dealer for a period of thirty days after being purchased or acquired.

(E)(1) The records required under division (C) of this section or under section 4737.012 of the Revised Code shall be open for inspection by the representative of any law enforcement agency, railroad police officers, and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer or bulk merchandise container dealer shall do both of the following:

(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or to the director or director's representative, upon request;

(b) Prepare a daily electronic report, the content and format of which shall be established in rules adopted by the director, listing all retail transactions that occurred during the preceding day and containing the information described in division (C) of this section or division (A) of section 4737.012 of the Revised Code, as applicable. The dealer shall electronically transfer, by twelve noon eastern standard time, the report for inclusion in the registry created pursuant to division (E) of section 4737.045 of the Revised Code.

(2) A law enforcement agency may inspect any photographic

records collected and maintained by a scrap metal dealer of either 7584  
yard operations or individual transactions. Records submitted to 7585  
any law enforcement agency pursuant to this section are not public 7586  
records for purposes of section 149.43 of the Revised Code. 7587

~~(2)~~(3) Records submitted to any law enforcement agency, 7588  
railroad police officer, or the director or the director's 7589  
designated representative as required by section 4737.012 of the 7590  
Revised Code and sections 4737.04 to 4737.045 of the Revised Code 7591  
shall not be public records for the purposes of section 149.43 of 7592  
the Revised Code. 7593

(4) Notwithstanding division (E)(3) of this section, the 7594  
names and addresses of scrap metal dealers and bulk merchandise 7595  
container dealers shall be made available to the public by the 7596  
director upon request. 7597

(5) A person who claims to own a stolen article that may be 7598  
identified in those records, or an agent of that person, who 7599  
provides proof of having filed a stolen property report with the 7600  
appropriate law enforcement agency, may request those records. The 7601  
law enforcement agency shall provide those records upon a request 7602  
made by such a person or that person's agent, but the law 7603  
enforcement agency shall redact information that reveals the name 7604  
of the seller of any article and the price the dealer paid for any 7605  
article the dealer purchased or the estimated value of any article 7606  
the dealer received. The law enforcement agency shall determine 7607  
which records to provide, based upon the time period that the 7608  
alleged theft is reported to have taken place. A law enforcement 7609  
agency may charge or collect a fee for providing records as 7610  
required by this section. 7611

(F)(1) No scrap metal dealer shall purchase or receive any 7612  
metal articles, and no bulk merchandise container dealer shall 7613  
purchase or receive any bulk merchandise containers, from a person 7614  
who refuses to show the dealer the person's personal 7615

identification card, or who refuses to allow the dealer to take a photograph of the person as required under division (I) of this section or of the person or container as required under division (B) of section 4737.012 of the Revised Code.

(2) The law enforcement agency that serves the jurisdiction in which a scrap metal dealer or a bulk merchandise container dealer is located shall provide to the scrap metal dealer or bulk merchandise container dealer a searchable, electronic list prepared in accordance with rules adopted by the director, as that agency determines appropriate, of the names and descriptions of persons known to be thieves or receivers of stolen property. The law enforcement agency may request the appropriate clerk of courts to provide the list. No scrap metal dealer or bulk merchandise container dealer shall purchase or receive articles from any person who is either identified on the list the dealer receives from the law enforcement agency, or who appears on the lists made available by the director pursuant to division (E) of section 4737.045 of the Revised Code. The law enforcement agency also shall provide the list to the department of public safety, in an electronic format in accordance with rules adopted by the director, for inclusion in the registry created in section 4737.045 of the Revised Code.

(3) No scrap metal dealer or bulk merchandise container dealer shall purchase or receive any special purchase articles or bulk merchandise containers from any person who is under eighteen years of age.

(4) No scrap metal dealer shall purchase or receive any special purchase article without complying with division (C) ~~or~~ and (I) of this section and division (B), (C), or (D) of section 4737.041 of the Revised Code.

(5) No scrap metal dealer shall purchase or receive more than one catalytic converter per day from the same person except from a

motor vehicle dealer as defined in section 4517.01 of the Revised Code. 7648  
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(6) No scrap metal dealer shall purchase or receive a beer keg that is marked with a company name or logo except from a manufacturer of beer as described in section 4303.02 of the Revised Code or an agent authorized by the manufacturer to dispose of damaged kegs. 7650  
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(7) No scrap metal dealer shall treat a transaction as exempt from section 4737.04 or 4737.041 of the Revised Code unless the seller provides evidence of satisfying division (D)(3) of section 4737.043 of the Revised Code. 7655  
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(G) Every scrap metal dealer and bulk merchandise container dealer shall post a notice in a conspicuous place on the dealer's premises notifying persons who may wish to transact business with the dealer of the penalties applicable to any person who does any of the following: 7659  
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(1) Provides a false personal identification card to the dealer; 7664  
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(2) With purpose to defraud, provides any other false information to the dealer in connection with the dealer's duty to maintain the records required under division (C) of this section or under section 4737.012 of the Revised Code; 7666  
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(3) Violates section 2913.02 of the Revised Code ~~or division (B)(2) of this section.~~ 7670  
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(H)(1) Except as otherwise provided in division (F)(2) of 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 7672  
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sheriff, or the constable; and an employee of the department of 7679  
public safety is immune from liability in a civil action, 7680  
including an action for defamation, libel, or slander, to recover 7681  
damages for injury, death, or loss to persons or property or 7682  
reputation allegedly caused by an act or omission in connection 7683  
with compiling and providing the list required by division (F)(2) 7684  
of this section. 7685

(2) The immunity described in division (H)(1) of this section 7686  
does not apply to a person described in that division if, in 7687  
relation to the act or omission in question, any of the following 7688  
applies: 7689

(a) The act or omission was manifestly outside the scope of 7690  
the person's employment or official responsibilities. 7691

(b) The act or omission was with malicious purpose, in bad 7692  
faith, or in a wanton or reckless manner. 7693

(c) Liability for the act or omission is expressly imposed by 7694  
a section of the Revised Code. 7695

(I) Every scrap metal dealer shall take a photograph, in 7696  
accordance with rules adopted by the director, of each person who 7697  
sells or otherwise gives the dealer an article for which the 7698  
dealer must make record under division (C) of this section. 7699

The dealer shall take the required photograph at the time the 7700  
dealer purchases or receives the article and shall keep the 7701  
photograph as part of the record in accordance with division (C) 7702  
of this section. 7703

(J)(1) An individual listed as a known thief or receiver of 7704  
stolen property on a list prepared pursuant to division (F)(2) of 7705  
this section may request that the individual's name be removed 7706  
from the list by filing an application with the law enforcement 7707  
agency responsible for preparing the list. 7708



(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.

**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.

(B) Whoever violates division (F)(2) of section 4737.10 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(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, 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 fourth degree. For any second or subsequent violation of or failure to comply with section 4737.01, 4737.012, or 4737.041, or division

(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 7740  
(D) of section 4737.045 of the Revised Code, a court may suspend 7741  
the registration issued to the scrap metal dealer or bulk 7742  
merchandise container dealer under section 4737.045 of the Revised 7743  
Code for a period of ninety days, during which time period the 7744  
person shall not engage in the business of a scrap metal dealer or 7745  
a bulk merchandise container dealer, as applicable. 7746

(D) Whoever violates division (B)(1) of section 4737.04 of 7747  
the Revised Code is guilty of a felony of the fifth degree. The 7748  
court also shall enjoin the person from engaging in the business 7749  
of a scrap metal dealer or a bulk merchandise dealer. 7750

(E) ~~Notwithstanding section 2913.02 of the Revised Code,~~ 7751  
~~whoever~~ Whoever violates division (B)(2) ~~or (3)~~ of section 4737.04 7752  
of the Revised Code is guilty of a felony of the fifth degree for 7753  
the first offense and a felony of the third degree for any 7754  
subsequent offense. 7755

(F) Any motor vehicle used in the theft or illegal 7756  
transportation of metal shall be impounded for at least thirty 7757  
days and not more than sixty days. If the same motor vehicle is 7758  
used in connection with a second or subsequent theft or illegal 7759  
transportation of metal, the motor vehicle shall be impounded for 7760  
at least sixty days and not more than one hundred eighty days. Any 7761  
motor vehicle used in the theft or illegal transportation of a 7762  
special purchase article or bulk merchandise container shall be 7763  
impounded for at least ninety days and not more than three hundred 7764  
sixty days. A motor vehicle impounded pursuant to this division 7765  
shall be stored at a municipal corporation impound lot, if 7766  
available, or at a lot owned by a private entity or another 7767  
governmental unit that the municipal corporation utilizes for the 7768  
purpose of impounding a motor vehicle. An impounded motor vehicle 7769  
may be recovered from the impound lot at the end of the impound 7770  
term upon payment of fees, ~~fifty per cent of which shall be~~ 7771

~~remitted to the department of public safety to offset the costs of~~ 7772  
~~operating the registry established pursuant to section 4737.045 of~~ 7773  
~~the Revised Code.~~ 7774

**Sec. 4743.05.** Except as otherwise provided in sections 7775  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 7776  
Revised Code, all money collected under Chapters 3773., 4701., 7777  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 7778  
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 7779  
4761., ~~4766.~~, 4771., 4775., 4779., and 4781. of the Revised Code 7780  
shall be paid into the state treasury to the credit of the 7781  
occupational licensing and regulatory fund, which is hereby 7782  
created for use in administering such chapters. 7783

At the end of each quarter, the director of budget and 7784  
management shall transfer from the occupational licensing and 7785  
regulatory fund to the nurse education assistance fund created in 7786  
section 3333.28 of the Revised Code the amount certified to the 7787  
director under division (B) of section 4723.08 of the Revised 7788  
Code. 7789

At the end of each quarter, the director shall transfer from 7790  
the occupational licensing and regulatory fund to the certified 7791  
public accountant education assistance fund created in section 7792  
4701.26 of the Revised Code the amount certified to the director 7793  
under division (H)(2) of section 4701.10 of the Revised Code. 7794

**Sec. 4765.02.** (A)(1) There is hereby created the state board 7795  
of emergency medical, fire, and transportation services within the 7796  
division of emergency medical services of the department of public 7797  
safety. The board shall consist of the members specified in this 7798  
section who are residents of this state. The governor, with the 7799  
advice and consent of the senate, shall appoint all members of the 7800  
board, except the employee of the department of public safety 7801

designated by the director of public safety under this section to 7802  
be a member of the board. In making the appointments, the governor 7803  
shall appoint only members with background or experience in 7804  
emergency medical services or trauma care and shall attempt to 7805  
include members representing urban and rural areas, various 7806  
geographical regions of the state, and various schools of 7807  
training. 7808

(2) One member of the board shall be a physician certified by 7809  
the American board of emergency medicine or the American 7810  
osteopathic board of emergency medicine who is active in the 7811  
practice of emergency medicine and is actively involved with an 7812  
emergency medical service organization. The governor shall appoint 7813  
this member from among three persons nominated by the Ohio chapter 7814  
of the American college of emergency physicians and three persons 7815  
nominated by the Ohio osteopathic association. One member shall be 7816  
a physician certified by the American board of surgery or the 7817  
American osteopathic board of surgery who is active in the 7818  
practice of trauma surgery and is actively involved with emergency 7819  
medical services. The governor shall appoint this member from 7820  
among three persons nominated by the Ohio chapter of the American 7821  
college of surgeons and three persons nominated by the Ohio 7822  
osteopathic association. One member shall be a physician certified 7823  
by the American academy of pediatrics or American osteopathic 7824  
board of pediatrics who is active in the practice of pediatric 7825  
emergency medicine and actively involved with an emergency medical 7826  
service organization. The governor shall appoint this member from 7827  
among three persons nominated by the Ohio chapter of the American 7828  
academy of pediatrics and three persons nominated by the Ohio 7829  
osteopathic association. ~~One member shall be the administrator of~~ 7830  
~~an adult or pediatric trauma center. The governor shall appoint~~ 7831  
~~this member from among three persons nominated by the OHA: the~~ 7832  
~~association for hospitals and health systems, three persons~~ 7833  
~~nominated by the Ohio osteopathic association, three persons~~ 7834

~~nominated by the association of Ohio children's hospitals, and~~ 7835  
~~three persons nominated by the health forum of Ohio. One member~~ 7836  
shall be the administrator of a hospital ~~that is not a trauma~~ 7837  
~~center~~ located in this state. The governor shall appoint this 7838  
member from among three persons nominated by OHA: the association 7839  
for hospitals and health systems, three persons nominated by the 7840  
Ohio osteopathic association, and three persons nominated by the 7841  
association of Ohio children's hospitals, ~~and three persons~~ 7842  
~~nominated by the health forum of Ohio.~~ One member shall be a 7843  
~~registered nurse~~ an adult or pediatric trauma program manager or 7844  
trauma program director who is involved in the ~~active practice of~~ 7845  
~~emergency nursing~~ daily management of a verified trauma center. 7846  
The governor shall appoint this member from among three persons 7847  
nominated by the Ohio nurses association, three persons nominated 7848  
by the Ohio society of trauma nurse leaders, and three persons 7849  
nominated by the Ohio state council of the emergency nurses 7850  
association. One member shall be the chief of a fire department 7851  
that is also an emergency medical service organization in which 7852  
more than fifty per cent of the persons who provide emergency 7853  
medical services are full-time paid employees. The governor shall 7854  
appoint this member from among three persons nominated by the Ohio 7855  
fire chiefs' association. One member shall be the chief of a fire 7856  
department that is also an emergency medical service organization 7857  
in which more than fifty per cent of the persons who provide 7858  
emergency medical services are volunteers. The governor shall 7859  
appoint this member from among three persons nominated by the Ohio 7860  
fire chiefs' association. One member shall be a person who is 7861  
certified to teach under section 4765.23 of the Revised Code ~~or,~~ 7862  
~~if the board has not yet certified persons to teach under that~~ 7863  
~~section, a person who is qualified to be certified to teach under~~ 7864  
~~that section~~ and holds a valid certificate to practice as an EMT, 7865  
AEMT, or paramedic. The governor shall appoint this member from 7866  
among three persons nominated by the Ohio emergency medical 7867

technician instructors association and the Ohio 7868  
instructor/coordinators' society. One member shall be an 7869  
~~EMT basic, one shall be an EMT I, and one~~ EMT, AEMT, or paramedic, 7870  
and one member shall be a paramedic. The governor shall appoint 7871  
these members from among three ~~EMTs basic, three EMTs I,~~ EMTs or 7872  
AEMTs and three paramedics nominated by the Ohio association of 7873  
professional fire fighters and three ~~EMTs basic~~ EMTs, three ~~EMTs I~~ 7874  
AEMTs, and three paramedics nominated by the northern Ohio fire 7875  
fighters. One member shall be an ~~EMT basic, one shall be an EMT I,~~ 7876  
~~and one~~ EMT, AEMT, or paramedic, and one member shall be a 7877  
paramedic ~~whom the~~. The governor shall appoint these members from 7878  
among three ~~EMTs basic, three EMTs I,~~ EMTs or AEMTs and three 7879  
paramedics nominated by the Ohio state firefighter's association. 7880  
One member shall be a person whom the governor shall appoint from 7881  
among an ~~EMT basic, an EMT I, and~~ EMT, AEMT, or a paramedic 7882  
nominated by the Ohio association of emergency medical services or 7883  
the Ohio ambulance and medical transportation association. One 7884  
member shall be an EMT, AEMT, or a paramedic, whom the governor 7885  
shall appoint from among three persons nominated by the Ohio 7886  
ambulance and medical transportation association. One member shall 7887  
be a paramedic, whom the governor shall appoint from among three 7888  
persons nominated by the Ohio ambulance and medical transportation 7889  
association. The governor shall appoint one member who is an 7890  
~~EMT basic, EMT I, or paramedic affiliated with an emergency~~ 7891  
~~medical services organization. One member shall be a member of the~~ 7892  
~~Ohio ambulance association whom the governor shall appoint from~~ 7893  
~~among three persons nominated by the Ohio ambulance association.~~ 7894  
~~One member shall be a physician certified by the American board of~~ 7895  
~~surgery, American board of osteopathic surgery, American~~ 7896  
~~osteopathic board of emergency medicine, or American board of~~ 7897  
~~emergency medicine who is the chief medical officer of an air~~ 7898  
~~medical agency and is currently active in providing emergency~~ 7899  
~~medical services. The governor shall appoint this member from~~ 7900

~~among three persons nominated by the Ohio association of air 7901  
medical services. One member shall be the owner or operator of a 7902  
private emergency medical service organization whom the governor 7903  
shall appoint from among three persons nominated by the Ohio 7904  
ambulance and medical transportation association. One member shall 7905  
be a provider of mobile intensive care unit transportation in this 7906  
state whom the governor shall appoint from among three persons 7907  
nominated by the Ohio association of critical care transport. One 7908  
member shall be a provider of air-medical transportation in this 7909  
state whom the governor shall appoint from among three persons 7910  
nominated by the Ohio association of critical care transport. One 7911  
member shall be the owner or operator of a nonemergency medical 7912  
service organization in this state that provides ambulette 7913  
services whom the governor shall appoint from among three persons 7914  
nominated by the Ohio ambulance and medical transportation 7915  
association. 7916~~

The governor may refuse to appoint any of the persons 7917  
nominated by one or more organizations under division (A)(2) of 7918  
this section, except the employee of the department of public 7919  
safety designated by the director of public safety under this 7920  
section to be a member of the board. In that event, the 7921  
organization or organizations shall continue to nominate the 7922  
required number of persons until the governor appoints to the 7923  
board one or more of the persons nominated by the organization or 7924  
organizations. 7925

The director of public safety shall designate an employee of 7926  
the department of public safety to serve as a member of the board 7927  
at the director's pleasure. This member shall serve as a liaison 7928  
between the department and the division of emergency medical 7929  
services in cooperation with the executive director of the board. 7930

~~Initial appointments to the board by the governor and the 7931  
director of public safety shall be made within ninety days after 7932~~

~~November 12, 1992. Of the initial appointments by the governor, 7933  
five shall be for terms ending one year after November 12, 1992, 7934  
six shall be for terms ending two years after November 12, 1992, 7935  
and six shall be for terms ending three years after November 12, 7936  
1992. Within ninety days after the effective date of this 7937  
amendment, the governor shall appoint the member of the board who 7938  
is the chief medical officer of an air medical agency for an 7939  
initial term ending November 12, 2000. Thereafter, terms 7940~~

(B) Terms of office of all members appointed by the governor 7941  
shall be for three years, each term ending on the same day of the 7942  
same month as did the term it succeeds. Each member shall hold 7943  
office from the date of appointment until the end of the term for 7944  
which the member was appointed. A member shall continue in office 7945  
subsequent to the expiration date of the member's term until the 7946  
member's successor takes office, or until a period of sixty days 7947  
has elapsed, whichever occurs first. 7948

Each vacancy shall be filled in the same manner as the 7949  
original appointment. A member appointed to fill a vacancy 7950  
occurring prior to the expiration of the term for which the 7951  
member's predecessor was appointed shall hold office for the 7952  
remainder of the unexpired term. 7953

The term of a member shall expire if the member ceases to 7954  
meet any of the requirements to be appointed as that member. The 7955  
governor may remove any member from office for neglect of duty, 7956  
malfeasance, misfeasance, or nonfeasance, after an adjudication 7957  
hearing held in accordance with Chapter 119. of the Revised Code. 7958

(C) The members of the board shall serve without compensation 7959  
but shall be reimbursed for their actual and necessary expenses 7960  
incurred in carrying out their duties as board members. 7961

(D) The board shall organize by annually selecting a chair 7962  
and vice-chair from among its members. The board may adopt bylaws 7963



to regulate its affairs. A majority of all members of the board 7964  
shall constitute a quorum. No action shall be taken without the 7965  
concurrence of a majority of all members of the board. The board 7966  
shall meet at least four times annually and at the call of the 7967  
chair. The chair shall call a meeting on the request of the 7968  
executive director or the medical director of the board or on the 7969  
written request of five members. The board shall maintain written 7970  
or electronic records of its meetings. 7971

(E) Upon twenty-four hours' notice from a member of the 7972  
board, the member's employer shall release the member from the 7973  
member's employment duties to attend meetings of the full board. 7974  
Nothing in this ~~paragraph~~ division requires the employer of a 7975  
member of the board to compensate the member for time the member 7976  
is released from employment duties under this paragraph, but any 7977  
civil immunity, workers' compensation, disability, or similar 7978  
coverage that applies to a member of the board as a result of the 7979  
member's employment shall continue to apply while the member is 7980  
released from employment duties under this paragraph. 7981

**Sec. 4765.03.** (A) The director of public safety shall appoint 7982  
a full-time executive director for the state board of emergency 7983  
medical, fire, and transportation services. The executive director 7984  
shall be knowledgeable in emergency medical services and trauma 7985  
care and shall serve at the pleasure of the director of public 7986  
safety. The director of public safety shall appoint the executive 7987  
director from among three persons nominated by the board. The 7988  
director of public safety may refuse, for cause, to appoint any of 7989  
the board's nominees. If the director fails to appoint any of the 7990  
board's nominees, the board shall continue to nominate groups of 7991  
three persons until the director does appoint one of the board's 7992  
nominees. The executive director shall serve as the chief 7993  
executive officer of the board and as the executive director of 7994  
the division of emergency medical services. The executive director 7995

shall attend each meeting of the board, except the board may 7996  
exclude the executive director from discussions concerning the 7997  
employment or performance of the executive director or medical 7998  
director of the board. The executive director shall give a surety 7999  
bond to the state in such sum as the board determines, conditioned 8000  
on the faithful performance of the duties of the executive 8001  
director's office. The executive director shall receive a salary 8002  
from the board and shall be reimbursed for actual and necessary 8003  
expenses incurred in carrying out duties as executive director. 8004

8005

The executive director shall submit a report to the director 8006  
of public safety at least every three months regarding the status 8007  
of emergency medical services in this state. The executive 8008  
director shall meet with the director of public safety at the 8009  
director's request. 8010

(B) The board shall appoint a medical director, who shall 8011  
serve at the pleasure of the board. The medical director shall be 8012  
a physician certified by the American board of emergency medicine 8013  
or the American osteopathic board of emergency medicine who is 8014  
active in the practice of emergency medicine and has been actively 8015  
involved with an emergency medical service organization for at 8016  
least five years prior to being appointed. The board shall 8017  
consider any recommendations for this appointment from the Ohio 8018  
chapter of the American college of emergency physicians, the Ohio 8019  
chapter of the American college of surgeons, the Ohio chapter of 8020  
the American academy of pediatrics, the Ohio osteopathic 8021  
association, and the Ohio state medical association. 8022

The medical director shall direct the executive director and 8023  
advise the board with regard to adult and pediatric trauma and 8024  
emergency medical services issues. The medical director shall 8025  
attend each meeting of the board, except the board may exclude the 8026  
medical director from discussions concerning the appointment or 8027

performance of the medical director or executive director of the 8028  
board. The medical director shall be employed and paid by the 8029  
board and shall be reimbursed for actual and necessary expenses 8030  
incurred in carrying out duties as medical director. 8031

(C) The board may appoint employees as it determines 8032  
necessary. The board shall prescribe the duties and titles of its 8033  
employees. 8034

**Sec. 4765.04.** (A) The firefighter and fire safety inspector 8035  
training committee of the state board of emergency medical, fire, 8036  
and transportation services is hereby created and shall consist of 8037  
the members of the board who are chiefs of fire departments, and 8038  
the members of the board who are emergency medical 8039  
technicians-basic, emergency medical technicians-intermediate, and 8040  
emergency medical technicians-paramedic appointed from among 8041  
persons nominated by the Ohio association of professional fire 8042  
fighters or the northern Ohio fire fighters and from among persons 8043  
nominated by the Ohio state firefighter's association. Each member 8044  
of the committee, except the chairperson, may designate a person 8045  
with fire experience to serve in that member's place. The members 8046  
of the committee or their designees shall select a chairperson 8047  
from among the members or their designees. 8048

The committee may conduct investigations in the course of 8049  
discharging its duties under this chapter. In the course of an 8050  
investigation, the committee may issue subpoenas. If a person 8051  
subpoenaed fails to comply with the subpoena, the committee may 8052  
authorize its chairperson to apply to the court of common pleas in 8053  
the county where the person to be subpoenaed resides for an order 8054  
compelling compliance in the same manner as compliance with a 8055  
subpoena issued by the court is compelled. 8056

(B) The trauma committee of the state board of emergency 8057  
medical, fire, and transportation services is hereby created and 8058

shall consist of the following members appointed by the director 8059  
of public safety: 8060

(1) A physician who is certified by the American board of 8061  
surgery or American osteopathic board of surgery and actively 8062  
practices general trauma surgery, appointed from among three 8063  
persons nominated by the Ohio chapter of the American college of 8064  
surgeons, three persons nominated by the Ohio state medical 8065  
association, and three persons nominated by the Ohio osteopathic 8066  
association; 8067

(2) A physician who is certified by the American board of 8068  
surgery or the American osteopathic board of surgery and actively 8069  
practices orthopedic trauma surgery, appointed from among three 8070  
persons nominated by the Ohio orthopedic society and three persons 8071  
nominated by the Ohio osteopathic association; 8072

(3) A physician who is certified by the American board of 8073  
neurological surgeons or the American osteopathic board of surgery 8074  
and actively practices neurosurgery on trauma victims, appointed 8075  
from among three persons nominated by the Ohio state neurological 8076  
society and three persons nominated by the Ohio osteopathic 8077  
association; 8078

(4) A physician who is certified by the American board of 8079  
surgeons or American osteopathic board of surgeons and actively 8080  
specializes in treating burn victims, appointed from among three 8081  
persons nominated by the Ohio chapter of the American college of 8082  
surgeons and three persons nominated by the Ohio osteopathic 8083  
association; 8084

(5) A dentist who is certified by the American board of oral 8085  
and maxillofacial surgery and actively practices oral and 8086  
maxillofacial surgery, appointed from among three persons 8087  
nominated by the Ohio dental association; 8088

(6) A physician who is certified by the American board of 8089

physical medicine and rehabilitation or American osteopathic board 8090  
of rehabilitation medicine and actively provides rehabilitative 8091  
care to trauma victims, appointed from among three persons 8092  
nominated by the Ohio society of physical medicine and 8093  
rehabilitation and three persons nominated by the Ohio osteopathic 8094  
association; 8095

(7) A physician who is certified by the American board of 8096  
surgery or American osteopathic board of surgery with special 8097  
qualifications in pediatric surgery and actively practices 8098  
pediatric trauma surgery, appointed from among three persons 8099  
nominated by the Ohio chapter of the American academy of 8100  
pediatrics and three persons nominated by the Ohio osteopathic 8101  
association; 8102

(8) A physician who is certified by the American board of 8103  
emergency medicine or American osteopathic board of emergency 8104  
medicine, actively practices emergency medicine, and is actively 8105  
involved in emergency medical services, appointed from among three 8106  
persons nominated by the Ohio chapter of the American college of 8107  
emergency physicians and three persons nominated by the Ohio 8108  
osteopathic association; 8109

(9) A physician who is certified by the American board of 8110  
pediatrics, American osteopathic board of pediatrics, or American 8111  
board of emergency medicine, is sub-boarded in pediatric emergency 8112  
medicine, actively practices pediatric emergency medicine, and is 8113  
actively involved in emergency medical services, appointed from 8114  
among three persons nominated by the Ohio chapter of the American 8115  
academy of pediatrics, three persons nominated by the Ohio chapter 8116  
of the American college of emergency physicians, and three persons 8117  
nominated by the Ohio osteopathic association; 8118

(10) A physician who is certified by the American board of 8119  
surgery, American osteopathic board of surgery, or American board 8120  
of emergency medicine and is the chief medical officer of an air 8121

medical organization, appointed from among three persons nominated 8122  
by the Ohio association of air medical services; 8123

(11) A coroner or medical examiner appointed from among three 8124  
people nominated by the Ohio state coroners' association; 8125

(12) A registered nurse who actively practices trauma nursing 8126  
at an adult or pediatric trauma center, appointed from among three 8127  
persons nominated by the Ohio association of trauma nurse 8128  
coordinators; 8129

(13) A registered nurse who actively practices emergency 8130  
nursing and is actively involved in emergency medical services, 8131  
appointed from among three persons nominated by the Ohio chapter 8132  
of the emergency nurses' association; 8133

(14) The chief trauma registrar of an adult or pediatric 8134  
trauma center, appointed from among three persons nominated by the 8135  
alliance of Ohio trauma registrars; 8136

(15) The administrator of an adult or pediatric trauma 8137  
center, appointed from among three persons nominated by OHA: the 8138  
association for hospitals and health systems, three persons 8139  
nominated by the Ohio osteopathic association, three persons 8140  
nominated by the association of Ohio children's hospitals, and 8141  
three persons nominated by the health forum of Ohio; 8142

(16) The administrator of a hospital that is not a trauma 8143  
center and actively provides emergency care to adult or pediatric 8144  
trauma patients, appointed from among three persons nominated by 8145  
OHA: the association for hospitals and health systems, three 8146  
persons nominated by the Ohio osteopathic association, three 8147  
persons nominated by the association of Ohio children's hospitals, 8148  
and three persons nominated by the health forum of Ohio; 8149

(17) The operator of an ambulance company that actively 8150  
provides trauma care to emergency patients, appointed from among 8151  
three persons nominated by the Ohio ambulance association; 8152

(18) The chief of a fire department that actively provides 8153  
trauma care to emergency patients, appointed from among three 8154  
persons nominated by the Ohio fire chiefs' association; 8155

(19) An EMT or paramedic who is certified under this chapter 8156  
and actively provides trauma care to emergency patients, appointed 8157  
from among three persons nominated by the Ohio association of 8158  
professional firefighters, three persons nominated by the northern 8159  
Ohio fire fighters, three persons nominated by the Ohio state 8160  
firefighters' association, and three persons nominated by the Ohio 8161  
association of emergency medical services; 8162

(20) A person who actively advocates for trauma victims, 8163  
appointed from three persons nominated by the Ohio brain injury 8164  
association and three persons nominated by the governor's council 8165  
on people with disabilities; 8166

(21) A physician or nurse who has substantial administrative 8167  
responsibility for trauma care provided in or by an adult or 8168  
pediatric trauma center, appointed from among three persons 8169  
nominated by OHA: the association for hospitals and health 8170  
systems, three persons nominated by the Ohio osteopathic 8171  
association, three persons nominated by the association of Ohio 8172  
children's hospitals, and three persons nominated by the health 8173  
forum of Ohio; 8174

(22) Three representatives of hospitals that are not trauma 8175  
centers and actively provide emergency care to trauma patients, 8176  
appointed from among three persons nominated by OHA: the 8177  
association for hospitals and health systems, three persons 8178  
nominated by the Ohio osteopathic association, three persons 8179  
nominated by the association of Ohio children's hospitals, and 8180  
three persons nominated by the health forum of Ohio. The 8181  
representatives may be hospital administrators, physicians, 8182  
nurses, or other clinical professionals. 8183

Members of the committee shall have substantial experience in 8184  
the categories they represent, shall be residents of this state, 8185  
and may be members of the state board of emergency medical, fire, 8186  
and transportation services. In appointing members of the 8187  
committee, the director shall attempt to include members 8188  
representing urban and rural areas, various geographical areas of 8189  
the state, and various schools of training. The director shall not 8190  
appoint to the committee more than one member who is employed by 8191  
or practices at the same hospital, health system, or emergency 8192  
medical service organization. 8193

The director may refuse to appoint any of the persons 8194  
nominated by an organization or organizations under this division. 8195  
In that event, the organization or organizations shall continue to 8196  
nominate the required number of persons until the director 8197  
appoints to the committee one or more of the persons nominated by 8198  
the organization or organizations. 8199

Initial appointments to the committee shall be made by the 8200  
director not later than ninety days after November 3, 2000. 8201  
Members of the committee shall serve at the pleasure of the 8202  
director, except that any member of the committee who ceases to be 8203  
qualified for the position to which the member was appointed shall 8204  
cease to be a member of the committee. Vacancies on the committee 8205  
shall be filled in the same manner as original appointments. 8206

The members of the committee shall serve without compensation 8207  
but shall be reimbursed for actual and necessary expenses incurred 8208  
in carrying out duties as members of the committee. 8209

The committee shall select a chairperson and vice-chairperson 8210  
from among its members. A majority of all members of the committee 8211  
shall constitute a quorum. No action shall be taken without the 8212  
concurrence of a majority of all members of the committee. The 8213  
committee shall meet at the call of the chair, upon written 8214  
request of five members of the committee, and at the direction of 8215



the state board of emergency medical, fire, and transportation 8216  
services. The committee shall not meet at times or locations that 8217  
conflict with meetings of the board. The executive director and 8218  
medical director of the state board of emergency medical, fire, 8219  
and transportation services may participate in any meeting of the 8220  
committee and shall do so at the request of the committee. 8221

The committee shall advise and assist the state board of 8222  
emergency medical, fire, and transportation services in matters 8223  
related to adult and pediatric trauma care and the establishment 8224  
and operation of the state trauma registry. In matters relating to 8225  
the state trauma registry, the board and the committee shall 8226  
consult with trauma registrars from adult and pediatric trauma 8227  
centers in the state. The committee may appoint a subcommittee to 8228  
advise and assist with the trauma registry. The subcommittee may 8229  
include persons with expertise relevant to the trauma registry who 8230  
are not members of the board or committee. 8231

(C)(1) The medical transportation committee of the state 8232  
board of emergency medical, fire, and transportation services is 8233  
hereby created. The committee shall consist of members appointed 8234  
by the board in accordance with rules adopted by the board. In 8235  
appointing members of the committee, the board shall attempt to 8236  
include members representing urban and rural areas and various 8237  
geographical areas of the state, and shall ensure the members have 8238  
substantial experience in the transportation of patients, 8239  
including addressing the unique issues of mobile intensive care 8240  
and air medical services. The members of the committee shall be 8241  
residents of this state and may be members of the board. The 8242  
members of the committee shall serve without compensation but 8243  
shall be reimbursed for actual and necessary expenses incurred in 8244  
carrying out duties as members of the committee. The committee 8245  
shall select a chairperson and vice-chairperson from among its 8246  
members. A majority of all members of the committee shall 8247

constitute a quorum. No action shall be taken without the 8248  
concurrence of a majority of all members of the committee. The 8249  
committee shall meet at the call of the chair and at the direction 8250  
of the board. The committee shall not meet at times or locations 8251  
that conflict with meetings of the board. The committee shall 8252  
advise and assist the board in matters related to the licensing of 8253  
nonemergency medical service, emergency medical service, and air 8254  
medical service organizations in this state. 8255

(2) There is hereby created the critical care subcommittee of 8256  
the medical transportation committee. The membership of the 8257  
subcommittee and the conduct of the subcommittee's business shall 8258  
conform to rules adopted by the board. The subcommittee shall 8259  
advise and assist the committee and board in matters relating to 8260  
mobile intensive care and air medical service organizations in 8261  
this state. 8262

(D) The state board of emergency medical, fire, and 8263  
transportation services may appoint other committees and 8264  
subcommittees as it considers necessary. 8265

~~(D)~~(E) The state board of emergency medical, fire, and 8266  
transportation services, and any of its committees or 8267  
subcommittees, may request assistance from any state agency. The 8268  
board and its committees and subcommittees may permit persons who 8269  
are not members of those bodies to participate in deliberations of 8270  
those bodies, but no person who is not a member of the board shall 8271  
vote on the board and no person who is not a member of a committee 8272  
created under division (A) ~~or~~, (B), or (C) of this section shall 8273  
vote on that committee. 8274

~~(E)~~(F) Sections 101.82 to 101.87 of the Revised Code do not 8275  
apply to the committees established under ~~division~~ divisions (A) 8276  
~~or~~, (B), and (C) of this section. 8277

**Sec. 4765.05.** (A) As used in this section, "prehospital 8278

emergency medical services" means an emergency medical services 8279  
system that provides medical services to patients who require 8280  
immediate assistance, because of illness or injury, prior to their 8281  
arrival at an emergency medical facility. 8282

(B) The state board of emergency medical, fire, and 8283  
transportation services shall divide the state geographically into 8284  
prehospital emergency medical services regions for purposes of 8285  
overseeing the delivery of adult and pediatric prehospital 8286  
emergency medical services. For each prehospital emergency medical 8287  
services region, the state board of emergency medical, fire, and 8288  
transportation services shall appoint either a physician to serve 8289  
as the regional director or a physician advisory board to serve as 8290  
the regional advisory board. The state board of emergency medical, 8291  
fire, and transportation services shall specify the duties of each 8292  
regional director and regional advisory board. Regional directors 8293  
and members of regional advisory boards shall serve without 8294  
compensation, but shall be reimbursed for actual and necessary 8295  
expenses incurred in carrying out duties as regional directors and 8296  
members of regional advisory boards. 8297

(C) Nothing in this section shall be construed to limit in 8298  
any way the ability of a hospital to determine the market area of 8299  
that hospital. 8300

**Sec. 4765.06.** (A) The state board of emergency medical, fire, 8301  
and transportation services shall establish an emergency medical 8302  
services incidence reporting system for the collection of 8303  
information regarding the delivery of emergency medical services 8304  
in this state and the frequency at which the services are 8305  
provided. All emergency medical service organizations shall submit 8306  
to the board any information that the board determines is 8307  
necessary for maintaining the incidence reporting system. 8308

(B) The board shall establish a state trauma registry to be 8309

used for the collection of information regarding the care of adult 8310  
and pediatric trauma victims in this state. The registry shall 8311  
provide for the reporting of adult and pediatric trauma-related 8312  
deaths, identification of adult and pediatric trauma patients, 8313  
monitoring of adult and pediatric trauma patient care data, 8314  
determination of the total amount of uncompensated adult and 8315  
pediatric trauma care provided annually by each facility that 8316  
provides care to trauma victims, and collection of any other 8317  
information specified by the board. All persons designated by the 8318  
board shall submit to the board any information it determines is 8319  
necessary for maintaining the state trauma registry. At the 8320  
request of the board any state agency possessing information 8321  
regarding adult or pediatric trauma care shall provide the 8322  
information to the board. The board shall maintain the state 8323  
trauma registry in accordance with rules adopted under section 8324  
4765.11 of the Revised Code. 8325

Rules relating to the state trauma registry adopted under 8326  
this section and section 4765.11 of the Revised Code shall not 8327  
prohibit the operation of other trauma registries and may provide 8328  
for the reporting of information to the state trauma registry by 8329  
or through other trauma registries in a manner consistent with 8330  
information otherwise reported to the state trauma registry. Other 8331  
trauma registries may report aggregate information to the state 8332  
trauma registry, provided the information can be matched to the 8333  
person that reported it. Information maintained by another trauma 8334  
registry and reported to the state trauma registry in lieu of 8335  
being reported directly to the state trauma registry is a public 8336  
record and shall be maintained, made available to the public, held 8337  
in confidence, risk adjusted, and not subject to discovery or 8338  
introduction into evidence in a civil action as provided in 8339  
section 149.43 of the Revised Code and this section. Any person 8340  
who provides, maintains, or risk adjusts such information shall 8341  
comply with this section and rules adopted under it in performing 8342

that function and has the same immunities with respect to that 8343  
function as a person who performs that function with respect to 8344  
the state trauma registry. 8345

(C) The board and any employee or contractor of the board or 8346  
the department of public safety shall not make public information 8347  
it receives under Chapter 4765. of the Revised Code that 8348  
identifies or would tend to identify a specific recipient of 8349  
emergency medical services or adult or pediatric trauma care. 8350

(D) Not later than two years after November 3, 2000, the 8351  
board shall adopt and implement rules under section 4765.11 of the 8352  
Revised Code that provide written standards and procedures for 8353  
risk adjustment of information received by the board under Chapter 8354  
4765. of the Revised Code. The rules shall be developed in 8355  
consultation with appropriate medical, hospital, and emergency 8356  
medical service organizations and may provide for risk adjustment 8357  
by a contractor of the board. Except as provided in division (G) 8358  
of this section, before risk adjustment standards and procedures 8359  
are implemented, no member of the board and no employee or 8360  
contractor of the board or the department of public safety shall 8361  
make public information received by the board under Chapter 4765. 8362  
of the Revised Code that identifies or would tend to identify a 8363  
specific provider of emergency medical services or adult or 8364  
pediatric trauma care. Except as provided in division (G) of this 8365  
section, after risk adjustment standards and procedures are 8366  
implemented, the board shall make public such information only on 8367  
a risk adjusted basis. 8368

(E) The board shall adopt rules under section 4765.11 of the 8369  
Revised Code that specify procedures for ensuring the 8370  
confidentiality of information that is not to be made public under 8371  
this section. The rules shall specify the circumstances in which 8372  
deliberations of the persons performing risk adjustment functions 8373  
under this section are not open to the public and records of those 8374

deliberations are maintained in confidence. Nothing in this 8375  
section prohibits the board from making public statistical 8376  
information that does not identify or tend to identify a specific 8377  
recipient or provider of emergency medical services or adult or 8378  
pediatric trauma care. 8379

(F) No provider that furnishes information to the board with 8380  
respect to any patient the provider examined or treated shall, 8381  
because of this furnishing, be deemed liable in damages to any 8382  
person or be held to answer for betrayal of a professional 8383  
confidence in the absence of willful or wanton misconduct. No such 8384  
information shall be subject to introduction in evidence in any 8385  
civil action against the provider. No provider that furnishes 8386  
information to the board shall be liable for the misuse or 8387  
improper release of the information by the board or any other 8388  
person. 8389

No person who performs risk adjustment functions under this 8390  
section shall, because of performing such functions, be held 8391  
liable in a civil action for betrayal of professional confidence 8392  
or otherwise in the absence of willful or wanton misconduct. 8393

(G) The board may transmit data that identifies or tends to 8394  
identify a specific provider of emergency medical services care 8395  
and has not been risk-adjusted from the emergency medical services 8396  
incident reporting system directly to the national emergency 8397  
medical services information system, pursuant to a written 8398  
contract between the board and the federal agency that administers 8399  
the national emergency medical services information system, which 8400  
shall ensure to the maximum extent permitted by federal law that 8401  
such agency shall use such data solely for inclusion in the 8402  
national emergency medical services information system and shall 8403  
not disclose such data to the public, through legal discovery, a 8404  
freedom of information request, or otherwise, in a manner that 8405  
identifies or tends to identify a specific provider of emergency 8406

medical services care. 8407

**Sec. 4765.07.** (A) The state board of emergency medical, fire, 8408  
and transportation services shall adopt rules under section 8409  
4765.11 of the Revised Code to establish and administer a grant 8410  
program under which grants are distributed according to the 8411  
following priorities: 8412

(1) First priority shall be given to emergency medical 8413  
service organizations for the training of personnel, for the 8414  
purchase of equipment and vehicles, and to improve the 8415  
availability, accessibility, and quality of emergency medical 8416  
services in this state. In this category, the board shall give 8417  
priority to grants that fund training and equipping of emergency 8418  
medical service personnel. 8419

(2) Second priority shall be given to entities that research, 8420  
test, and evaluate medical procedures and systems related to adult 8421  
and pediatric trauma care. 8422

(3) Third priority shall be given to entities that research 8423  
the causes, nature, and effects of traumatic injuries, educate the 8424  
public about injury prevention, and implement, test, and evaluate 8425  
injury prevention strategies. 8426

(4) Fourth priority shall be given to entities that research, 8427  
test, and evaluate procedures that promote the rehabilitation, 8428  
retraining, and reemployment of adult or pediatric trauma victims 8429  
and social service support mechanisms for adult or pediatric 8430  
trauma victims and their families. 8431

(5) Fifth priority shall be given to entities that conduct 8432  
research on, test, or evaluate one or more of the following: 8433

(a) Procedures governing the performance of emergency medical 8434  
services in this state; 8435

(b) The training of emergency medical service personnel; 8436

(c) The staffing of emergency medical service organizations. 8437

(6) For grants distributed for the grant award years 8438  
occurring not later than the award year ending June 30, 2017, 8439  
sixth priority shall be given to entities that operate paramedic 8440  
training programs and are seeking national accreditation of the 8441  
programs. 8442

(B) To be eligible for a grant distributed pursuant to 8443  
division (A)(6) of this section, an applicant for the grant shall 8444  
meet all of the following conditions: 8445

(1) Hold a certificate of accreditation issued by the board 8446  
under section 4765.17 of the Revised Code to operate a paramedic 8447  
training program; 8448

(2) Be seeking initial national accreditation of the program 8449  
from an accrediting organization approved by the board; 8450

(3) Apply for the national accreditation on or after February 8451  
25, 2010. 8452

(C) The grant program shall be funded from the trauma and 8453  
emergency medical services fund created by section 4513.263 of the 8454  
Revised Code. 8455

**Sec. 4765.08.** The state board of emergency medical, fire, and 8456  
transportation services shall prepare a statewide emergency 8457  
medical services plan and shall revise the plan as necessary. 8458

The board shall prepare a plan for the statewide regulation 8459  
of emergency medical services during periods of disaster. The plan 8460  
shall be consistent with the statewide emergency medical services 8461  
plan required under this section and with the statewide emergency 8462  
operations plan required under section 5502.22 of the Revised 8463  
Code. The board shall submit the plan to the emergency management 8464  
agency created under section 5502.22 of the Revised Code. The 8465  
board shall cooperate with the agency in any other manner the 8466



agency considers necessary to develop and implement the statewide 8467  
emergency operations plan. 8468

**Sec. 4765.09.** The state board of emergency medical, fire, and 8469  
transportation services shall prepare recommendations for the 8470  
operation of ambulance service organizations, air medical 8471  
organizations, and emergency medical service organizations. Within 8472  
thirty days following the preparation or modification of 8473  
recommendations, the board shall notify the board of county 8474  
commissioners of any county, the board of township trustees of any 8475  
township, the board of trustees of any joint ambulance district, 8476  
or the board of trustees of any joint emergency medical services 8477  
district in which there exist ambulance service organizations, air 8478  
medical organizations, or emergency medical service organizations 8479  
of any board recommendations for the operation of such 8480  
organizations. The recommendations shall include, but not be 8481  
limited to: 8482

(A) The definition and classification of ambulances and 8483  
medical aircraft; 8484

(B) The design, equipment, and supplies for ambulances and 8485  
medical aircraft, including special equipment, supplies, training, 8486  
and staffing required to assist pediatric and geriatric emergency 8487  
victims; 8488

(C) The minimum number and type of personnel for the 8489  
operation of ambulances and medical aircraft; 8490

(D) The communication systems necessary for the operation of 8491  
ambulances and medical aircraft; 8492

(E) Reports to be made by persons holding certificates of 8493  
accreditation or approval issued under section 4765.17 of the 8494  
Revised Code and certificates to practice issued under section 8495  
4765.30 of the Revised Code to ascertain compliance with this 8496

chapter and the rules and recommendations adopted thereunder and 8497  
to ascertain the quantity and quality of ambulance service 8498  
organizations, air medical organizations, and emergency medical 8499  
service organizations throughout the state. 8500

**Sec. 4765.10.** (A) The state board of emergency medical, fire, 8501  
and transportation services shall do all of the following: 8502

(1) Administer and enforce the provisions of this chapter and 8503  
the rules adopted under it; 8504

(2) Approve, in accordance with procedures established in 8505  
rules adopted under section 4765.11 of the Revised Code, 8506  
examinations that demonstrate competence to have a certificate to 8507  
practice renewed without completing a continuing education 8508  
program; 8509

(3) Advise applicants for state or federal emergency medical 8510  
services funds, review and comment on applications for these 8511  
funds, and approve the use of all state and federal funds 8512  
designated solely for emergency medical service programs unless 8513  
federal law requires another state agency to approve the use of 8514  
all such federal funds; 8515

(4) Serve as a statewide clearinghouse for discussion, 8516  
inquiry, and complaints concerning emergency medical services; 8517

(5) Make recommendations to the general assembly on 8518  
legislation to improve the delivery of emergency medical services; 8519

(6) Maintain a toll-free long distance telephone number 8520  
through which it shall respond to questions about emergency 8521  
medical services; 8522

(7) Work with appropriate state offices in coordinating the 8523  
training of firefighters and emergency medical service personnel. 8524  
Other state offices that are involved in the training of 8525  
firefighters or emergency medical service personnel shall 8526

cooperate with the board and its committees and subcommittees to 8527  
achieve this goal. 8528

(8) Provide a liaison to the state emergency operation center 8529  
during those periods when a disaster, as defined in section 8530  
5502.21 of the Revised Code, has occurred in this state and the 8531  
governor has declared an emergency as defined in that section. 8532

(B) The board may do any of the following: 8533

(1) Investigate complaints concerning emergency medical 8534  
services and emergency medical service organizations as it 8535  
determines necessary; 8536

(2) Enter into reciprocal agreements with other states that 8537  
have standards for accreditation of emergency medical services 8538  
training programs and for certification of first responders, 8539  
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 8540  
inspectors that are substantially similar to those established 8541  
under this chapter and the rules adopted under it; 8542

(3) Establish a statewide public information system and 8543  
public education programs regarding emergency medical services; 8544

(4) Establish an injury prevention program. 8545

(C) The state board of emergency medical, fire, and 8546  
transportation services shall not regulate any profession that 8547  
otherwise is regulated by another board, commission, or similar 8548  
regulatory entity. 8549

**Sec. 4765.101.** (A) The state board of emergency medical, 8550  
fire, and transportation services shall investigate any allegation 8551  
that a person has violated this chapter or a rule adopted under 8552  
it. 8553

Any person may submit to the board a written complaint 8554  
regarding an alleged violation of this chapter or a rule adopted 8555  
under it. In the absence of fraud or bad faith, no person 8556

submitting a complaint to the board or testifying in an 8557  
adjudication hearing conducted in accordance with Chapter 119. of 8558  
the Revised Code with regard to such an alleged violation shall be 8559  
liable to any person in damages in a civil action as a result of 8560  
submitting the complaint or providing testimony. 8561

(B) In investigating an allegation, the board may do any of 8562  
the following: 8563

(1) Administer oaths; 8564

(2) Order the taking of depositions; 8565

(3) Issue subpoenas; 8566

(4) Compel the attendance of witnesses and production of 8567  
books, accounts, papers, records, documents, and testimony. 8568

(C) A subpoena for patient record information shall not be 8569  
issued without consultation with the attorney general's office and 8570  
approval of the executive director of the board. Before issuance 8571  
of a subpoena for patient record information, the executive 8572  
director shall determine whether there is probable cause to 8573  
believe that the complaint filed alleges a violation of this 8574  
chapter or any rule adopted under it and that the records sought 8575  
are relevant to the alleged violation and material to the 8576  
investigation. The subpoena may apply only to records that cover a 8577  
reasonable period of time surrounding the alleged violation. 8578

(D) On failure to comply with any subpoena issued by the 8579  
board and after reasonable notice to the person being subpoenaed, 8580  
the board may move, pursuant to the Rules of Civil Procedure, for 8581  
an order compelling the production of persons or records. 8582

(E) A subpoena issued by the board may be served by a 8583  
sheriff, the sheriff's deputy, or an investigator for the division 8584  
of emergency medical services of the department of public safety. 8585  
Service of a subpoena issued by the board may be made by 8586

delivering a copy of the subpoena to the person named in it, 8587  
reading it to the person, or leaving it at the person's usual 8588  
place of residence. When the person being served is an individual 8589  
authorized by this chapter to practice emergency medical services, 8590  
service of the subpoena may be made by certified mail, restricted 8591  
delivery, return receipt requested, and the subpoena shall be 8592  
deemed served on the date delivery is made or on the date that the 8593  
person refuses to accept delivery. 8594

**Sec. 4765.102.** (A) As used in this section, "licensing 8595  
agency" means any entity that has the authority pursuant to Title 8596  
XLVII of the Revised Code to issue a license, and any other agency 8597  
of this or another state, other than the Ohio supreme court, that 8598  
has the authority to issue a license that authorizes an individual 8599  
to engage in an occupation or profession. "Licensing agency" 8600  
includes an administrative officer that has authority to issue a 8601  
license that authorizes an individual to engage in an occupation 8602  
or profession. 8603

(B) Except as provided in divisions (C) and (D) of this 8604  
section and section 4765.111 of the Revised Code, all information 8605  
the state board of emergency medical, fire, and transportation 8606  
services receives pursuant to an investigation, including 8607  
information regarding an alleged violation of this chapter or 8608  
rules adopted under it or a complaint submitted under division (A) 8609  
of section 4765.101 of the Revised Code, is confidential, and is 8610  
not subject to discovery in any civil action, during the course of 8611  
the investigation and any adjudication proceedings that result 8612  
from the investigation. Upon completion of the investigation and 8613  
any resulting adjudication proceedings, the information is a 8614  
matter of public record for purposes of section 149.43 of the 8615  
Revised Code. 8616

(C) The board may release information otherwise made 8617

confidential by division (B) of this section to law enforcement 8618  
officers or licensing agencies of this or another state that are 8619  
prosecuting, adjudicating, or investigating the holder of a 8620  
certificate issued under this chapter or a person who allegedly 8621  
engaged in the unauthorized provision of emergency medical 8622  
services. 8623

A law enforcement officer or licensing agency with 8624  
information disclosed by the board under this division shall not 8625  
divulge the information other than for the purpose of an 8626  
adjudication by a court or licensing agency to which the subject 8627  
of the adjudication is a party. 8628

(D) If an investigation conducted under section 4765.101 of 8629  
the Revised Code requires a review of patient records, the 8630  
investigation and proceedings related to it shall be conducted in 8631  
such a manner as to protect patient confidentiality. The board 8632  
shall not make public the name or any other identifying 8633  
information about a patient unless proper consent is given in 8634  
accordance with rules adopted by the board. If the patient is less 8635  
than eighteen years of age, the board shall obtain consent from 8636  
the patient's parent, guardian, or custodian. 8637

**Sec. 4765.11.** (A) The state board of emergency medical, fire, 8638  
and transportation services shall adopt, and may amend and 8639  
rescind, rules in accordance with Chapter 119. of the Revised Code 8640  
and division (C) of this section that establish all of the 8641  
following: 8642

(1) Procedures for its governance and the control of its 8643  
actions and business affairs; 8644

(2) Standards for the performance of emergency medical 8645  
services by first responders, emergency medical technicians-basic, 8646  
emergency medical technicians-intermediate, and emergency medical 8647  
technicians-paramedic; 8648

(3) Application fees for certificates of accreditation,	8649
certificates of approval, certificates to teach, and certificates	8650
to practice, which shall be deposited into the trauma and	8651
emergency medical services fund created in section 4513.263 of the	8652
Revised Code;	8653
(4) Criteria for determining when the application or renewal	8654
fee for a certificate to practice may be waived because an	8655
applicant cannot afford to pay the fee;	8656
(5) Procedures for issuance and renewal of certificates of	8657
accreditation, certificates of approval, certificates to teach,	8658
and certificates to practice, including any procedures necessary	8659
to ensure that adequate notice of renewal is provided in	8660
accordance with division (D) of section 4765.30 of the Revised	8661
Code;	8662
(6) Procedures for suspending or revoking certificates of	8663
accreditation, certificates of approval, certificates to teach,	8664
and certificates to practice;	8665
(7) Grounds for suspension or revocation of a certificate to	8666
practice issued under section 4765.30 of the Revised Code and for	8667
taking any other disciplinary action against a first responder,	8668
EMT-basic, EMT-I, or paramedic;	8669
(8) Procedures for taking disciplinary action against a first	8670
responder, EMT-basic, EMT-I, or paramedic;	8671
(9) Standards for certificates of accreditation and	8672
certificates of approval;	8673
(10) Qualifications for certificates to teach;	8674
(11) Requirements for a certificate to practice;	8675
(12) The curricula, number of hours of instruction and	8676
training, and instructional materials to be used in adult and	8677
pediatric emergency medical services training programs and adult	8678

and pediatric emergency medical services continuing education	8679
programs;	8680
(13) Procedures for conducting courses in recognizing	8681
symptoms of life-threatening allergic reactions and in calculating	8682
proper dosage levels and administering injections of epinephrine	8683
to adult and pediatric patients who suffer life-threatening	8684
allergic reactions;	8685
(14) Examinations for certificates to practice;	8686
(15) Procedures for administering examinations for	8687
certificates to practice;	8688
(16) Procedures for approving examinations that demonstrate	8689
competence to have a certificate to practice renewed without	8690
completing an emergency medical services continuing education	8691
program;	8692
(17) Procedures for granting extensions and exemptions of	8693
emergency medical services continuing education requirements;	8694
(18) Procedures for approving the additional emergency	8695
medical services first responders are authorized by division (C)	8696
of section 4765.35 of the Revised Code to perform, EMTs-basic are	8697
authorized by division (C) of section 4765.37 of the Revised Code	8698
to perform, EMTs-I are authorized by division (B)(5) of section	8699
4765.38 of the Revised Code to perform, and paramedics are	8700
authorized by division (B)(6) of section 4765.39 of the Revised	8701
Code to perform;	8702
(19) Standards and procedures for implementing the	8703
requirements of section 4765.06 of the Revised Code, including	8704
designations of the persons who are required to report information	8705
to the board and the types of information to be reported;	8706
(20) Procedures for administering the emergency medical	8707
services grant program established under section 4765.07 of the	8708



Revised Code;	8709
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	8710 8711
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel;	8712 8713 8714
(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;	8715 8716 8717 8718
(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;	8719 8720 8721 8722
(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.	8723 8724 8725 8726 8727 8728
(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:	8729 8730 8731
(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;	8732 8733 8734
(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;	8735 8736 8737
(3) Requirements that a person must meet to receive a	8738

certificate to practice as a first responder pursuant to division 8739  
(A)(2) of section 4765.30 of the Revised Code; 8740

(4) Any other rules necessary to implement this chapter. 8741

(C) In developing and administering rules adopted under this 8742  
chapter, the state board of emergency medical, fire, and 8743  
transportation services shall consult with regional directors and 8744  
regional physician advisory boards created by section 4765.05 of 8745  
the Revised Code and emphasize the special needs of pediatric and 8746  
geriatric patients. 8747

(D) Except as otherwise provided in this division, before 8748  
adopting, amending, or rescinding any rule under this chapter, the 8749  
board shall submit the proposed rule to the director of public 8750  
safety for review. The director may review the proposed rule for 8751  
not more than sixty days after the date it is submitted. If, 8752  
within this sixty-day period, the director approves the proposed 8753  
rule or does not notify the board that the rule is disapproved, 8754  
the board may adopt, amend, or rescind the rule as proposed. If, 8755  
within this sixty-day period, the director notifies the board that 8756  
the proposed rule is disapproved, the board shall not adopt, 8757  
amend, or rescind the rule as proposed unless at least twelve 8758  
members of the board vote to adopt, amend, or rescind it. 8759

This division does not apply to an emergency rule adopted in 8760  
accordance with section 119.03 of the Revised Code. 8761

**Sec. 4765.111.** Except as provided in this section or sections 8762  
4765.112 to 4765.116 of the Revised Code, the state board of 8763  
emergency medical, fire, and transportation services shall conduct 8764  
disciplinary proceedings regarding the holder of a certificate 8765  
issued under this chapter in accordance with rules adopted by the 8766  
board under section 4765.11 of the Revised Code. 8767

The board and a holder of a certificate are the parties to a 8768

hearing conducted under this chapter. Either party may submit a 8769  
written request to the other party for a list of witnesses and 8770  
copies of documents intended to be introduced at the hearing. The 8771  
request shall be in writing and shall be served not less than 8772  
thirty-seven days prior to the commencement of the hearing, unless 8773  
the hearing officer or presiding board member grants an extension 8774  
of time to make the request. Not later than thirty days before the 8775  
hearing, the responding party shall provide the requested list of 8776  
witnesses and copies of documents to the requesting party, unless 8777  
the hearing officer or presiding board member grants an extension 8778  
of time to provide the list and copies. 8779

Failure to timely provide a list or copies requested in 8780  
accordance with this section shall result in exclusion from the 8781  
hearing of the witnesses, testimony, or documents. 8782

**Sec. 4765.112.** (A) The state board of emergency medical, 8783  
fire, and transportation services, by an affirmative vote of the 8784  
majority of its members, may suspend without a prior hearing a 8785  
certificate to practice issued under this chapter if the board 8786  
determines that there is clear and convincing evidence that 8787  
continued practice by the certificate holder presents a danger of 8788  
immediate and serious harm to the public and that the certificate 8789  
holder has done any of the following: 8790

(1) Furnished false, fraudulent, or misleading information to 8791  
the board; 8792

(2) Engaged in activities that exceed those permitted by the 8793  
individual's certificate; 8794

(3) In a court of this or any other state or federal court 8795  
been convicted of, pleaded guilty to, or been the subject of a 8796  
judicial finding of guilt of, a judicial finding of guilt 8797  
resulting from a plea of no contest to, or a judicial finding of 8798  
eligibility for intervention in lieu of conviction for, a felony 8799

or for a misdemeanor committed in the course of practice or 8800  
involving gross immorality or moral turpitude. 8801

(B) Immediately following the decision to impose a summary 8802  
suspension, the board, in accordance with section 119.07 of the 8803  
Revised Code, shall issue a written order of suspension, cause it 8804  
to be delivered to the certificate holder, and notify the 8805  
certificate holder of the opportunity for a hearing. If timely 8806  
requested by the certificate holder, a hearing shall be conducted 8807  
in accordance with section 4765.115 of the Revised Code. 8808

**Sec. 4765.113.** If the state board of emergency medical, fire, 8809  
and transportation services imposes a suspension on the basis of a 8810  
conviction, judicial finding, or plea as described in division 8811  
(A)(3) of section 4765.112 of the Revised Code that is overturned 8812  
on appeal, the certificate holder, on exhaustion of the criminal 8813  
appeal process, may file with the board a petition for 8814  
reconsideration of the suspension along with appropriate court 8815  
documents. On receipt of the petition and documents, the board 8816  
shall reinstate the certificate holder's certificate to practice. 8817

**Sec. 4765.114.** (A) A certificate to practice emergency 8818  
medical services issued under this chapter is automatically 8819  
suspended on the certificate holder's conviction of, plea of 8820  
guilty to, or judicial finding of guilt of any of the following: 8821  
aggravated murder, murder, voluntary manslaughter, felonious 8822  
assault, kidnapping, rape, sexual battery, gross sexual 8823  
imposition, aggravated arson, aggravated burglary, aggravated 8824  
robbery, or a substantially equivalent offense committed in this 8825  
or another jurisdiction. Continued practice after the suspension 8826  
is practicing without a certificate. 8827

(B) If the state board of emergency medical, fire, and 8828  
transportation services has knowledge that an automatic suspension 8829

has occurred, it shall notify, in accordance with section 119.07 8830  
of the Revised Code, the certificate holder of the suspension and 8831  
of the opportunity for a hearing. If timely requested by the 8832  
certificate holder, a hearing shall be conducted in accordance 8833  
with section 4765.115 of the Revised Code. 8834

**Sec. 4765.115.** (A) A suspension order issued under section 8835  
4765.112 or automatic suspension under section 4765.114 of the 8836  
Revised Code is not subject to suspension by a court prior to a 8837  
hearing under this section or during the pendency of any appeal 8838  
filed under section 119.12 of the Revised Code. 8839

(B) A suspension order issued under section 4765.112 or 8840  
automatic suspension under section 4765.114 of the Revised Code 8841  
remains in effect, unless reversed by the state board of emergency 8842  
medical, fire, and transportation services, until a final 8843  
adjudication order issued by the board pursuant to this section 8844  
becomes effective. 8845

(C) Hearings requested pursuant to section 4765.112 or 8846  
4765.114 of the Revised Code shall be conducted under this section 8847  
in accordance with Chapter 119. of the Revised Code. 8848

(D) A hearing under this section shall be held not later than 8849  
forty-five days but not earlier than forty days after the 8850  
certificate holder requests it, unless another date is agreed to 8851  
by the certificate holder and the board. 8852

(E) After completion of an adjudication hearing, the board 8853  
may adopt, by an affirmative vote of the majority of its members, 8854  
a final adjudication order that imposes any of the following 8855  
sanctions: 8856

(1) Suspension of the holder's certificate to practice; 8857

(2) Revocation of the holder's certificate to practice; 8858

(3) Issuance of a written reprimand; 8859

(4) A refusal to renew or a limitation on the holder's certificate to practice. 8860  
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The board shall issue its final adjudication order not later than forty-five days after completion of an adjudication hearing. 8862  
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If the board does not issue a final order within that time period, 8864  
the suspension order is void, but any final adjudication order 8865  
subsequently issued is not affected. 8866

(F) Any action taken by the board under this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the certificate to practice may be reinstated. Reinstatement of a certificate suspended under this section requires an affirmative vote by the majority of the members of the board. 8867  
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(G) When the board revokes or refuses to reinstate a certificate to practice, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a certificate of the type revoked or refused, and the board shall not accept from the individual an application for reinstatement of the certificate or for a new certificate. 8873  
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**Sec. 4765.116.** If a certificate holder subject to a suspension order issued by the state board of emergency medical, fire, and transportation services under section 4765.112 or an automatic suspension order under section 4765.114 of the Revised Code fails to make a timely request for a hearing, the following apply: 8880  
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(A) In the case of a certificate holder subject to a summary suspension order, the board is not required to hold a hearing, but may adopt, by an affirmative vote of a majority of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division 8886  
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(E) of section 4765.115 of the Revised Code. 8891

(B) In the case of a certificate holder subject to an 8892  
automatic suspension order, the board may adopt, by an affirmative 8893  
vote of a majority of its members, a final order that permanently 8894  
revokes the holder's certificate to practice. 8895

**Sec. 4765.12.** (A) Not later than two years after ~~the~~ 8896  
~~effective date of this section~~ November 3, 2000, the state board 8897  
of emergency medical, fire, and transportation services shall 8898  
develop and distribute guidelines for the care of trauma victims 8899  
by emergency medical service personnel and for the conduct of peer 8900  
review and quality assurance programs by emergency medical service 8901  
organizations. The guidelines shall be consistent with the state 8902  
trauma triage protocols adopted in rules under sections 4765.11 8903  
and 4765.40 of the Revised Code and shall place emphasis on the 8904  
special needs of pediatric and geriatric trauma victims. In 8905  
developing the guidelines, the board shall consult with entities 8906  
with interests in trauma and emergency medical services and shall 8907  
consider any relevant guidelines adopted by national 8908  
organizations, including the American college of surgeons, 8909  
American college of emergency physicians, and American academy of 8910  
pediatrics. The board shall distribute the guidelines, and 8911  
amendments to the guidelines, to each emergency medical service 8912  
organization, regional director, regional physician advisory 8913  
board, certified emergency medical service instructor, and person 8914  
who regularly provides medical direction to emergency medical 8915  
service personnel in this state. 8916

(B) Not later than three years after ~~the effective date of~~ 8917  
~~this section~~ November 3, 2000, each emergency medical service 8918  
organization in this state shall implement ongoing peer review and 8919  
quality assurance programs designed to improve the availability 8920  
and quality of the emergency medical services it provides. The 8921

form and content of the programs shall be determined by each 8922  
emergency medical service organization. In implementing the 8923  
programs, each emergency medical service organization shall 8924  
consider how to improve its ability to provide effective trauma 8925  
care, particularly for pediatric and geriatric trauma victims, and 8926  
shall take into account the trauma care guidelines developed by 8927  
the state board of emergency medical, fire, and transportation 8928  
services under this section. 8929

Information generated solely for use in a peer review or 8930  
quality assurance program conducted on behalf of an emergency 8931  
medical service organization is not a public record under section 8932  
149.43 of the Revised Code. Such information, and any discussion 8933  
conducted in the course of a peer review or quality assurance 8934  
program conducted on behalf of an emergency medical service 8935  
organization, is not subject to discovery in a civil action and 8936  
shall not be introduced into evidence in a civil action against 8937  
the emergency medical service organization on whose behalf the 8938  
information was generated or the discussion occurred. 8939

No emergency medical service organization on whose behalf a 8940  
peer review or quality assurance program is conducted, and no 8941  
person who conducts such a program, because of performing such 8942  
functions, shall be liable in a civil action for betrayal of 8943  
professional confidence or otherwise in the absence of willful or 8944  
wanton misconduct. 8945

**Sec. 4765.15.** A person seeking to operate an emergency 8946  
medical services training program shall submit a completed 8947  
application for accreditation to the state board of emergency 8948  
medical, fire, and transportation services on a form the board 8949  
shall prescribe and furnish. The application shall be accompanied 8950  
by the appropriate application fee established in rules adopted 8951  
under section 4765.11 of the Revised Code. 8952



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

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

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

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

Code.	8984
(B) A training program for first responders shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include courses in both of the following areas for at least the number of hours established by the board's rules:	8985 8986 8987 8988 8989
(1) Emergency victim care;	8990
(2) Reading and interpreting a trauma victim's vital signs.	8991
(C) A training program for emergency medical technicians-basic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include courses in each of the following areas for at least the number of hours established by the board's rules:	8992 8993 8994 8995 8996
(1) Emergency victim care;	8997
(2) Reading and interpreting a trauma victim's vital signs;	8998
(3) Triage protocols for adult and pediatric trauma victims;	8999
(4) In-hospital training;	9000
(5) Clinical training;	9001
(6) Training as an ambulance driver.	9002
Each operator of a training program for emergency medical technicians-basic shall allow any pupil in the twelfth grade in a secondary school who is at least seventeen years old and who otherwise meets the requirements for admission into such a training program to be admitted to and complete the program and, as part of the training, to ride in an ambulance with emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic. Each emergency medical service organization shall allow pupils participating in training programs to ride in an ambulance with emergency medical technicians-basic, advanced	9003 9004 9005 9006 9007 9008 9009 9010 9011 9012 9013

emergency medical technicians-intermediate, and emergency medical 9014  
technicians-paramedic. 9015

(D) A training program for emergency medical 9016  
technicians-intermediate shall meet the standards established in 9017  
rules adopted by the board under section 4765.11 of the Revised 9018  
Code. The program shall include, or require as a prerequisite, the 9019  
training specified in division (C) of this section and courses in 9020  
each of the following areas for at least the number of hours 9021  
established by the board's rules: 9022

(1) Recognizing symptoms of life-threatening allergic 9023  
reactions and in calculating proper dosage levels and 9024  
administering injections of epinephrine to persons who suffer 9025  
life-threatening allergic reactions, conducted in accordance with 9026  
rules adopted by the board under section 4765.11 of the Revised 9027  
Code; 9028

(2) Venous access procedures; 9029

(3) Cardiac monitoring and electrical interventions to 9030  
support or correct the cardiac function. 9031

(E) A training program for emergency medical 9032  
technicians-paramedic shall meet the standards established in 9033  
rules adopted by the board under section 4765.11 of the Revised 9034  
Code. The program shall include, or require as a prerequisite, the 9035  
training specified in divisions (C) and (D) of this section and 9036  
courses in each of the following areas for at least the number of 9037  
hours established by the board's rules: 9038

(1) Medical terminology; 9039

(2) Venous access procedures; 9040

(3) Airway procedures; 9041

(4) Patient assessment and triage; 9042

(5) Acute cardiac care, including administration of 9043

parenteral injections, electrical interventions, and other 9044  
emergency medical services; 9045

(6) Emergency and trauma victim care beyond that required 9046  
under division (C) of this section; 9047

(7) Clinical training beyond that required under division (C) 9048  
of this section. 9049

(F) A continuing education program for first responders, 9050  
EMTs-basic, EMTs-I, or paramedics shall meet the standards 9051  
established in rules adopted by the board under section 4765.11 of 9052  
the Revised Code. A continuing education program shall include 9053  
instruction and training in subjects established by the board's 9054  
rules for at least the number of hours established by the board's 9055  
rules. 9056

**Sec. 4765.17.** (A) The state board of emergency medical, fire, 9057  
and transportation services shall issue the appropriate 9058  
certificate of accreditation or certificate of approval to an 9059  
applicant who is of good reputation and meets the requirements of 9060  
section 4765.16 of the Revised Code. The board shall grant or deny 9061  
a certificate of accreditation or certificate of approval within 9062  
one hundred twenty days of receipt of the application. The board 9063  
may issue or renew a certificate of accreditation or certificate 9064  
of approval on a provisional basis to an applicant who is of good 9065  
reputation and is in substantial compliance with the requirements 9066  
of section 4765.16 of the Revised Code. The board shall inform an 9067  
applicant receiving such a certificate of the conditions that must 9068  
be met to complete compliance with section 4765.16 of the Revised 9069  
Code. 9070

(B) Except as provided in division (C) of this section, a 9071  
certificate of accreditation or certificate of approval is valid 9072  
for up to five years and may be renewed by the board pursuant to 9073  
procedures and standards established in rules adopted under 9074

section 4765.11 of the Revised Code. An application for renewal 9075  
shall be accompanied by the appropriate renewal fee established in 9076  
rules adopted under section 4765.11 of the Revised Code. 9077

(C) A certificate of accreditation or certificate of approval 9078  
issued on a provisional basis is valid for the length of time 9079  
established by the board. If the board finds that the holder of 9080  
such a certificate has met the conditions it specifies under 9081  
division (A) of this section, the board shall issue the 9082  
appropriate certificate of accreditation or certificate of 9083  
approval. 9084

(D) A certificate of accreditation is valid only for the 9085  
emergency medical services training program or programs for which 9086  
it is issued. The holder of a certificate of accreditation may 9087  
apply to operate additional training programs in accordance with 9088  
rules adopted by the board under section 4765.11 of the Revised 9089  
Code. Any additional training programs shall expire on the 9090  
expiration date of the applicant's current certificate. A 9091  
certificate of approval is valid only for the emergency medical 9092  
services continuing education program for which it is issued. 9093  
Neither is transferable. 9094

(E) The holder of a certificate of accreditation or a 9095  
certificate of approval may offer courses at more than one 9096  
location in accordance with rules adopted under section 4765.11 of 9097  
the Revised Code. 9098

**Sec. 4765.18.** The state board of emergency medical, fire, and 9099  
transportation services may suspend or revoke a certificate of 9100  
accreditation or a certificate of approval issued under section 9101  
4765.17 of the Revised Code for any of the following reasons: 9102

(A) Violation of this chapter or any rule adopted under it; 9103

(B) Furnishing of false, misleading, or incomplete 9104

information to the board;	9105
(C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;	9106 9107 9108 9109
(D) The signing of an application or the holding of a certificate of accreditation by a person who is addicted to the use of any controlled substance or has been adjudicated incompetent for that purpose by a court, as provided in section 5122.301 of the Revised Code;	9110 9111 9112 9113 9114
(E) Violation of any commitment made in an application for a certificate of accreditation or certificate of approval;	9115 9116
(F) Presentation to prospective students of misleading, false, or fraudulent information relating to the emergency medical services training program or emergency medical services continuing education program, employment opportunities, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the operator of a program;	9117 9118 9119 9120 9121 9122 9123
(G) Failure to maintain in a safe and sanitary condition premises and equipment used in conducting courses of study;	9124 9125
(H) Failure to maintain financial resources adequate for the satisfactory conduct of courses of study or to retain a sufficient number of certified instructors;	9126 9127 9128
(I) Discrimination in the acceptance of students upon the basis of race, color, religion, sex, or national origin.	9129 9130
<b>Sec. 4765.22.</b> A person seeking a certificate to teach in an emergency medical services training program or an emergency medical services continuing education program shall submit a completed application for certification to the state board of	9131 9132 9133 9134

emergency medical, fire, and transportation services on a form the 9135  
board shall prescribe and furnish. The application shall be 9136  
accompanied by the appropriate application fee established in 9137  
rules adopted under section 4765.11 of the Revised Code. 9138

**Sec. 4765.23.** The state board of emergency medical, fire, and 9139  
transportation services shall issue a certificate to teach in an 9140  
emergency medical services training program or an emergency 9141  
medical services continuing education program to any applicant who 9142  
it determines meets the qualifications established in rules 9143  
adopted under section 4765.11 of the Revised Code. The certificate 9144  
shall indicate each type of instruction and training the 9145  
certificate holder may teach under the certificate. 9146

A certificate to teach shall have a certification cycle 9147  
established by the board and may be renewed by the board pursuant 9148  
to rules adopted under section 4765.11 of the Revised Code. An 9149  
application for renewal shall be accompanied by the appropriate 9150  
renewal fee established in rules adopted under section 4765.11 of 9151  
the Revised Code. 9152

The board may suspend or revoke a certificate to teach 9153  
pursuant to rules adopted under section 4765.11 of the Revised 9154  
Code. 9155

**Sec. 4765.28.** A person seeking a certificate to practice as a 9156  
first responder, emergency medical technician-basic, emergency 9157  
medical technician-intermediate, or emergency medical 9158  
technician-paramedic shall submit a completed application for 9159  
certification to the state board of emergency medical, fire, and 9160  
transportation services on a form the board shall prescribe and 9161  
furnish. Except as provided in division (B) of section 4765.29 of 9162  
the Revised Code, the application shall include evidence that the 9163  
applicant received the appropriate certificate of completion 9164

pursuant to section 4765.24 of the Revised Code. The application 9165  
shall be accompanied by the appropriate application fee 9166  
established in rules adopted under section 4765.11 of the Revised 9167  
Code, unless the board waives the fee on determining pursuant to 9168  
those rules that the applicant cannot afford to pay the fee. 9169

**Sec. 4765.29.** (A) The state board of emergency medical, fire, 9170  
and transportation services shall provide for the examination of 9171  
applicants for certification to practice as first responders, 9172  
emergency medical technicians-basic, emergency medical 9173  
technicians-intermediate, and emergency medical 9174  
technicians-paramedic. The examinations shall be established by 9175  
the board in rules adopted under section 4765.11 of the Revised 9176  
Code. The board may administer the examinations or contract with 9177  
other persons to administer the examinations. In either case, the 9178  
examinations shall be administered pursuant to procedures 9179  
established in rules adopted under section 4765.11 of the Revised 9180  
Code and shall be offered at various locations in the state 9181  
selected by the board. 9182

Except as provided in division (B) of this section, an 9183  
applicant shall not be permitted to take an examination for the 9184  
same certificate to practice more than three times since last 9185  
receiving the certificate of completion pursuant to section 9186  
4765.24 of the Revised Code that qualifies the applicant to take 9187  
the examination unless the applicant receives another certificate 9188  
of completion that qualifies the applicant to take the 9189  
examination. 9190

(B) On request of an applicant who fails three examinations 9191  
for the same certificate to practice, the board may direct the 9192  
applicant to complete a specific portion of an accredited 9193  
emergency medical services training program. If the applicant 9194  
provides satisfactory proof to the board that the applicant has 9195



successfully completed that portion of the program, the applicant 9196  
shall be permitted to take the examination. 9197

**Sec. 4765.30.** (A)(1) The state board of emergency medical, 9198  
fire, and transportation services shall issue a certificate to 9199  
practice as a first responder to an applicant who meets all of the 9200  
following conditions: 9201

(a) Except as provided in division (A)(2) of this section, is 9202  
a volunteer for a nonprofit emergency medical service organization 9203  
or a nonprofit fire department; 9204

(b) Holds the appropriate certificate of completion issued in 9205  
accordance with section 4765.24 of the Revised Code; 9206

(c) Passes the appropriate examination conducted under 9207  
section 4765.29 of the Revised Code; 9208

(d) Is not in violation of any provision of this chapter or 9209  
the rules adopted under it; 9210

(e) Meets any other certification requirements established in 9211  
rules adopted under section 4765.11 of the Revised Code. 9212

(2) The board may waive the requirement to be a volunteer for 9213  
a nonprofit entity if the applicant meets other requirements 9214  
established in rules adopted under division (B)(3) of section 9215  
4765.11 of the Revised Code relative to a person's eligibility to 9216  
practice as a first responder. 9217

(B) The state board of emergency medical, fire, and 9218  
transportation services shall issue a certificate to practice as 9219  
an emergency medical technician-basic to an applicant who meets 9220  
all of the following conditions: 9221

(1) Holds a certificate of completion in emergency medical 9222  
services training-basic issued in accordance with section 4765.24 9223  
of the Revised Code; 9224

(2) Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code;	9225 9226 9227
(3) Is not in violation of any provision of this chapter or the rules adopted under it;	9228 9229
(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	9230 9231
(C) The state board of emergency medical, <u>fire, and transportation</u> services shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the following conditions:	9232 9233 9234 9235 9236
(1) Holds a certificate to practice as an emergency medical technician-basic;	9237 9238
(2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;	9239 9240
(3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	9241 9242
(4) Is not in violation of any provision of this chapter or the rules adopted under it;	9243 9244
(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	9245 9246
(D) A certificate to practice shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration.	9247 9248 9249 9250 9251 9252
An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section	9253 9254

4765.11 of the Revised Code, unless the board waives the fee on 9255  
determining pursuant to those rules that the applicant cannot 9256  
afford to pay the fee. Except as provided in division (B) of 9257  
section 4765.31 of the Revised Code, the application shall include 9258  
evidence of either of the following: 9259

(1) That the applicant received a certificate of completion 9260  
from the appropriate emergency medical services continuing 9261  
education program pursuant to section 4765.24 of the Revised Code; 9262

(2) That the applicant has successfully passed an examination 9263  
that demonstrates the competence to have a certificate renewed 9264  
without completing an emergency medical services continuing 9265  
education program. The board shall approve such examinations in 9266  
accordance with rules adopted under section 4765.11 of the Revised 9267  
Code. 9268

(E) The board shall not require an applicant for renewal of a 9269  
certificate to practice to take an examination as a condition of 9270  
renewing the certificate. This division does not preclude the use 9271  
of examinations by operators of approved emergency medical 9272  
services continuing education programs as a condition for issuance 9273  
of a certificate of completion in emergency medical services 9274  
continuing education. 9275

**Sec. 4765.31.** (A) Except as provided in division (B) of this 9276  
section, a first responder, emergency medical technician-basic, 9277  
emergency medical technician-intermediate, and emergency medical 9278  
technician-paramedic shall complete an emergency medical services 9279  
continuing education program or pass an examination approved by 9280  
the state board of emergency medical, fire, and transportation 9281  
services under division (A) of section 4765.10 of the Revised Code 9282  
prior to the expiration of the individual's certificate to 9283  
practice. Completion of the continuing education requirements for 9284  
EMTs-I or paramedics satisfies the continuing education 9285

requirements for renewing the certificate to practice as an 9286  
EMT-basic held by an EMT-I or paramedic. 9287

(B)(1) An applicant for renewal of a certificate to practice 9288  
may apply to the board, in writing, for an extension to complete 9289  
the continuing education requirements established under division 9290  
(A) of this section. The board may grant such an extension and 9291  
determine the length of the extension. The board may authorize the 9292  
applicant to continue to practice during the extension as if the 9293  
certificate to practice had not expired. 9294

(2) An applicant for renewal of a certificate to practice may 9295  
apply to the board, in writing, for an exemption from the 9296  
continuing education requirements established under division (A) 9297  
of this section. The board may exempt an individual or a group of 9298  
individuals from all or any part of the continuing education 9299  
requirements due to active military service, unusual circumstance, 9300  
emergency, special hardship, or any other cause considered 9301  
reasonable by the board. 9302

(C) Decisions of whether to grant an extension or exemption 9303  
under division (B) of this section shall be made by the board 9304  
pursuant to procedures established in rules adopted under section 9305  
4765.11 of the Revised Code. 9306

**Sec. 4765.32.** A current, valid certificate of accreditation 9307  
issued under the provisions of former section 3303.11 or 3303.23 9308  
of the Revised Code shall remain valid until one year after the 9309  
expiration date of the certificate as determined by the provisions 9310  
of those sections and shall confer the same privileges and impose 9311  
the same responsibilities and requirements as a certificate of 9312  
accreditation issued by the state board of emergency medical, 9313  
fire, and transportation services under section 4765.17 of the 9314  
Revised Code. 9315

A certificate to practice as an emergency medical 9316

technician-ambulance that is valid on November 24, 1995, shall be 9317  
considered a certificate to practice as an emergency medical 9318  
technician-basic. A certificate to practice as an advanced 9319  
emergency medical technician-ambulance that is valid on November 9320  
24, 1995, shall be considered a certificate to practice as an 9321  
emergency medical technician-intermediate. 9322

**Sec. 4765.33.** The state board of emergency medical, fire, and 9323  
transportation services may suspend or revoke certificates to 9324  
practice issued under section 4765.30 of the Revised Code, and may 9325  
take other disciplinary action against first responders, emergency 9326  
medical technicians-basic, emergency medical 9327  
technicians-intermediate, and emergency medical 9328  
technicians-paramedic pursuant to rules adopted under section 9329  
4765.11 of the Revised Code. 9330

**Sec. 4765.37.** (A) An emergency medical technician-basic shall 9331  
perform the emergency medical services described in this section 9332  
in accordance with this chapter and any rules adopted under it by 9333  
the state board of emergency medical, fire, and transportation 9334  
services. 9335

(B) An emergency medical technician-basic may operate, or be 9336  
responsible for operation of, an ambulance and may provide 9337  
emergency medical services to patients. In an emergency, an 9338  
EMT-basic may determine the nature and extent of illness or injury 9339  
and establish priority for required emergency medical services. An 9340  
EMT-basic may render emergency medical services such as opening 9341  
and maintaining an airway, giving positive pressure ventilation, 9342  
cardiac resuscitation, electrical interventions with automated 9343  
defibrillators to support or correct the cardiac function and 9344  
other methods determined by the board, controlling of hemorrhage, 9345  
treatment of shock, immobilization of fractures, bandaging, 9346  
assisting in childbirth, management of mentally disturbed 9347

patients, initial care of poison and burn patients, and 9348  
determining triage of adult and pediatric trauma victims. Where 9349  
patients must in an emergency be extricated from entrapment, an 9350  
EMT-basic may assess the extent of injury and render all possible 9351  
emergency medical services and protection to the entrapped 9352  
patient; provide light rescue services if an ambulance has not 9353  
been accompanied by a specialized unit; and after extrication, 9354  
provide additional care in sorting of the injured in accordance 9355  
with standard emergency procedures. 9356

(C) An EMT-basic may perform any other emergency medical 9357  
services approved pursuant to rules adopted under section 4765.11 9358  
of the Revised Code. The board shall determine whether the nature 9359  
of any such service requires that an EMT-basic receive 9360  
authorization prior to performing the service. 9361

(D)(1) Except as provided in division (D)(2) of this section, 9362  
if the board determines under division (C) of this section that a 9363  
service requires prior authorization, the service shall be 9364  
performed only pursuant to the written or verbal authorization of 9365  
a physician or of the cooperating physician advisory board, or 9366  
pursuant to an authorization transmitted through a direct 9367  
communication device by a physician, physician assistant 9368  
designated by a physician, or registered nurse designated by a 9369  
physician. 9370

(2) If communications fail during an emergency situation or 9371  
the required response time prohibits communication, an EMT-basic 9372  
may perform services subject to this division, if, in the judgment 9373  
of the EMT-basic, the life of the patient is in immediate danger. 9374  
Services performed under these circumstances shall be performed in 9375  
accordance with the protocols for triage of adult and pediatric 9376  
trauma victims established in rules adopted under sections 4765.11 9377  
and 4765.40 of the Revised Code and any applicable protocols 9378  
adopted by the emergency medical service organization with which 9379

the EMT-basic is affiliated. 9380

**Sec. 4765.38.** (A) An emergency medical 9381  
technician-intermediate shall perform the emergency medical 9382  
services described in this section in accordance with this chapter 9383  
and any rules adopted under it. 9384

(B) An EMT-I may do any of the following: 9385

(1) Establish and maintain an intravenous lifeline that has 9386  
been approved by a cooperating physician or physician advisory 9387  
board; 9388

(2) Perform cardiac monitoring; 9389

(3) Perform electrical interventions to support or correct 9390  
the cardiac function; 9391

(4) Administer epinephrine; 9392

(5) Determine triage of adult and pediatric trauma victims; 9393

(6) Perform any other emergency medical services approved 9394  
pursuant to rules adopted under section 4765.11 of the Revised 9395  
Code. 9396

(C)(1) Except as provided in division (C)(2) of this section, 9397  
the services described in division (B) of this section shall be 9398  
performed by an EMT-I only pursuant to the written or verbal 9399  
authorization of a physician or of the cooperating physician 9400  
advisory board, or pursuant to an authorization transmitted 9401  
through a direct communication device by a physician, physician 9402  
assistant designated by a physician, or registered nurse 9403  
designated by a physician. 9404

(2) If communications fail during an emergency situation or 9405  
the required response time prohibits communication, an EMT-I may 9406  
perform any of the services described in division (B) of this 9407  
section, if, in the judgment of the EMT-I, the life of the patient 9408

is in immediate danger. Services performed under these 9409  
circumstances shall be performed in accordance with the protocols 9410  
for triage of adult and pediatric trauma victims established in 9411  
rules adopted under sections 4765.11 and 4765.40 of the Revised 9412  
Code and any applicable protocols adopted by the emergency medical 9413  
service organization with which the EMT-I is affiliated. 9414

(D) In addition to, and in the course of, providing emergency 9415  
medical treatment, an emergency medical technician-intermediate 9416  
may withdraw blood as provided under sections 1547.11, 4506.17, 9417  
and 4511.19 of the Revised Code. An emergency medical 9418  
technician-intermediate shall withdraw blood in accordance with 9419  
this chapter and any rules adopted under it by the state board of 9420  
emergency medical, fire, and transportation services. 9421

**Sec. 4765.39.** (A) An emergency medical technician-paramedic 9422  
shall perform the emergency medical services described in this 9423  
section in accordance with this chapter and any rules adopted 9424  
under it. 9425

(B) A paramedic may do any of the following: 9426

(1) Perform cardiac monitoring; 9427

(2) Perform electrical interventions to support or correct 9428  
the cardiac function; 9429

(3) Perform airway procedures; 9430

(4) Perform relief of pneumothorax; 9431

(5) Administer appropriate drugs and intravenous fluids; 9432

(6) Determine triage of adult and pediatric trauma victims; 9433

(7) Perform any other emergency medical services, including 9434  
life support or intensive care techniques, approved pursuant to 9435  
rules adopted under section 4765.11 of the Revised Code. 9436

(C)(1) Except as provided in division (C)(2) of this section, 9437



the services described in division (B) of this section shall be 9438  
performed by a paramedic only pursuant to the written or verbal 9439  
authorization of a physician or of the cooperating physician 9440  
advisory board, or pursuant to an authorization transmitted 9441  
through a direct communication device by a physician, physician 9442  
assistant designated by a physician, or registered nurse 9443  
designated by a physician. 9444

(2) If communications fail during an emergency situation or 9445  
the required response time prohibits communication, a paramedic 9446  
may perform any of the services described in division (B) of this 9447  
section, if, in the paramedic's judgment, the life of the patient 9448  
is in immediate danger. Services performed under these 9449  
circumstances shall be performed in accordance with the protocols 9450  
for triage of adult and pediatric trauma victims established in 9451  
rules adopted under sections 4765.11 and 4765.40 of the Revised 9452  
Code and any applicable protocols adopted by the emergency medical 9453  
service organization with which the paramedic is affiliated. 9454

(D) In addition to, and in the course of, providing emergency 9455  
medical treatment, an emergency medical technician-paramedic may 9456  
withdraw blood as provided under sections 1547.11, 4506.17, and 9457  
4511.19 of the Revised Code. An emergency medical 9458  
technician-paramedic shall withdraw blood in accordance with this 9459  
chapter and any rules adopted under it by the state board of 9460  
emergency medical, fire, and transportation services. 9461

**Sec. 4765.40.** (A)(1) Not later than two years after ~~the~~ 9462  
~~effective date of this amendment~~ November 3, 2000, the state board 9463  
of emergency medical, fire, and transportation services shall 9464  
adopt rules under section 4765.11 of the Revised Code establishing 9465  
written protocols for the triage of adult and pediatric trauma 9466  
victims. The rules shall define adult and pediatric trauma in a 9467  
manner that is consistent with section 4765.01 of the Revised 9468

Code, minimizes overtriage and undertriage, and emphasizes the special needs of pediatric and geriatric trauma patients.

(2) The state triage protocols adopted under division (A) of this section shall require a trauma victim to be transported directly to an adult or pediatric trauma center that is qualified to provide appropriate adult or pediatric trauma care, unless one or more of the following exceptions applies:

(a) It is medically necessary to transport the victim to another hospital for initial assessment and stabilization before transfer to an adult or pediatric trauma center;

(b) It is unsafe or medically inappropriate to transport the victim directly to an adult or pediatric trauma center due to adverse weather or ground conditions or excessive transport time;

(c) Transporting the victim to an adult or pediatric trauma center would cause a shortage of local emergency medical service resources;

(d) No appropriate adult or pediatric trauma center is able to receive and provide adult or pediatric trauma care to the trauma victim without undue delay;

(e) Before transport of a patient begins, the patient requests to be taken to a particular hospital that is not a trauma center or, if the patient is less than eighteen years of age or is not able to communicate, such a request is made by an adult member of the patient's family or a legal representative of the patient.

(3)(a) The state triage protocols adopted under division (A) of this section shall require trauma patients to be transported to an adult or pediatric trauma center that is able to provide appropriate adult or pediatric trauma care, but shall not require a trauma patient to be transported to a particular trauma center. The state triage protocols shall establish one or more procedures for evaluating whether an injury victim requires or would benefit

from adult or pediatric trauma care, which procedures shall be 9500  
applied by emergency medical service personnel based on the 9501  
patient's medical needs. In developing state trauma triage 9502  
protocols, the board shall consider relevant model triage rules 9503  
and shall consult with the commission on minority health, regional 9504  
directors, regional physician advisory boards, and appropriate 9505  
medical, hospital, and emergency medical service organizations. 9506

(b) Before the joint committee on agency rule review 9507  
considers state triage protocols for trauma victims proposed by 9508  
the state board of emergency medical, fire, and transportation 9509  
services, or amendments thereto, the board shall send a copy of 9510  
the proposal to the Ohio chapter of the American college of 9511  
emergency physicians, the Ohio chapter of the American college of 9512  
surgeons, the Ohio chapter of the American academy of pediatrics, 9513  
OHA: the association for hospitals and health systems, the Ohio 9514  
osteopathic association, and the association of Ohio children's 9515  
hospitals and shall hold a public hearing at which it must 9516  
consider the appropriateness of the protocols to minimize 9517  
overtriage and undertriage of trauma victims. 9518

(c) The board shall provide copies of the state triage 9519  
protocols, and amendments to the protocols, to each emergency 9520  
medical service organization, regional director, regional 9521  
physician advisory board, certified emergency medical service 9522  
instructor, and person who regularly provides medical direction to 9523  
emergency medical service personnel in the state; to each medical 9524  
service organization in other jurisdictions that regularly provide 9525  
emergency medical services in this state; and to others upon 9526  
request. 9527

(B)(1) The state board of emergency medical, fire, and 9528  
transportation services shall approve regional protocols for the 9529  
triage of adult and pediatric trauma victims, and amendments to 9530  
such protocols, that are submitted to the board as provided in 9531

division (B)(2) of this section and provide a level of adult and 9532  
pediatric trauma care comparable to the state triage protocols 9533  
adopted under division (A) of this section. The board shall not 9534  
otherwise approve regional triage protocols for trauma victims. 9535  
The board shall not approve regional triage protocols for regions 9536  
that overlap and shall resolve any such disputes by apportioning 9537  
the overlapping territory among appropriate regions in a manner 9538  
that best serves the medical needs of the residents of that 9539  
territory. The trauma committee of the board shall have reasonable 9540  
opportunity to review and comment on regional triage protocols and 9541  
amendments to such protocols before the board approves or 9542  
disapproves them. 9543

(2) Regional protocols for the triage of adult and pediatric 9544  
trauma victims, and amendments to such protocols, shall be 9545  
submitted in writing to the state board of emergency medical, 9546  
fire, and transportation services by the regional physician 9547  
advisory board or regional director, as appropriate, that serves a 9548  
majority of the population in the region in which the protocols 9549  
apply. Prior to submitting regional triage protocols, or an 9550  
amendment to such protocols, to the state board of emergency 9551  
medical, fire, and transportation services, a regional physician 9552  
advisory board or regional director shall consult with each of the 9553  
following that regularly serves the region in which the protocols 9554  
apply: 9555

(a) Other regional physician advisory boards and regional 9556  
directors; 9557

(b) Hospitals that operate an emergency facility; 9558

(c) Adult and pediatric trauma centers; 9559

(d) Professional societies of physicians who specialize in 9560  
adult or pediatric emergency medicine or adult or pediatric trauma 9561  
surgery; 9562

(e) Professional societies of nurses who specialize in adult or pediatric emergency nursing or adult or pediatric trauma surgery; 9563  
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(f) Professional associations or labor organizations of emergency medical service personnel; 9566  
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(g) Emergency medical service organizations and medical directors of such organizations; 9568  
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(h) Certified emergency medical service instructors. 9570

(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. 9571  
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(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, fire, and transportation 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. 9581  
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(C)(1) The state board of emergency medical, fire, and transportation services shall review the state triage protocols adopted under division (A) of this section at least every three years to determine if they are causing overtriage or undertriage of trauma patients, and shall modify them as necessary to minimize 9589  
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overtriage and undertriage. 9594

(2) Each regional physician advisory board or regional 9595  
director that has had regional triage protocols approved under 9596  
division (B)(2) of this section shall review the protocols at 9597  
least every three years to determine if they are causing 9598  
overtriage or undertriage of trauma patients and shall submit an 9599  
appropriate amendment to the state board, as provided in division 9600  
(B) of this section, as necessary to minimize overtriage and 9601  
undertriage. The state board shall approve the amendment if it 9602  
will reduce overtriage or undertriage while complying with 9603  
division (B) of this section, and shall not otherwise approve the 9604  
amendment. 9605

(D) No provider of emergency medical services or person who 9606  
provides medical direction to emergency medical service personnel 9607  
in this state shall fail to comply with the state triage protocols 9608  
adopted under division (A) of this section or applicable regional 9609  
triage protocols approved under division (B)(2) of this section. 9610

(E) The state board of emergency medical, fire, and 9611  
transportation services shall adopt rules under section 4765.11 of 9612  
the Revised Code that provide for enforcement of the state triage 9613  
protocols adopted under division (A) of this section and regional 9614  
triage protocols approved under division (B)(2) of this section, 9615  
and for education regarding those protocols for emergency medical 9616  
service organizations and personnel, regional directors and 9617  
regional physician advisory boards, emergency medical service 9618  
instructors, and persons who regularly provide medical direction 9619  
to emergency medical service personnel in this state. 9620

**Sec. 4765.42.** Each emergency medical service organization 9621  
shall give notice of the name of its medical director or the names 9622  
of the members of its cooperating physician advisory board to the 9623  
state board of emergency medical, fire, and transportation 9624

services. The notice shall be made in writing. 9625

**Sec. 4765.48.** The attorney general, the prosecuting attorney 9626  
of the county, or the city director of law shall, upon complaint 9627  
of the state board of emergency medical, fire, and transportation 9628  
services, prosecute to termination or bring an action for 9629  
injunction against any person violating this chapter or the rules 9630  
adopted under it. The common pleas court in which an action for 9631  
injunction is filed has the jurisdiction to grant injunctive 9632  
relief upon a showing that the respondent named in the complaint 9633  
is in violation of this chapter or the rules adopted under it. 9634

**Sec. 4765.49.** (A) A first responder, emergency medical 9635  
technician-basic, emergency medical technician-intermediate, or 9636  
emergency medical technician-paramedic is not liable in damages in 9637  
a civil action for injury, death, or loss to person or property 9638  
resulting from the individual's administration of emergency 9639  
medical services, unless the services are administered in a manner 9640  
that constitutes willful or wanton misconduct. A physician, 9641  
physician assistant designated by a physician, or registered nurse 9642  
designated by a physician, any of whom is advising or assisting in 9643  
the emergency medical services by means of any communication 9644  
device or telemetering system, is not liable in damages in a civil 9645  
action for injury, death, or loss to person or property resulting 9646  
from the individual's advisory communication or assistance, unless 9647  
the advisory communication or assistance is provided in a manner 9648  
that constitutes willful or wanton misconduct. Medical directors 9649  
and members of cooperating physician advisory boards of emergency 9650  
medical service organizations are not liable in damages in a civil 9651  
action for injury, death, or loss to person or property resulting 9652  
from their acts or omissions in the performance of their duties, 9653  
unless the act or omission constitutes willful or wanton 9654  
misconduct. 9655

(B) A political subdivision, joint ambulance district, joint emergency medical services district, or other public agency, and any officer or employee of a public agency or of a private organization operating under contract or in joint agreement with one or more political subdivisions, that provides emergency medical services, or that enters into a joint agreement or a contract with the state, any political subdivision, joint ambulance district, or joint emergency medical services district for the provision of emergency medical services, is not liable in damages in a civil action for injury, death, or loss to person or property arising out of any actions taken by a first responder, EMT-basic, EMT-I, or paramedic working under the officer's or employee's jurisdiction, or for injury, death, or loss to person or property arising out of any actions of licensed medical personnel advising or assisting the first responder, EMT-basic, EMT-I, or paramedic, unless the services are provided in a manner that constitutes willful or wanton misconduct.

(C) A student who is enrolled in an emergency medical services training program accredited under section 4765.17 of the Revised Code or an emergency medical services continuing education program approved under that section is not liable in damages in a civil action for injury, death, or loss to person or property resulting from either of the following:

(1) The student's administration of emergency medical services or patient care or treatment, if the services, care, or treatment is administered while the student is under the direct supervision and in the immediate presence of an EMT-basic, EMT-I, paramedic, registered nurse, physician assistant, or physician and while the student is receiving clinical training that is required by the program, unless the services, care, or treatment is provided in a manner that constitutes willful or wanton misconduct;



(2) The student's training as an ambulance driver, unless the 9688  
driving is done in a manner that constitutes willful or wanton 9689  
misconduct. 9690

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 9691  
holds a valid commercial driver's license issued pursuant to 9692  
Chapter 4506. of the Revised Code or driver's license issued 9693  
pursuant to Chapter 4507. of the Revised Code and who is employed 9694  
by an emergency medical service organization that is not owned or 9695  
operated by a political subdivision as defined in section 2744.01 9696  
of the Revised Code, is not liable in damages in a civil action 9697  
for injury, death, or loss to person or property that is caused by 9698  
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 9699  
or other operator while responding to or completing a call for 9700  
emergency medical services, unless the operation constitutes 9701  
willful or wanton misconduct or does not comply with the 9702  
precautions of section 4511.03 of the Revised Code. An emergency 9703  
medical service organization is not liable in damages in a civil 9704  
action for any injury, death, or loss to person or property that 9705  
is caused by the operation of an ambulance by its employee or 9706  
agent, if this division grants the employee or agent immunity from 9707  
civil liability for the injury, death, or loss. 9708

(E) An employee or agent of an emergency medical service 9709  
organization who receives requests for emergency medical services 9710  
that are directed to the organization, dispatches first 9711  
responders, EMTs-basic, EMTs-I, or paramedics in response to those 9712  
requests, communicates those requests to those employees or agents 9713  
of the organization who are authorized to dispatch first 9714  
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 9715  
combination of these functions for the organization, is not liable 9716  
in damages in a civil action for injury, death, or loss to person 9717  
or property resulting from the individual's acts or omissions in 9718  
the performance of those duties for the organization, unless an 9719

act or omission constitutes willful or wanton misconduct. 9720

(F) A person who is performing the functions of a first 9721  
responder, EMT-basic, EMT-I, or paramedic under the authority of 9722  
the laws of a state that borders this state and who provides 9723  
emergency medical services to or transportation of a patient in 9724  
this state is not liable in damages in a civil action for injury, 9725  
death, or loss to person or property resulting from the person's 9726  
administration of emergency medical services, unless the services 9727  
are administered in a manner that constitutes willful or wanton 9728  
misconduct. A physician, physician assistant designated by a 9729  
physician, or registered nurse designated by a physician, any of 9730  
whom is licensed to practice in the adjoining state and who is 9731  
advising or assisting in the emergency medical services by means 9732  
of any communication device or telemetering system, is not liable 9733  
in damages in a civil action for injury, death, or loss to person 9734  
or property resulting from the person's advisory communication or 9735  
assistance, unless the advisory communication or assistance is 9736  
provided in a manner that constitutes willful or wanton 9737  
misconduct. 9738

(G) A person certified under section 4765.23 of the Revised 9739  
Code to teach in an emergency medical services training program or 9740  
emergency medical services continuing education program, and a 9741  
person who teaches at the Ohio fire academy established under 9742  
section 3737.33 of the Revised Code or in a fire service training 9743  
program described in division (A) of section 4765.55 of the 9744  
Revised Code, is not liable in damages in a civil action for 9745  
injury, death, or loss to person or property resulting from the 9746  
person's acts or omissions in the performance of the person's 9747  
duties, unless an act or omission constitutes willful or wanton 9748  
misconduct. 9749

(H) In the accreditation of emergency medical services 9750  
training programs or approval of emergency medical services 9751

continuing education programs, the state board of emergency 9752  
medical, fire, and transportation services and any person or 9753  
entity authorized by the board to evaluate applications for 9754  
accreditation or approval are not liable in damages in a civil 9755  
action for injury, death, or loss to person or property resulting 9756  
from their acts or omissions in the performance of their duties, 9757  
unless an act or omission constitutes willful or wanton 9758  
misconduct. 9759

(I) A person authorized by an emergency medical service 9760  
organization to review the performance of first responders, 9761  
EMTs-basic, EMTs-I, and paramedics or to administer quality 9762  
assurance programs is not liable in damages in a civil action for 9763  
injury, death, or loss to person or property resulting from the 9764  
person's acts or omissions in the performance of the person's 9765  
duties, unless an act or omission constitutes willful or wanton 9766  
misconduct. 9767

**Sec. 4765.55.** (A) The executive director of the state board 9768  
of emergency medical, fire, and transportation services, with the 9769  
advice and counsel of the firefighter and fire safety inspector 9770  
training committee of the state board of emergency medical, fire, 9771  
and transportation services, shall assist in the establishment and 9772  
maintenance by any state agency, or any county, township, city, 9773  
village, school district, or educational service center of a fire 9774  
service training program for the training of all persons in 9775  
positions of any fire training certification level approved by the 9776  
executive director, including full-time paid firefighters, 9777  
part-time paid firefighters, volunteer firefighters, and fire 9778  
safety inspectors in this state. The executive director, with the 9779  
advice and counsel of the committee, shall adopt rules to regulate 9780  
those firefighter and fire safety inspector training programs, and 9781  
other training programs approved by the executive director. The 9782  
rules may include, but need not be limited to, training 9783

curriculum, certification examinations, training schedules, 9784  
minimum hours of instruction, attendance requirements, required 9785  
equipment and facilities, basic physical requirements, and methods 9786  
of training for all persons in positions of any fire training 9787  
certification level approved by the executive director, including 9788  
full-time paid firefighters, part-time paid firefighters, 9789  
volunteer firefighters, and fire safety inspectors. The rules 9790  
adopted to regulate training programs for volunteer firefighters 9791  
shall not require more than thirty-six hours of training. 9792

The executive director, with the advice and counsel of the 9793  
committee, shall provide for the classification and chartering of 9794  
fire service training programs in accordance with rules adopted 9795  
under division (B) of this section, and may take action against 9796  
any chartered training program or applicant, in accordance with 9797  
rules adopted under divisions (B)(4) and (5) of this section, for 9798  
failure to meet standards set by the adopted rules. 9799

(B) The executive director, with the advice and counsel of 9800  
the firefighter and fire safety inspector training committee of 9801  
the state board of emergency medical, fire, and transportation 9802  
services, shall adopt, and may amend or rescind, rules under 9803  
Chapter 119. of the Revised Code that establish all of the 9804  
following: 9805

(1) Requirements for, and procedures for chartering, the 9806  
training programs regulated by this section; 9807

(2) Requirements for, and requirements and procedures for 9808  
obtaining and renewing, an instructor certificate to teach the 9809  
training programs and continuing education classes regulated by 9810  
this section; 9811

(3) Requirements for, and requirements and procedures for 9812  
obtaining and renewing, any of the fire training certificates 9813  
regulated by this section; 9814

(4) Grounds and procedures for suspending, revoking,	9815
restricting, or refusing to issue or renew any of the certificates	9816
or charters regulated by this section, which grounds shall be	9817
limited to one of the following:	9818
(a) Failure to satisfy the education or training requirements	9819
of this section;	9820
(b) Conviction of a felony offense;	9821
(c) Conviction of a misdemeanor involving moral turpitude;	9822
(d) Conviction of a misdemeanor committed in the course of	9823
practice;	9824
(e) In the case of a chartered training program or applicant,	9825
failure to meet standards set by the rules adopted under this	9826
division.	9827
(5) Grounds and procedures for imposing and collecting fines,	9828
not to exceed one thousand dollars, in relation to actions taken	9829
under division (B)(4) of this section against persons holding	9830
certificates and charters regulated by this section, the fines to	9831
be deposited into the trauma and emergency medical services fund	9832
established under section 4513.263 of the Revised Code;	9833
(6) Continuing education requirements for certificate	9834
holders, including a requirement that credit shall be granted for	9835
in-service training programs conducted by local entities;	9836
(7) Procedures for considering the granting of an extension	9837
or exemption of fire service continuing education requirements;	9838
(8) Certification cycles for which the certificates and	9839
charters regulated by this section are valid.	9840
(C) The executive director, with the advice and counsel of	9841
the firefighter and fire safety inspector training committee of	9842
the state board of emergency medical, <u>fire, and transportation</u>	9843
services, shall issue or renew an instructor certificate to teach	9844

the training programs and continuing education classes regulated 9845  
by this section to any applicant that the executive director 9846  
determines meets the qualifications established in rules adopted 9847  
under division (B) of this section, and may take disciplinary 9848  
action against an instructor certificate holder or applicant in 9849  
accordance with rules adopted under division (B) of this section. 9850  
The executive director, with the advice and counsel of the 9851  
committee, shall charter or renew the charter of any training 9852  
program that the executive director determines meets the 9853  
qualifications established in rules adopted under division (B) of 9854  
this section, and may take disciplinary action against the holder 9855  
of a charter in accordance with rules adopted under division (B) 9856  
of this section. 9857

(D) The executive director shall issue or renew a fire 9858  
training certificate for a firefighter, a fire safety inspector, 9859  
or another position of any fire training certification level 9860  
approved by the executive director, to any applicant that the 9861  
executive director determines meets the qualifications established 9862  
in rules adopted under division (B) of this section and may take 9863  
disciplinary actions against a certificate holder or applicant in 9864  
accordance with rules adopted under division (B) of this section. 9865

(E) Certificates issued under this section shall be on a form 9866  
prescribed by the executive director, with the advice and counsel 9867  
of the firefighter and fire safety inspector training committee of 9868  
the state board of emergency medical, fire, and transportation 9869  
services. 9870

(F)(1) The executive director, with the advice and counsel of 9871  
the firefighter and fire safety inspector training committee of 9872  
the state board of emergency medical, fire, and transportation 9873  
services, shall establish criteria for evaluating the standards 9874  
maintained by other states and the branches of the United States 9875  
military for firefighter, fire safety inspector, and fire 9876

instructor training programs, and other training programs 9877  
recognized by the executive director, to determine whether the 9878  
standards are equivalent to those established under this section 9879  
and shall establish requirements and procedures for issuing a 9880  
certificate to each person who presents proof to the executive 9881  
director of having satisfactorily completed a training program 9882  
that meets those standards. 9883

(2) The executive director, with the committee's advice and 9884  
counsel, shall adopt rules establishing requirements and 9885  
procedures for issuing a fire training certificate in lieu of 9886  
completing a chartered training program. 9887

(G) Nothing in this section invalidates any other section of 9888  
the Revised Code relating to the fire training academy. Section 9889  
4765.11 of the Revised Code does not affect any powers and duties 9890  
granted to the executive director under this section. 9891

**Sec. 4765.56.** On receipt of a notice pursuant to section 9892  
3123.43 of the Revised Code, the state board of emergency medical, 9893  
fire, and transportation services shall comply with sections 9894  
3123.41 to 3123.50 of the Revised Code and any applicable rules 9895  
adopted under section 3123.63 of the Revised Code with respect to 9896  
a certificate to practice issued pursuant to this chapter. 9897

**Sec. 4765.59.** The state board of emergency medical, fire, and 9898  
transportation services shall not administer laws and rules 9899  
exceeding the statutory authority provided to the board under 9900  
Chapters 4765. and 4766. of the Revised Code. 9901

**Sec. 4766.01.** As used in this chapter: 9902

(A) "Advanced life support" means treatment described in 9903  
section 4765.39 of the Revised Code that a paramedic is certified 9904  
to perform. 9905

(B) "Air medical service organization" means an organization 9906  
that furnishes, conducts, maintains, advertises, promotes, or 9907  
otherwise engages in providing medical services with a rotorcraft 9908  
air ambulance or fixed wing air ambulance. 9909

(C) "Air medical transportation" means the transporting of a 9910  
patient by rotorcraft air ambulance or fixed wing air ambulance 9911  
with appropriately licensed and certified medical personnel. 9912

(D) "Ambulance" means any motor vehicle that is specifically 9913  
designed, constructed, or modified and equipped and is intended to 9914  
be used to provide basic life support, intermediate life support, 9915  
advanced life support, or mobile intensive care unit services and 9916  
transportation upon the streets or highways of this state of 9917  
persons who are seriously ill, injured, wounded, or otherwise 9918  
incapacitated or helpless. "Ambulance" does not include air 9919  
medical transportation or a vehicle designed and used solely for 9920  
the transportation of nonstretcher-bound persons, whether 9921  
hospitalized or handicapped or whether ambulatory or confined to a 9922  
wheelchair. 9923

(E) "Ambulette" means a motor vehicle that is specifically 9924  
designed, constructed, or modified and equipped and is intended to 9925  
be used for transportation upon the streets or highways of this 9926  
state of persons who require use of a wheelchair. 9927

(F) "Basic life support" means treatment described in section 9928  
4765.37 of the Revised Code that an ~~EMT-basic~~ EMT is certified to 9929  
perform. 9930

(G) "Disaster situation" means any condition or situation 9931  
described by rule of the ~~Ohio~~ state board of emergency medical, 9932  
fire, and transportation board services as a mass casualty, major 9933  
emergency, natural disaster, or national emergency. 9934

(H) "Emergency medical service organization" means an 9935  
organization that uses ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ AEMTs, or 9936



paramedics, or a combination of ~~EMTs basic~~ EMTs, ~~EMTs-I~~ AEMTs, and 9937  
paramedics, to provide medical care to victims of illness or 9938  
injury. An emergency medical service organization includes, but is 9939  
not limited to, a commercial ambulance service organization, a 9940  
hospital, and a funeral home. 9941

(I) "~~EMT basic~~ EMT," "~~EMT-I~~ AEMT," and "paramedic" have the 9942  
same meanings as in ~~section~~ sections 4765.01 and 4765.011 of the 9943  
Revised Code. 9944

(J) "Fixed wing air ambulance" means a fixed wing aircraft 9945  
that is specifically designed, constructed, or modified and 9946  
equipped and is intended to be used as a means of air medical 9947  
transportation. 9948

(K) "Intermediate life support" means treatment described in 9949  
section 4765.38 of the Revised Code that an ~~EMT-I~~ AEMT is 9950  
certified to perform. 9951

(L) "Major emergency" means any emergency event that cannot 9952  
be resolved through the use of locally available emergency 9953  
resources. 9954

(M) "Mass casualty" means an emergency event that results in 9955  
ten or more persons being injured, incapacitated, made ill, or 9956  
killed. 9957

(N) "Medical emergency" means an unforeseen event affecting 9958  
an individual in such a manner that a need for immediate care is 9959  
created. 9960

(O) "Mobile intensive care unit" means an ambulance used only 9961  
for maintaining specialized or intensive care treatment and used 9962  
primarily for interhospital transports of patients whose 9963  
conditions require care beyond the scope of a paramedic as 9964  
provided in section 4765.39 of the Revised Code. 9965

(P)(1) "Nonemergency medical service organization" means a 9966

person that does both of the following: 9967

(a) Provides services to the public on a regular basis for 9968  
the purpose of transporting individuals who require the use of a 9969  
wheelchair or are confined to a wheelchair to receive health care 9970  
services at health care facilities or health care practitioners' 9971  
offices in nonemergency circumstances; 9972

(b) Provides the services for a fee, regardless of whether 9973  
the fee is paid by the person being transported, a third party 9974  
payer, as defined in section 3702.51 of the Revised Code, or any 9975  
other person or government entity. 9976

(2) "Nonemergency medical service organization" does not 9977  
include a health care facility, as defined in section 1751.01 of 9978  
the Revised Code, that provides ambulette services only to 9979  
patients of that facility. 9980

(Q) "Nontransport vehicle" means a motor vehicle operated by 9981  
a licensed emergency medical service organization not as an 9982  
ambulance, but as a vehicle for providing services in conjunction 9983  
with the ambulances operated by the organization or other 9984  
emergency medical service organizations. 9985

(R) "Patient" means any individual who as a result of illness 9986  
or injury needs medical attention, whose physical or mental 9987  
condition is such that there is imminent danger of loss of life or 9988  
significant health impairment, who may be otherwise incapacitated 9989  
or helpless as a result of a physical or mental condition, or 9990  
whose physical condition requires the use of a wheelchair. 9991

(S) "Rotorcraft air ambulance" means a helicopter or other 9992  
aircraft capable of vertical takeoffs, vertical landings, and 9993  
hovering that is specifically designed, constructed, or modified 9994  
and equipped and is intended to be used as a means of air medical 9995  
transportation. 9996

Sec. 4766.03. (A) The <del>Ohio</del> <u>state board of emergency medical,</u>	9997
<u>fire, and transportation board services</u> shall adopt rules, in	9998
accordance with Chapter 119. of the Revised Code, implementing the	9999
requirements of this chapter. The rules shall include provisions	10000
relating to the following:	10001
(1) Requirements for an emergency medical service	10002
organization to receive a permit for an ambulance or nontransport	10003
vehicle;	10004
(2) Requirements for an emergency medical service	10005
organization to receive a license as a basic life-support,	10006
intermediate life-support, advanced life-support, or mobile	10007
intensive care unit organization;	10008
(3) Requirements for a nonemergency medical service	10009
organization to receive a permit for an ambulette vehicle;	10010
(4) Requirements for a nonemergency medical service	10011
organization to receive a license for an ambulette service;	10012
(5) Requirements for an air medical service organization to	10013
receive a permit for a rotorcraft air ambulance or fixed wing air	10014
ambulance;	10015
(6) Requirements for licensure of air medical service	10016
organizations;	10017
(7) Forms for applications and renewals of licenses and	10018
permits;	10019
(8) Requirements for record keeping of service responses made	10020
by licensed emergency medical service organizations;	10021
(9) Fee amounts for licenses and permits, and their renewals;	10022
(10) Inspection requirements for licensees' vehicles or	10023
aircraft, records, and physical facilities;	10024
(11) Fee amounts for inspections of ambulances, ambulettes,	10025

rotorcraft air ambulances, fixed wing air ambulances, and 10026  
nontransport vehicles; 10027

(12) Requirements for ambulances and nontransport vehicles 10028  
used by licensed emergency medical service organizations, for 10029  
ambulette vehicles used by licensed nonemergency medical service 10030  
organizations, and for rotorcraft air ambulances or fixed wing air 10031  
ambulances used by licensed air medical service organizations that 10032  
specify for each type of vehicle or aircraft the types of 10033  
equipment that must be carried, the communication systems that 10034  
must be maintained, and the personnel who must staff the vehicle 10035  
or aircraft; 10036

(13) The level of care each type of emergency medical service 10037  
organization, nonemergency medical service organization, and air 10038  
medical service organization is authorized to provide; 10039

(14) Eligibility requirements for employment as an ambulette 10040  
driver, including grounds for disqualification due to the results 10041  
of a motor vehicle law violation check, chemical test, or criminal 10042  
records check. The rule may require that an applicant for 10043  
employment as an ambulette driver provide a set of fingerprints to 10044  
law enforcement authorities if the applicant comes under final 10045  
consideration for employment. 10046

(15) Any other rules that the board determines necessary for 10047  
the implementation and enforcement of this chapter. 10048

(B) In the rules for ambulances and nontransport vehicles 10049  
adopted under division (A)(12) of this section, the board may 10050  
establish requirements that vary according to whether the 10051  
emergency medical service organization using the vehicles is 10052  
licensed as a basic life-support, intermediate life-support, 10053  
advanced life-support, or mobile intensive care unit organization. 10054

(C) A mobile intensive care unit that is not dually certified 10055  
to provide advanced life-support and meets the requirements of the 10056

rules adopted under this section is not required to carry 10057  
immobilization equipment, including board splint kits, traction 10058  
splints, backboards, backboard straps, cervical immobilization 10059  
devices, cervical collars, stair chairs, folding cots, or other 10060  
types of immobilization equipment determined by the board to be 10061  
unnecessary for mobile intensive care units. 10062

A mobile intensive care unit is exempt from the emergency 10063  
medical technician staffing requirements of section 4765.43 of the 10064  
Revised Code when it is staffed by at least one physician or 10065  
registered nurse and another person, designated by a physician, 10066  
who holds a valid license or certificate to practice in a health 10067  
care profession, and when at least one of the persons staffing the 10068  
mobile intensive care unit is a registered nurse whose training 10069  
meets or exceeds the training required for a paramedic. 10070

**Sec. 4766.04.** (A) Except as otherwise provided in this 10071  
chapter, no person shall furnish, operate, conduct, maintain, 10072  
advertise, engage in, or propose or profess to engage in the 10073  
business or service in this state of transporting persons who are 10074  
seriously ill, injured, or otherwise incapacitated or who require 10075  
the use of a wheelchair or are confined to a wheelchair unless the 10076  
person is licensed pursuant to this section. 10077

(B) To qualify for a license as a basic life-support, 10078  
intermediate life-support, advanced life-support, or mobile 10079  
intensive care unit organization, an emergency medical service 10080  
organization shall do all of the following: 10081

(1) Apply for a permit for each ambulance and nontransport 10082  
vehicle owned or leased as provided in section 4766.07 of the 10083  
Revised Code; 10084

(2) Meet all requirements established in rules adopted by the 10085  
~~Ohio~~ state board of emergency medical, fire, and transportation 10086  
~~board services~~ regarding ambulances and nontransport vehicles, 10087

including requirements pertaining to equipment, communications systems, staffing, and level of care the particular organization is permitted to render; 10088  
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(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code; 10091  
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(4) Meet all other requirements established under rules adopted by the board for the particular license. 10093  
10094

(C) To qualify for a license to provide ambulette service, a nonemergency medical service organization shall do all of the following: 10095  
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(1) Apply for a permit for each ambulette owned or leased as provided in section 4766.07 of the Revised Code; 10098  
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(2) Meet all requirements established in rules adopted by the ~~Ohio state board of emergency~~ medical, fire, and transportation ~~board services~~ regarding ambulettes, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render; 10100  
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(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code; 10105  
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(4) Meet all other requirements established under rules adopted by the board for the license. 10107  
10108

(D) To qualify for a license to provide air medical transportation, an air medical service organization shall do all of the following: 10109  
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(1) Apply for a permit for each rotorcraft air ambulance and fixed wing air ambulance owned or leased as provided in section 4766.07 of the Revised Code; 10112  
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(2) Meet all requirements established in rules adopted by the ~~Ohio state board of emergency~~ medical, fire, and transportation ~~board services~~ regarding rotorcraft air ambulances and fixed wing 10115  
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air ambulances, including requirements pertaining to equipment, 10118  
communication systems, staffing, and level of care the 10119  
organization is permitted to render; 10120

(3) Maintain the appropriate type and amount of insurance as 10121  
specified in section 4766.06 of the Revised Code; 10122

(4) Meet all other requirements established under rules 10123  
adopted by the board for the license. 10124

(E) An emergency medical service organization that applies 10125  
for a license as a basic life-support, intermediate life-support, 10126  
advanced life-support, or mobile intensive care unit organization; 10127  
a nonemergency medical service organization that applies for a 10128  
license to provide ambulette service; or an air medical service 10129  
organization that applies for a license to provide air medical 10130  
transportation shall submit a completed application to the board, 10131  
on a form provided by the board for each particular license, 10132  
together with the appropriate fees established under section 10133  
4766.05 of the Revised Code. The application form shall include 10134  
all of the following: 10135

(1) The name and business address of the operator of the 10136  
organization for which licensure is sought; 10137

(2) The name under which the applicant will operate the 10138  
organization; 10139

(3) A list of the names and addresses of all officers and 10140  
directors of the organization; 10141

(4) For emergency medical service organizations and 10142  
nonemergency medical service organizations, a description of each 10143  
vehicle to be used, including the make, model, year of 10144  
manufacture, mileage, vehicle identification number, and the color 10145  
scheme, insignia, name, monogram, or other distinguishing 10146  
characteristics to be used to designate the applicant's vehicle; 10147

(5) For air medical service organizations using fixed wing air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, and aircraft hours on airframe; 10148  
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10151

(6) For air medical service organizations using rotorcraft air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, aircraft hours on airframe, aircraft identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's rotorcraft air ambulance; 10152  
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(7) The location and description of each place from which the organization will operate; 10158  
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(8) A description of the geographic area to be served by the applicant; 10160  
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(9) Any other information the board, by rule, determines necessary. 10162  
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(F) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization; an ambulette service; or an air medical service organization, the board shall approve or deny the application. The board shall deny an application if it determines that the applicant does not meet the requirements of this chapter or any rules adopted under it. The board shall send notice of the denial of an application by certified mail to the applicant. The applicant may request a hearing within ten days after receipt of the notice. If the board receives a timely request, it shall hold a hearing in accordance with Chapter 119. of the Revised Code. 10164  
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(G) If an applicant or licensee operates or plans to operate an organization in more than one location under the same or different identities, the applicant or licensee shall apply for 10176  
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and meet all requirements for licensure or renewal of a license, 10179  
other than payment of a license fee or renewal fee, for operating 10180  
the organization at each separate location. An applicant or 10181  
licensee that operates or plans to operate under the same 10182  
organization identity in separate locations shall pay only a 10183  
single license fee. 10184

(H) An emergency medical service organization that wishes to 10185  
provide ambulance services to the public must apply for a separate 10186  
license under division (C) of this section. 10187

(I) Each license issued under this section and each permit 10188  
issued under section 4766.07 of the Revised Code expires one year 10189  
after the date of issuance and may be renewed in accordance with 10190  
the standard renewal procedures of Chapter 4745. of the Revised 10191  
Code. An application for renewal shall include the license or 10192  
permit renewal fee established under section 4766.05 of the 10193  
Revised Code. An applicant for renewal of a permit also shall 10194  
submit to the board proof of an annual inspection of the vehicle 10195  
or aircraft for which permit renewal is sought. The board shall 10196  
renew a license if the applicant meets the requirements for 10197  
licensure and shall renew a permit if the applicant and vehicle or 10198  
aircraft meet the requirements to maintain a permit for that 10199  
vehicle or aircraft. 10200

(J) Each licensee shall maintain accurate records of all 10201  
service responses conducted. The records shall be maintained on 10202  
forms prescribed by the board and shall contain information as 10203  
specified by rule by the board. 10204

**Sec. 4766.05.** (A) The Ohio state board of emergency medical, 10205  
fire, and transportation board services shall establish by rule a 10206  
license fee, a permit fee for each ambulance, ambulance, 10207  
rotorcraft air ambulance, fixed wing air ambulance, and 10208  
nontransport vehicle owned or leased by the licensee that is or 10209

will be used as provided in section 4766.07 of the Revised Code, 10210  
and fees for renewals of licenses and permits, taking into 10211  
consideration the actual costs incurred by the board in carrying 10212  
out its duties under this chapter. However, the fee for each 10213  
license and each renewal of a license shall not exceed one hundred 10214  
dollars, and the fee for each permit and each renewal of a permit 10215  
shall not exceed one hundred dollars for each ambulance, 10216  
rotorcraft air ambulance, fixed wing air ambulance, and 10217  
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 10218  
~~a permit shall be twenty five dollars for each ambulette for one~~ 10219  
~~year after March 9, 2004. Thereafter, the board shall determine by~~ 10220  
rule the fee, which shall not exceed fifty dollars, for each 10221  
permit and each renewal of a permit for each ambulette. For 10222  
purposes of establishing fees, "actual costs" includes the costs 10223  
of salaries, expenses, inspection equipment, supervision, and 10224  
program administration. 10225

(B) The board shall deposit all fees and other moneys 10226  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 10227  
the Revised Code in the state treasury to the credit of the 10228  
~~occupational licensing trauma and regulatory emergency medical~~ 10229  
~~services~~ fund, which is created by section ~~4743.05~~ 4513.263 of the 10230  
Revised Code. ~~All moneys from the fund shall be used solely for~~ 10231  
~~the salaries and expenses of the board incurred in implementing~~ 10232  
~~and enforcing this chapter.~~ 10233

(C) The board, subject to the approval of the controlling 10234  
board, may establish fees in excess of the maximum amounts allowed 10235  
under division (A) of this section, but such fees shall not exceed 10236  
those maximum amounts by more than fifty per cent. 10237

**Sec. 4766.07.** (A) Except as otherwise provided by rule of the 10238  
~~Ohio state board of emergency medical, fire, and transportation~~ 10239  
~~board services~~, each emergency medical service organization, 10240

nonemergency medical service organization, and air medical service 10241  
organization subject to licensure under this chapter shall possess 10242  
a valid permit for each ambulance, ambulette, rotorcraft air 10243  
ambulance, fixed wing air ambulance, and nontransport vehicle it 10244  
owns or leases that is or will be used by the licensee to perform 10245  
the services permitted by the license. Each licensee and license 10246  
applicant shall submit the appropriate fee and an application for 10247  
a permit for each ambulance, ambulette, rotorcraft air ambulance, 10248  
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 10249  
state board of emergency medical, fire, and transportation board 10250  
services on forms provided by the board. The application shall 10251  
include documentation that the vehicle or aircraft meets the 10252  
appropriate standards set by the board, that the vehicle or 10253  
aircraft has been inspected pursuant to division (C) of this 10254  
section, that the permit applicant maintains insurance as provided 10255  
in section 4766.06 of the Revised Code, and that the vehicle or 10256  
aircraft and permit applicant meet any other requirements 10257  
established under rules adopted by the board. 10258

The ~~Ohio~~ state board of emergency medical, fire, and 10259  
transportation ~~board~~ services may adopt rules in accordance with 10260  
Chapter 119. of the Revised Code to authorize the temporary use of 10261  
a vehicle or aircraft for which a permit is not possessed under 10262  
this section in back-up or disaster situations. 10263

(B)(1) Within sixty days after receiving a completed 10264  
application for a permit, the board shall issue or deny the 10265  
permit. The board shall deny an application if it determines that 10266  
the permit applicant, vehicle, or aircraft does not meet the 10267  
requirements of this chapter and the rules adopted under it that 10268  
apply to permits for ambulances, ambulettes, rotorcraft air 10269  
ambulances, fixed wing air ambulances, and nontransport vehicles. 10270  
The board shall send notice of the denial of an application by 10271  
certified mail to the permit applicant. The permit applicant may 10272

request a hearing within ten days after receipt of the notice. If 10273  
the board receives a timely request, it shall hold a hearing in 10274  
accordance with Chapter 119. of the Revised Code. 10275

(2) If the board issues the vehicle permit for an ambulance, 10276  
ambulette, or nontransport vehicle, it also shall issue a decal, 10277  
in a form prescribed by rule, to be displayed on the rear window 10278  
of the vehicle. The board shall not issue a decal until all of the 10279  
requirements for licensure and permit issuance have been met. 10280

(3) If the board issues the aircraft permit for a rotorcraft 10281  
air ambulance or fixed wing air ambulance, it also shall issue a 10282  
decal, in a form prescribed by rule, to be displayed on the left 10283  
fuselage aircraft window in a manner that complies with all 10284  
applicable federal aviation regulations. The board shall not issue 10285  
a decal until all of the requirements for licensure and permit 10286  
issuance have been met. 10287

(C) In addition to any other requirements that the board 10288  
establishes by rule, a licensee or license applicant applying for 10289  
an initial vehicle or aircraft permit under division (A) of this 10290  
section shall submit to the board the vehicle or aircraft for 10291  
which the permit is sought. Thereafter, a licensee shall annually 10292  
submit to the board each vehicle or aircraft for which a permit 10293  
has been issued. 10294

(1) The board shall conduct a physical inspection of an 10295  
ambulance, ambulette, or nontransport vehicle to determine its 10296  
roadworthiness and compliance with standard motor vehicle 10297  
requirements. 10298

(2) The board shall conduct a physical inspection of the 10299  
medical equipment, communication system, and interior of an 10300  
ambulance to determine the operational condition and safety of the 10301  
equipment and the ambulance's interior and to determine whether 10302  
the ambulance is in compliance with the federal requirements for 10303

ambulance construction that were in effect at the time the 10304  
ambulance was manufactured, as specified by the general services 10305  
administration in the various versions of its publication titled 10306  
"federal specification for the star-of-life ambulance, 10307  
KKK-A-1822." 10308

(3) The board shall conduct a physical inspection of the 10309  
equipment, communication system, and interior of an ambulette to 10310  
determine the operational condition and safety of the equipment 10311  
and the ambulette's interior and to determine whether the 10312  
ambulette is in compliance with state requirements for ambulette 10313  
construction. The board shall determine by rule requirements for 10314  
the equipment, communication system, interior, and construction of 10315  
an ambulette. 10316

(4) The board shall conduct a physical inspection of the 10317  
medical equipment, communication system, and interior of a 10318  
rotorcraft air ambulance or fixed wing air ambulance to determine 10319  
the operational condition and safety of the equipment and the 10320  
aircraft's interior. 10321

(5) The board shall issue a certificate to the applicant for 10322  
each vehicle or aircraft that passes the inspection and may assess 10323  
a fee for each inspection, as established by the board. 10324

(6) The board shall adopt rules regarding the implementation 10325  
and coordination of inspections. The rules may permit the board to 10326  
contract with a third party to conduct the inspections required of 10327  
the board under this section. 10328

**Sec. 4766.08.** (A) The ~~Ohio~~ state board of emergency medical, 10329  
fire, and transportation board ~~may~~ services, pursuant to an 10330  
adjudication conducted in accordance with Chapter 119. of the 10331  
Revised Code, may suspend or revoke any license or permit or 10332  
renewal thereof issued under this chapter for any one or 10333  
combination of the following causes: 10334

(1) Violation of this chapter or any rule adopted thereunder;	10335
(2) Refusal to permit the board to inspect a vehicle or aircraft used under the terms of a permit or to inspect the records or physical facilities of a licensee;	10336 10337 10338
(3) Failure to meet the ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle requirements specified in this chapter or the rules adopted thereunder;	10339 10340 10341 10342
(4) Violation of an order issued by the board;	10343
(5) Failure to comply with any of the terms of an agreement entered into with the board regarding the suspension or revocation of a license or permit or the imposition of a penalty under this section.	10344 10345 10346 10347
(B) If the board determines that the records, record-keeping procedures, or physical facilities of a licensee, or an ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle for which a valid permit has been issued, do not meet the standards specified in this chapter and the rules adopted thereunder, the board shall notify the licensee of any deficiencies within thirty days of finding the deficiencies. If the board determines that the deficiencies exist and they remain uncorrected after thirty days, the board may suspend the license, vehicle permit, or aircraft permit. The licensee, notwithstanding the suspension under this division, may operate until all appeals have been exhausted.	10348 10349 10350 10351 10352 10353 10354 10355 10356 10357 10358 10359
(C) At the discretion of the board, a licensee whose license has been suspended or revoked under this section may be ineligible to be licensed under this chapter for a period of not more than three years from the date of the violation, provided that the board shall make no determination on a period of ineligibility until all the licensee's appeals relating to the suspension or	10360 10361 10362 10363 10364 10365

revocation have been exhausted. 10366

(D) The board may, in addition to any other action taken 10367  
under this section and after a hearing conducted pursuant to 10368  
Chapter 119. of the Revised Code, impose a penalty of not more 10369  
than fifteen hundred dollars for any violation specified in this 10370  
section. The attorney general shall institute a civil action for 10371  
the collection of any such penalty imposed. 10372

**Sec. 4766.09.** This chapter does not apply to any of the 10373  
following: 10374

(A) A person rendering services with an ambulance in the 10375  
event of a disaster situation when licensees' vehicles based in 10376  
the locality of the disaster situation are incapacitated or 10377  
insufficient in number to render the services needed; 10378

(B) Any person operating an ambulance, ambulette, rotorcraft 10379  
air ambulance, or fixed wing air ambulance outside this state 10380  
unless receiving a person within this state for transport to a 10381  
location within this state; 10382

(C) A publicly owned or operated emergency medical service 10383  
organization and the vehicles it owns or leases and operates, 10384  
except as provided in section 307.051, division (G) of section 10385  
307.055, division (F) of section 505.37, division (B) of section 10386  
505.375, and division (B)(3) of section 505.72 of the Revised 10387  
Code; 10388

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 10389  
wing air ambulance, or nontransport vehicle owned or leased and 10390  
operated by the federal government; 10391

(E) A publicly owned and operated fire department vehicle; 10392

(F) Emergency vehicles owned by a corporation and operating 10393  
only on the corporation's premises, for the sole use by that 10394  
corporation; 10395

(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	10396 10397 10398
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	10399 10400 10401
(I) A public emergency medical service organization;	10402
(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;	10403 10404 10405 10406
(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;	10407 10408 10409
(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;	10410 10411 10412
(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:	10413 10414 10415 10416
(1) A public nonemergency medical service organization;	10417
(2) An urban or rural public transit system;	10418
(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.	10419 10420
(N)(1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions:	10421 10422
(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	10423 10424 10425



the department or the department's designee in accordance with	10426
section 173.392 of the Revised Code.	10427
(b) The entity meets the requirements of section 4766.14 of	10428
the Revised Code.	10429
(c) The entity does not provide ambulette services that are	10430
reimbursed under the state medicaid plan.	10431
(2) A vehicle, to the extent it is used to provide ambulette	10432
services, if the vehicle meets both of the following conditions:	10433
(a) The vehicle is owned by an entity that meets the	10434
conditions specified in division (N)(1) of this section.	10435
(b) The vehicle does not provide ambulette services that are	10436
reimbursed under the state medicaid plan.	10437
(O) A vehicle that meets both of the following criteria,	10438
unless the vehicle provides services that are reimbursed under the	10439
state medicaid plan:	10440
(1) The vehicle was purchased with funds from a grant made by	10441
the United States secretary of transportation under 49 U.S.C.	10442
5310;	10443
(2) The department of transportation holds a lien on the	10444
vehicle.	10445
<b>Sec. 4766.10.</b> This chapter does not invalidate any ordinance	10446
or resolution adopted by a municipal corporation that establishes	10447
standards for the licensure of emergency medical service	10448
organizations as basic life-support, intermediate life-support, or	10449
advanced life-support service organizations that have their	10450
principal places of business located within the limits of the	10451
municipal corporation, as long as the licensure standards meet or	10452
exceed the standards established in this chapter and the rules	10453
adopted thereunder.	10454

Emergency medical service organizations licensed by a 10455  
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 10456  
state board of emergency medical, fire, and transportation board 10457  
services, but the fees they pay to the board for licenses, 10458  
permits, and renewals thereof shall not exceed fifty per cent of 10459  
the fee amounts established by the board pursuant to section 10460  
4766.03 of the Revised Code. The board may choose to waive the 10461  
vehicle inspection requirements and inspection fees, but not the 10462  
permit fees, for the vehicles of organizations licensed by a 10463  
municipal corporation. 10464

**Sec. 4766.11.** (A) The ~~Ohio~~ state board of emergency medical, 10465  
fire, and transportation board services may investigate alleged 10466  
violations of this chapter or the rules adopted under it and may 10467  
investigate any complaints received regarding alleged violations. 10468

In addition to any other remedies available and regardless of 10469  
whether an adequate remedy at law exists, the board may apply to 10470  
the court of common pleas in the county where a violation of any 10471  
provision of this chapter or any rule adopted pursuant thereto is 10472  
occurring for a temporary or permanent injunction restraining a 10473  
person from continuing to commit that violation. On a showing that 10474  
a person has committed a violation, the court shall grant the 10475  
injunction. 10476

In conducting an investigation under this section, the board 10477  
may issue subpoenas compelling the attendance and testimony of 10478  
witnesses and the production of books, records, and other 10479  
documents pertaining to the investigation. If a person fails to 10480  
obey a subpoena from the board, the board may apply to the court 10481  
of common pleas in the county where the investigation is being 10482  
conducted for an order compelling the person to comply with the 10483  
subpoena. On application by the board, the court shall compel 10484  
obedience by attachment proceedings for contempt, as in the case 10485

of disobedience of the requirements of a subpoena from the court 10486  
or a refusal to testify therein. 10487

(B) The ~~medical-transportation~~ board may suspend a license 10488  
issued under this chapter without a prior hearing if it determines 10489  
that there is evidence that the license holder is subject to 10490  
action under this section and that there is clear and convincing 10491  
evidence that continued operation by the license holder presents a 10492  
danger of immediate and serious harm to the public. The 10493  
chairperson and executive director of the board shall make a 10494  
preliminary determination and describe the evidence on which they 10495  
made their determination to the board members. The board by 10496  
resolution may designate another board member to act in place of 10497  
the chairperson or another employee to act in place of the 10498  
executive director in the event that the chairperson or executive 10499  
director is unavailable or unable to act. Upon review of the 10500  
allegations, the board, by the affirmative vote of ~~at least four a~~ 10501  
majority of its members, may suspend the license without a 10502  
hearing. 10503

~~Any method of communication, including a telephone conference 10504  
call, may be utilized for describing the evidence to the board 10505  
members, for reviewing the allegations, and for voting on the 10506  
suspension.~~ 10507

Immediately following the decision by the board to suspend a 10508  
license under this division, the board shall issue a written order 10509  
of suspension and cause it to be delivered in accordance with 10510  
section 119.07 of the Revised Code. If the license holder subject 10511  
to the suspension requests an adjudication hearing by the board, 10512  
the date set for the adjudication shall be within fifteen days but 10513  
not earlier than seven days after the request unless another date 10514  
is agreed to by the license holder and the board. 10515

Any summary suspension imposed under this division remains in 10516  
effect, unless reversed by the board, until a final adjudicative 10517

order issued by the board pursuant to this section and Chapter 10518  
119. of the Revised Code becomes effective. The board shall issue 10519  
its final adjudicative order not less than ninety days after 10520  
completion of its adjudication hearing. Failure to issue the order 10521  
by that day shall cause the summary suspension order to end, but 10522  
such failure shall not affect the validity of any subsequent final 10523  
adjudication order. 10524

**Sec. 4766.12.** If a county, township, joint ambulance 10525  
district, or joint emergency medical services district chooses to 10526  
have the ~~Ohio~~ state board of emergency medical, fire, and 10527  
transportation ~~board~~ services license its emergency medical 10528  
service organizations and issue permits for its vehicles pursuant 10529  
to this chapter, except as may be otherwise provided, all 10530  
provisions of this chapter and all rules adopted by the board 10531  
thereunder are fully applicable. However, a county, township, 10532  
joint ambulance district, or joint emergency medical services 10533  
district is not required to obtain any type of permit from the 10534  
board for any of its nontransport vehicles. 10535

**Sec. 4766.13.** The ~~Ohio~~ state board of emergency medical, 10536  
fire, and transportation ~~board~~ services, by endorsement, may 10537  
license and issue vehicle permits to an emergency medical service 10538  
organization or a nonemergency medical service organization that 10539  
is regulated by another state. To qualify for a license and 10540  
vehicle permits by endorsement, an organization must submit 10541  
evidence satisfactory to the board that it has met standards in 10542  
another state that are equal to or more stringent than the 10543  
standards established by this chapter and the rules adopted under 10544  
it. 10545

**Sec. 4766.15.** (A) An applicant for employment as an ambulette 10546  
driver with an organization licensed pursuant to this chapter 10547

shall submit proof to the organization of, or give consent to the employer to obtain, all of the following:

(1)(a) A valid driver's license issued pursuant to Chapter 4506. or 4507. of the Revised Code, or its equivalent, if the applicant is a resident of another state;

(b) A recent certified abstract of the applicant's record of convictions for violations of motor vehicle laws provided by the registrar of motor vehicles pursuant to section 4509.05 of the Revised Code, or its equivalent, if the applicant is a resident of another state.

(2)(a) A certificate of completion of a course in first aid techniques offered by the American red cross or an equivalent organization;

(b) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the ~~Ohio~~ state board of emergency medical, fire, and transportation board services.

(3) The result of a chemical test or tests of the applicant's blood, breath, or urine conducted at a hospital or other institution approved by the board for the purpose of determining the alcohol, drug of abuse, controlled substance, or metabolite of a controlled substance content of the applicant's whole blood, blood serum or plasma, breath, or urine;

(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation.

(B) An organization may employ an applicant on a temporary provisional basis pending the completion of all of the requirements of this section. The length of the provisional period shall be determined by the board.

(C) An organization licensed pursuant to this chapter shall

use information received pursuant to this section to determine in 10578  
accordance with rules adopted by the ~~Ohio~~ state board of emergency 10579  
medical, fire, and transportation ~~board~~ services under section 10580  
4766.03 of the Revised Code whether an applicant is disqualified 10581  
for employment. 10582

No applicant shall be accepted for permanent employment as an 10583  
ambulette driver by an organization licensed pursuant to this 10584  
chapter until all of the requirements of division (A) of this 10585  
section have been met. 10586

**Sec. 4766.22.** (A) Not later than forty-five days after the 10587  
end of each fiscal year, the ~~Ohio~~ state board of emergency 10588  
medical, fire, and transportation ~~board~~ services shall submit a 10589  
report to the governor and general assembly that provides all of 10590  
the following information for that fiscal year: 10591

(1) The number of each of the following the board issued: 10592

(a) Basic life-support organization licenses; 10593

(b) Intermediate life-support organization licenses; 10594

(c) Advanced life-support organization licenses; 10595

(d) Mobile intensive care unit organization licenses; 10596

(e) Ambulette service licenses; 10597

(f) Air medical service organization licenses; 10598

(g) Ambulance permits; 10599

(h) Nontransport vehicle permits; 10600

(i) Ambulette vehicle permits; 10601

(j) Rotorcraft air ambulance permits; 10602

(k) Fixed wing air ambulance permits. 10603

(2) The amount of fees the board collected for issuing and 10604  
renewing each type of license and permit specified in division 10605

(A)(1) of this section;	10606
(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;	10607 10608 10609 10610
(4) The number of complaints that were submitted to the board;	10611 10612
(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;	10613 10614
(6) The number of adjudication hearings the board held and the outcomes of the adjudications;	10615 10616
(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;	10617 10618
(8) Other information the board determines reflects the board's operations.	10619 10620
(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.	10621 10622 10623
<b>Sec. 5501.03.</b> (A) The department of transportation shall:	10624
(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;	10625 10626 10627 10628
(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;	10629 10630 10631 10632 10633 10634

(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;

(9) In its research and development program, consider technologies for improving safety, mobility, aviation and aviation education, transportation facilities, roadways, including construction techniques and materials to prolong project life, being used or developed by other states that have geographic,



geologic, or climatic features similar to this state's, and 10666  
collaborate with those states in that development. 10667

(B) Nothing contained in ~~division (A)(1)~~ of this section 10668  
shall be held to in any manner affect, limit, restrict, or 10669  
otherwise interfere with the exercise of powers relating to 10670  
transportation facilities by appropriate agencies of the federal 10671  
government, or by counties, municipal corporations, or other 10672  
political subdivisions or special districts in this state 10673  
authorized by law to exercise such powers. 10674

(C) The department may use all appropriate sources of revenue 10675  
to assist in the development and implementation of rail service as 10676  
defined by division (C) of section 4981.01 of the Revised Code. 10677

(D) The director of transportation may enter into contracts 10678  
with public agencies including political subdivisions, other state 10679  
agencies, boards, commissions, regional transit authorities, 10680  
county transit boards, and port authorities, to administer the 10681  
design, qualification of bidders, competitive bid letting, 10682  
construction inspection, research, and acceptance of any projects 10683  
or transportation facilities administered by the department, 10684  
provided the administration of such projects or transportation 10685  
facilities is performed in accordance with all applicable state 10686  
and federal laws and regulations with oversight by the department. 10687

(E) The director may enter into cooperative or contractual 10688  
agreements with any individual, organization, or business related 10689  
to the creation or promotion of a traveler information program. 10690  
The traveler information program shall provide real-time traffic 10691  
conditions and travel time information to travelers by telephone, 10692  
text message, internet, or other similar means at no cost to the 10693  
traveler. The director may contract with a program manager for the 10694  
traveler information program. The program manager shall be 10695  
responsible for all costs associated with the development and 10696  
operation of the traveler information program. The compensation 10697

due to a program manager or vendor under any of these agreements 10698  
may include deferred compensation in an amount determined by the 10699  
director. Excess revenue shall be remitted to the department for 10700  
deposit into the highway operating fund. 10701

(F) Any materials or data submitted to, made available to, or 10702  
received by the director of transportation, to the extent that the 10703  
materials or data consist of trade secrets, as defined in section 10704  
1333.61 of the Revised Code, or commercial or financial 10705  
information, are confidential and are not public records for the 10706  
purposes of section 149.43 of the Revised Code. 10707

**Sec. 5501.17.** The director of transportation may employ such 10708  
assistants as are necessary to prepare plans and surveys. 10709  
Compensation paid for the preparation of plans, surveys, and 10710  
specifications shall be regarded as a part of the cost and expense 10711  
of the improvement for which they were made and shall be paid from 10712  
funds set aside for the improvement. 10713

The director may appoint additional clerks and stenographers, 10714  
and such other engineers, inspectors, technicians, and other 10715  
employees as are necessary to carry out Chapters 4561., 5501., 10716  
5503., 5511., 5513., 5515., 5516., 5517., 5519., 5521., 5523., 10717  
5525., 5527., 5528., 5529., 5531., 5533., and 5535. of the Revised 10718  
Code. All such technicians employed under the authority of this 10719  
section shall be eligible to receive pay during periods of on the 10720  
job training or while attending special training schools conducted 10721  
by the department of transportation. Such employees and 10722  
appointees, in addition to their salaries, shall receive their 10723  
actual necessary traveling expenses when on official business. 10724

The director may contract with regional, county, or municipal 10725  
planning commissions or county engineers having adequate staffs, 10726  
and with planning agencies of adjacent states, for the preparation 10727  
of comprehensive transportation and land use studies and major 10728

thoroughfare reports, or parts thereof, and pay the commissions, 10729  
county engineers, or planning agencies of adjacent states for such 10730  
work from funds available to the department. 10731

**Sec. 5501.31.** The director of transportation shall have 10732  
general supervision of all roads comprising the state highway 10733  
system. The director may alter, widen, straighten, realign, 10734  
relocate, establish, construct, reconstruct, improve, maintain, 10735  
repair, and preserve any road or highway on the state highway 10736  
system, and, in connection therewith, relocate, alter, widen, 10737  
deepen, clean out, or straighten the channel of any watercourse as 10738  
the director considers necessary, and purchase or appropriate 10739  
property for the disposal of surplus materials or borrow pits, 10740  
and, where an established road has been relocated, establish, 10741  
construct, and maintain such connecting roads between the old and 10742  
new location as will provide reasonable access thereto. 10743

The director may purchase or appropriate property necessary 10744  
for the location or construction of any culvert, bridge, or 10745  
viaduct, or the approaches thereto, including any property needed 10746  
to extend, widen, or alter any feeder or outlet road, street, or 10747  
way adjacent to or under the bridge or viaduct when the extension, 10748  
widening, or alteration of the feeder road, street, or way is 10749  
necessary for the full utilization of the bridge or viaduct, or 10750  
for any other highway improvement. The director may purchase or 10751  
appropriate, for such length of time as is necessary and 10752  
desirable, any additional property required for the construction 10753  
and maintenance of slopes, detour roads, sewers, roadside parks, 10754  
rest areas, recreational park areas, park and ride facilities, and 10755  
park and carpool or vanpool facilities, scenic view areas, 10756  
drainage systems, or land to replace wetlands, incident to any 10757  
highway improvement, that the director is or may be authorized to 10758  
locate or construct. Also incident to any authorized highway 10759  
improvement, the director may purchase property from a willing 10760

seller as required for the construction and maintenance of 10761  
bikeways and bicycle paths or to replace, preserve, or conserve 10762  
any environmental resource if the replacement, preservation, or 10763  
conservation is required by state or federal law. 10764

Title to property purchased or appropriated by the director 10765  
shall be taken in the name of the state either in fee simple or in 10766  
any lesser estate or interest that the director considers 10767  
necessary or proper, in accordance with forms to be prescribed by 10768  
the attorney general. The deed shall contain a description of the 10769  
property and be recorded in the county where the property is 10770  
situated and, when recorded, shall be kept on file in the 10771  
department of transportation. The property may be described by 10772  
metes and bounds or by the department of transportation parcel 10773  
number as shown on a right of way plan recorded in the county 10774  
where the property is located. 10775

Provided that when property, other than property used by a 10776  
railroad for operating purposes, is acquired in connection with 10777  
improvements involving projects affecting railroads wherein the 10778  
department is obligated to acquire property under grade separation 10779  
statutes, or on other improvements wherein the department is 10780  
obligated to acquire lands under agreements with railroads, or 10781  
with a public utility, political subdivision, public corporation, 10782  
or private corporation owning transportation facilities for the 10783  
readjustment, relocation, or improvement of their facilities, a 10784  
fee simple title or an easement may be acquired by purchase or 10785  
appropriation in the name of the railroad, public utility, 10786  
political subdivision, public corporation, or private corporation 10787  
in the discretion of the director. When the title to lands, which 10788  
are required to adjust, relocate, or improve such facilities 10789  
pursuant to agreements with the director, is taken in the name of 10790  
the state, then, in the discretion of the director, the title to 10791  
such lands may be conveyed to the railroad, public utility, 10792

political subdivision, or public corporation for which they were 10793  
acquired. The conveyance shall be prepared by the attorney general 10794  
and executed by the governor and bear the great seal of the state 10795  
of Ohio. 10796

The director, in the maintenance or repair of state highways, 10797  
is not limited to the use of the materials with which the 10798  
highways, including the bridges and culverts thereon, were 10799  
originally constructed, but may use any material that is proper or 10800  
suitable. The director may aid any board of county commissioners 10801  
in establishing, creating, and repairing suitable systems of 10802  
drainage for all highways within the jurisdiction or control of 10803  
the board and advise with it as to the establishment, 10804  
construction, improvement, maintenance, and repair of the 10805  
highways. 10806

Chapters 4561., 5501., 5503., 5511., 5513., 5515., 5516., 10807  
5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 10808  
5533., and 5535. of the Revised Code do not prohibit the federal 10809  
government, any government agency, or any individual or 10810  
corporation, from contributing a portion of the cost of the 10811  
establishment, construction, reconstruction, relocating, widening, 10812  
resurfacing, maintenance, and repair of the highways or 10813  
transportation facilities. 10814

Except in the case of maintaining, repairing, erecting 10815  
traffic signs on, or pavement marking of state highways within 10816  
villages, which is mandatory as required by section 5521.01 of the 10817  
Revised Code, and except as provided in section 5501.49 of the 10818  
Revised Code, no duty of constructing, reconstructing, widening, 10819  
resurfacing, maintaining, or repairing state highways within 10820  
municipal corporations, or the culverts thereon, shall attach to 10821  
or rest upon the director, but the director may construct, 10822  
reconstruct, widen, resurface, maintain, and repair the same with 10823  
or without the cooperation of any municipal corporation, or with 10824

or without the cooperation of boards of county commissioners upon 10825  
each municipal corporation consenting thereto. 10826

**Sec. 5501.51.** (A) The state shall reimburse a utility for the 10827  
cost of relocation of utility facilities necessitated by the 10828  
construction of a highway project only in the event that the 10829  
utility can evidence a vested interest in the nature of a fee 10830  
interest, an easement interest, or a lesser estate in the real 10831  
property it occupies in the event that the utility possesses a 10832  
vested interest in such property. The utility shall present 10833  
evidence satisfactory to the state substantiating the cost of 10834  
relocation. The director may audit all financial records which the 10835  
director determines necessary to verify such actual costs. 10836

(B) The director of transportation may establish and enforce 10837  
such rules and procedures as the director may determine to be 10838  
necessary to assure consistency governing any and all aspects of 10839  
the cost of utility relocations. The director may adopt such 10840  
amendments to such rules as are necessary and within the 10841  
guidelines of this section. 10842

(C) As used in this section: 10843

(1) "Cost of relocation" includes the actual cost paid by a 10844  
utility directly attributable to relocation after deducting any 10845  
increase in the value of the new facility and any salvage value 10846  
derived from the old facility. 10847

(2) "Utility" includes ~~publicly~~ all of the following: 10848

(a) Publicly, privately, and cooperatively owned utilities 10849  
that are subject to the authority of the public utilities 10850  
commission of Ohio. ~~"Utility" also includes a;~~ 10851

(b) A cable operator as defined in the "Cable Communications 10852  
Policy Act of 1984," 98 Stat. 2780, 47 U.S.C. 522, as amended by 10853  
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151, 10854

and includes the provision of other information or 10855  
telecommunications services, or both, ~~and an~~ 10856

(c) An electric cooperative and a municipal electric utility, 10857  
both as defined in section 4928.01 of the Revised Code; 10858

(d) County-owned or county-operated water and sewer 10859  
facilities. 10860

**Sec. 5501.73.** (A) After selecting a solicited or unsolicited 10861  
proposal for a public-private initiative, the department of 10862  
transportation shall enter into a public-private agreement for a 10863  
transportation facility with the selected private entity or any 10864  
configuration of private entities. An affected jurisdiction may be 10865  
a party to a public-private agreement entered into by the 10866  
department and a selected private entity or combination of private 10867  
entities. 10868

(B) A public-private agreement under this section shall 10869  
provide for all of the following: 10870

(1) Planning, acquisition, financing, development, design, 10871  
construction, reconstruction, replacement, improvement, 10872  
maintenance, management, repair, leasing, or operation of a 10873  
transportation facility; 10874

(2) Term of the public-private agreement; 10875

(3) Type of property interest, if any, the private entity 10876  
will have in the transportation facility; 10877

(4) A specific plan to ensure proper maintenance of the 10878  
transportation facility throughout the term of the agreement and a 10879  
return of the facility to the department, if applicable, in good 10880  
condition and repair; 10881

(5) Whether user fees will be collected on the transportation 10882  
facility and the basis by which such user fees shall be determined 10883  
and modified; 10884

(6) Compliance with applicable federal, state, and local laws;	10885 10886
(7) Grounds for termination of the public-private agreement by the department or operator;	10887 10888
(8) Disposition of the facility upon completion of the agreement;	10889 10890
(9) Procedures for amendment of the agreement.	10891
(C) A public-private agreement under this section may provide for any of the following:	10892 10893
(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;	10894 10895 10896
(2) Inspection by the department of construction of or improvements to the transportation facility;	10897 10898
(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	10899 10900
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	10901 10902 10903
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	10904 10905
(6) Financing obligations of the operator and the department;	10906
(7) Apportionment of expenses between the operator and the department;	10907 10908
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	10909 10910 10911
(9) Rights and remedies available in the event of default or delay;	10912 10913



(10) Terms and conditions of indemnification of the operator	10914
by the department;	10915
(11) Assignment, subcontracting, or other delegation of	10916
responsibilities of the operator or the department under the	10917
agreement to third parties, including other private entities and	10918
other state agencies;	10919
(12) Sale or lease to the operator of private property	10920
related to the transportation facility;	10921
(13) Traffic enforcement and other policing issues, including	10922
any reimbursement by the private entity for such services.	10923
<u>(D)(1) The director of transportation may include in any</u>	10924
<u>public-private agreement under sections 5501.70 to 5501.83 of the</u>	10925
<u>Revised Code a provision authorizing a binding dispute resolution</u>	10926
<u>method for any controversy subsequently arising out of the</u>	10927
<u>contract. The binding dispute resolution method may proceed only</u>	10928
<u>upon agreement of all parties to the controversy. If all parties</u>	10929
<u>do not agree to proceed to a binding dispute resolution, a party</u>	10930
<u>having a claim against the department shall exhaust its</u>	10931
<u>administrative remedies specified in the public-private agreement</u>	10932
<u>prior to filing any action against the department in the court of</u>	10933
<u>claims.</u>	10934
<u>No appeal from the determination of a technical expert lies</u>	10935
<u>to any court, except that the court of common pleas of Franklin</u>	10936
<u>County may issue an order vacating such a determination upon the</u>	10937
<u>application of any party to the binding dispute resolution if any</u>	10938
<u>of the following applies:</u>	10939
<u>(a) The determination was procured by corruption, fraud, or</u>	10940
<u>undue means.</u>	10941
<u>(b) There was evidence of partiality or corruption on the</u>	10942
<u>part of the technical expert.</u>	10943

(c) The technical expert was guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy, or of any other misbehavior by which the rights of any party have been prejudiced. 10944  
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(2) As used in this division, "binding dispute resolution" means a binding determination after review by a technical expert of all relevant items, which may include documents, and by interviewing appropriate personnel and visiting the project site involved in the controversy. "Binding dispute resolution" does not involve representation by legal counsel or advocacy by any person on behalf of any party to the controversy. 10949  
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(E) No public-private agreement entered into under this section shall be construed to transfer to a private entity the director's authority to appropriate property under Chapters 163., 5501., and 5519. of the Revised Code. 10956  
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**Sec. 5501.77.** (A) For the purposes of carrying out sections 10960  
5501.70 to 5501.83 of the Revised Code, the department of 10961  
transportation may do all of the following: 10962

(1) Accept, subject to applicable terms and conditions, 10963  
available funds from the United States or any of its agencies, 10964  
whether the funds are made available by grant, loan, or other 10965  
financial assistance; 10966

(2) Enter into agreements or other arrangements with the 10967  
United States or any of its agencies as may be necessary; 10968

(3) For the purpose of completing a transportation facility 10969  
under an agreement, accept from any source any grant, donation, 10970  
gift, or other form of conveyance of land, money, other real or 10971  
personal property, or other item of value made to the state or the 10972  
department. 10973

(B) Any transportation facility may be financed in whole or 10974  
in part by contribution of any funds or property made by any 10975  
private entity or affected jurisdiction that is party to a 10976  
public-private agreement under sections 5501.70 to 5501.83 of the 10977  
Revised Code. 10978

(C) The department may use federal, state, local, and private 10979  
funds to finance a transportation facility under sections 5501.70 10980  
to 5501.83 of the Revised Code and shall comply with any 10981  
requirements and restrictions governing the use of the funds, 10982  
including maintaining the funds separately when necessary. 10983

(D) The director of transportation, in accordance with 10984  
Chapter 119. of the Revised Code, may adopt such rules as the 10985  
director considers advisable for the control and regulation of 10986  
traffic on any transportation facility subject to a public-private 10987  
agreement, for the protection and preservation of the 10988  
transportation facility, for the maintenance and preservation of 10989  
good order within the transportation facility, and for the purpose 10990  
of establishing vehicle owner or operator liability for avoidance 10991  
of user fees. The rules shall provide that public police officers 10992  
shall be afforded ready access, while in the performance of their 10993  
official duties, to the transportation facility without the 10994  
payment of user fees. 10995

(1) No person shall violate any rules of the department of 10996  
transportation adopted under this division. 10997

(2)(a) All fines collected for the violation of applicable 10998  
laws of the state and the rules of the department of 10999  
transportation or money arising from bonds forfeited for such 11000  
violation shall be disposed of in accordance with section 5503.04 11001  
of the Revised Code. 11002

(b) All fees or charges assessed by the department of 11003  
transportation or a public-private operator in accordance with 11004

this section against an owner or operator of a vehicle as a civil violation for failure to comply with toll collection rules shall be revenues of the department or public-private operator as set forth in the public-private agreement. 11005  
11006  
11007  
11008

(E)(1) Except as provided in division (E)(2) of this section, whoever violates division (D)(1) of this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree. 11009  
11010  
11011  
11012

(2) Whoever violates division (D)(1) of this section when the violation is a civil violation for failure to comply with toll collection rules is subject to a fee or charge established by the department by rule. 11013  
11014  
11015  
11016

**Sec. 5502.01.** (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor vehicles. 11017  
11018  
11019  
11020

The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes of them, prepare and conduct educational programs for the purpose of promoting safety in the operation of motor vehicles on the highways, and conduct research and studies for the purpose of promoting safety on the highways of this state. 11021  
11022  
11023  
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(B) The department shall administer the laws and rules relative to trauma and emergency medical services specified in Chapter 4765. of the Revised Code and any laws and rules relative to medical transportation services specified in Chapter 4766. of the Revised Code. 11027  
11028  
11029  
11030  
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(C) The department shall administer and enforce the laws contained in Chapters 4301. and 4303. of the Revised Code and enforce the rules and orders of the liquor control commission 11032  
11033  
11034

pertaining to retail liquor permit holders. 11035

(D) The department shall administer the laws governing the 11036  
state emergency management agency and shall enforce all additional 11037  
duties and responsibilities as prescribed in the Revised Code 11038  
related to emergency management services. 11039

(E) The department shall conduct investigations pursuant to 11040  
Chapter 5101. of the Revised Code in support of the duty of the 11041  
department of job and family services to administer the 11042  
supplemental nutrition assistance program throughout this state. 11043  
The department of public safety shall conduct investigations 11044  
necessary to protect the state's property rights and interests in 11045  
the supplemental nutrition assistance program. 11046

(F) The department of public safety shall enforce compliance 11047  
with orders and rules of the public utilities commission and 11048  
applicable laws in accordance with Chapters 4905., 4921., and 11049  
4923. of the Revised Code regarding commercial motor vehicle 11050  
transportation safety, economic, and hazardous materials 11051  
requirements. 11052

(G) Notwithstanding Chapter 4117. of the Revised Code, the 11053  
department of public safety may establish requirements for its 11054  
enforcement personnel, including its enforcement agents described 11055  
in section 5502.14 of the Revised Code, that include standards of 11056  
conduct, work rules and procedures, and criteria for eligibility 11057  
as law enforcement personnel. 11058

(H) The department shall administer, maintain, and operate 11059  
the Ohio criminal justice network. The Ohio criminal justice 11060  
network shall be a computer network that supports state and local 11061  
criminal justice activities. The network shall be an electronic 11062  
repository for various data, which may include arrest warrants, 11063  
notices of persons wanted by law enforcement agencies, criminal 11064  
records, prison inmate records, stolen vehicle records, vehicle 11065

operator's licenses, and vehicle registrations and titles. 11066

(I) The department shall coordinate all homeland security 11067  
activities of all state agencies and shall be a liaison between 11068  
state agencies and local entities for those activities and related 11069  
purposes. 11070

(J) Beginning July 1, 2004, the department shall administer 11071  
and enforce the laws relative to private investigators and 11072  
security service providers specified in Chapter 4749. of the 11073  
Revised Code. 11074

(K) The department shall administer criminal justice services 11075  
in accordance with sections 5502.61 to 5502.66 of the Revised 11076  
Code. 11077

**Sec. 5503.01.** There is hereby created in the department of 11078  
public safety a division of state highway patrol which shall be 11079  
administered by a superintendent of the state highway patrol. 11080

The superintendent shall be appointed by the director of 11081  
public safety, and shall serve at the director's pleasure. The 11082  
superintendent shall hold the rank of colonel and be appointed 11083  
from within the eligible ranks of the patrol. The superintendent 11084  
shall give bond for the faithful performance of the 11085  
superintendent's official duties in such amount and with such 11086  
security as the director approves. 11087

The superintendent, with the approval of the director, may 11088  
appoint any number of state highway patrol troopers and radio 11089  
operators as are necessary to carry out sections 5503.01 to 11090  
5503.06 of the Revised Code, but the number of troopers shall not 11091  
be less than eight hundred eighty. The number of radio operators 11092  
shall not exceed eighty in number. Except as provided in this 11093  
section, at the time of appointment, troopers shall be not less 11094  
than twenty-one years of age, nor have reached thirty-five years 11095

of age. A person who is attending a training school for 11096  
prospective state highway patrol troopers established under 11097  
section 5503.05 of the Revised Code and attains the age of 11098  
thirty-five years during the person's period of attendance at that 11099  
training school shall not be disqualified as over age and shall be 11100  
permitted to continue to attend the training school as long as the 11101  
person otherwise is eligible to do so. Such a person also remains 11102  
eligible to be appointed a trooper. Any other person who attains 11103  
or will attain the age of thirty-five years prior to the time of 11104  
appointment shall be disqualified as over age. 11105

At the time of appointment, troopers shall have been legal 11106  
residents of Ohio for at least one year, except that this 11107  
residence requirement may be waived by the superintendent. 11108

If any state highway patrol troopers become disabled through 11109  
accident or illness, the superintendent, with the approval of the 11110  
director, shall fill any vacancies through the appointment of 11111  
other troopers from a qualified list to serve during the period of 11112  
the disability. 11113

The superintendent and state highway patrol troopers shall be 11114  
vested with the authority of peace officers for the purpose of 11115  
enforcing the laws of the state that it is the duty of the patrol 11116  
to enforce and may arrest, without warrant, any person who, in the 11117  
presence of the superintendent or any trooper, is engaged in the 11118  
violation of any such laws. The state highway patrol troopers 11119  
shall never be used as peace officers in connection with any 11120  
strike or labor dispute. 11121

Each state highway patrol trooper and radio operator, upon 11122  
appointment and before entering upon official duties, shall take 11123  
an oath of office for faithful performance of the trooper's or 11124  
radio operator's official duties and execute a bond in the sum of 11125  
twenty-five hundred dollars, payable to the state and for the use 11126  
and benefit of any aggrieved party who may have a cause of action 11127

against any trooper or radio operator for misconduct while in the 11128  
performance of official duties. In no event shall the bond include 11129  
any claim arising out of negligent operation of a motorcycle or 11130  
motor vehicle used by a trooper or radio operator in the 11131  
performance of official duties. 11132

The superintendent shall prescribe a distinguishing uniform 11133  
and badge which shall be worn by each state highway patrol trooper 11134  
and radio operator while on duty, unless otherwise designated by 11135  
the superintendent. No person shall wear the distinguishing 11136  
uniform of the state highway patrol or the badge or any 11137  
distinctive part of that uniform, except on order of the 11138  
superintendent. 11139

The superintendent, with the approval of the director, may 11140  
appoint necessary clerks, stenographers, and employees. 11141

**Sec. 5503.03.** The state highway patrol and the superintendent 11142  
of the state highway patrol shall be furnished by the state with 11143  
such vehicles, equipment, and supplies as the director of public 11144  
safety deems necessary, all of which shall remain the property of 11145  
the state and be strictly accounted for by each member of the 11146  
patrol. 11147

The patrol may be equipped with standardized and tested 11148  
devices for weighing vehicles, and may stop and weigh any vehicle 11149  
which appears to weigh in excess of the amounts permitted by 11150  
sections 5577.01 to 5577.14 of the Revised Code. 11151

The superintendent, with the approval of the director, shall 11152  
prescribe rules for instruction and discipline, make all 11153  
administrative rules, and fix the hours of duty for patrol 11154  
officers. ~~He~~ The superintendent shall divide the state into 11155  
districts and assign members of the patrol to such districts in a 11156  
manner that ~~he~~ the superintendent deems proper. ~~He~~ The 11157  
superintendent may transfer members of the patrol from one 11158



district to another, ~~and classify~~ and rank members of the patrol. 11159  
All ranks below the level of superintendent shall be classified. 11160  
All promotions to a higher grade shall be made from the next lower 11161  
grade. When a patrol officer is promoted by the superintendent, 11162  
the officer's salary shall be increased to that of the lowest step 11163  
in the pay range for the new grade which shall increase the 11164  
officer's salary or wage by at least nine per cent of the base pay 11165  
wherever possible. 11166

**Sec. 5503.04.** Forty-five per cent of the fines collected from 11167  
or moneys arising from bail forfeited by persons apprehended or 11168  
arrested by state highway patrol troopers shall be paid into the 11169  
state treasury to be credited to the general revenue fund, five 11170  
per cent shall be paid into the state treasury to be credited to 11171  
the trauma and emergency medical services fund created by section 11172  
4513.263 of the Revised Code, and fifty per cent shall be paid 11173  
into the treasury of the municipal corporation where the case is 11174  
prosecuted, if in a mayor's court. If the prosecution is in a 11175  
trial court outside a municipal corporation, or outside the 11176  
territorial jurisdiction of a municipal court, the fifty per cent 11177  
of the fines and moneys that is not paid into the state treasury 11178  
shall be paid into the treasury of the county where the case is 11179  
prosecuted. The fines and moneys paid into a county treasury and 11180  
the fines and moneys paid into the treasury of a municipal 11181  
corporation shall be deposited one-half to the same fund and 11182  
expended in the same manner as is the revenue received from the 11183  
registration of motor vehicles, and one-half to the general fund 11184  
of such county or municipal corporation. 11185

If the prosecution is in a municipal court, forty-five per 11186  
cent of the fines and moneys shall be paid into the state treasury 11187  
to be credited to the general revenue fund, five per cent shall be 11188  
paid into the state treasury to be credited to the trauma and 11189  
emergency medical services ~~grants~~ fund created by division (E) of 11190

section 4513.263 of the Revised Code, ten per cent shall be paid 11191  
into the county treasury to be credited to the general fund of the 11192  
county, and forty per cent shall be paid into the municipal 11193  
treasury to be credited to the general fund of the municipal 11194  
corporation. In the Auglaize county, Clermont county, Crawford 11195  
county, Hocking county, Jackson county, Lawrence county, Madison 11196  
county, Miami county, Ottawa county, Portage county, and Wayne 11197  
county municipal courts, that portion of money otherwise paid into 11198  
the municipal treasury shall be paid into the county treasury. 11199

The trial court shall make remittance of the fines and moneys 11200  
as prescribed in this section, and at the same time as the 11201  
remittance is made of the state's portion to the state treasury, 11202  
the trial court shall notify the superintendent of the state 11203  
highway patrol of the case and the amount covered by the 11204  
remittance. 11205

This section does not apply to fines for violations of 11206  
division (B) of section 4513.263 of the Revised Code, or for 11207  
violations of any municipal ordinance that is substantively 11208  
comparable to that division, all of which shall be delivered to 11209  
the treasurer of state as provided in division (E) of section 11210  
4513.263 of the Revised Code. 11211

**Sec. 5503.31.** The state highway patrol shall have the same 11212  
authority as is conferred upon it by section 5503.02 of the 11213  
Revised Code with respect to the enforcement of state laws on 11214  
other roads and highways and on other state properties, to enforce 11215  
on all turnpike projects the laws of the state and the bylaws, 11216  
rules, and regulations of the Ohio turnpike and infrastructure 11217  
commission. The patrol, the superintendent of the patrol, and all 11218  
state highway patrol troopers shall have the same authority to 11219  
make arrests on all turnpike projects for violations of state laws 11220  
and of bylaws, rules, and regulations of the Ohio turnpike and 11221

infrastructure commission as is conferred upon them by section 11222  
5503.02 of the Revised Code to make arrests on, and in connection 11223  
with offenses committed on, other roads and highways and on other 11224  
state properties. 11225

**Sec. 5503.32.** The director of public safety may from time to 11226  
time enter into contracts with the Ohio turnpike and 11227  
infrastructure commission with respect to the policing of turnpike 11228  
projects by the state highway patrol. The contracts shall provide 11229  
for the reimbursement of the state by the commission for the costs 11230  
incurred by the patrol in policing turnpike projects, including, 11231  
but not limited to, the salaries of employees of the patrol 11232  
assigned to the policing, the current costs of funding retirement 11233  
pensions for the employees of the patrol and of providing workers' 11234  
compensation for them, the cost of training state highway patrol 11235  
troopers and radio operators assigned to turnpike projects, and 11236  
the cost of equipment and supplies used by the patrol in such 11237  
policing, and of housing for such troopers and radio operators, to 11238  
the extent that the equipment, supplies, and housing are not 11239  
directly furnished by the commission. Each contract may provide 11240  
for the ascertainment of such costs, and shall be of any duration, 11241  
not in excess of five years, and may contain any other terms, that 11242  
the director and the commission may agree upon. The patrol shall 11243  
not be obligated to furnish policing services on any turnpike 11244  
project beyond the extent required by the contract. All payments 11245  
pursuant to any contract in reimbursement of the costs of the 11246  
policing shall be deposited in the state treasury to the credit of 11247  
the turnpike policing fund, which is hereby created. All 11248  
investment earnings of the fund shall be credited to the fund. 11249

**Sec. 5513.01.** (A) All purchases of machinery, materials, 11250  
supplies, or other articles that the director of transportation 11251  
makes shall be in the manner provided in this section. In all 11252

cases except those in which the director provides written 11253  
authorization for purchases by district deputy directors of 11254  
transportation, all such purchases shall be made at the central 11255  
office of the department of transportation in Columbus. Before 11256  
making any purchase at that office, the director, as provided in 11257  
this section, shall give notice to bidders of the director's 11258  
intention to purchase. Where the expenditure does not exceed the 11259  
amount applicable to the purchase of supplies specified in 11260  
division (B) of section 125.05 of the Revised Code, as adjusted 11261  
pursuant to division (D) of that section, the director shall give 11262  
such notice as the director considers proper, or the director may 11263  
make the purchase without notice. Where the expenditure exceeds 11264  
the amount applicable to the purchase of supplies specified in 11265  
division (B) of section 125.05 of the Revised Code, as adjusted 11266  
pursuant to division (D) of that section, the director shall give 11267  
notice by posting for not less than ten days a written, typed, or 11268  
printed invitation to bidders on a bulletin board, which shall be 11269  
located in a place in the offices assigned to the department and 11270  
open to the public during business hours. Producers or 11271  
distributors of any product may notify the director, in writing, 11272  
of the class of articles for the furnishing of which they desire 11273  
to bid and their post-office addresses, in which case copies of 11274  
all invitations to bidders relating to the purchase of such 11275  
articles shall be mailed to such persons by the director by 11276  
regular first class mail at least ten days prior to the time fixed 11277  
for taking bids. The director also may mail copies of all 11278  
invitations to bidders to news agencies or other agencies or 11279  
organizations distributing information of this character. Requests 11280  
for invitations shall not be valid nor require action by the 11281  
director unless renewed, either annually or after such shorter 11282  
period as the director may prescribe by a general rule. The 11283  
invitation to bidders shall contain a brief statement of the 11284  
general character of the article that it is intended to purchase, 11285

the approximate quantity desired, and a statement of the time and 11286  
place where bids will be received, and may relate to and describe 11287  
as many different articles as the director thinks proper, it being 11288  
the intent and purpose of this section to authorize the inclusion 11289  
in a single invitation of as many different articles as the 11290  
director desires to invite bids upon at any given time. 11291  
Invitations issued during each calendar year shall be given 11292  
consecutive numbers, and the number assigned to each invitation 11293  
shall appear on all copies thereof. In all cases where notice is 11294  
required by this section, sealed bids shall be taken, on forms 11295  
prescribed and furnished by the director, and modification of bids 11296  
after they have been opened shall not be permitted. 11297

(B) The director may permit the Ohio turnpike and 11298  
infrastructure commission, any political subdivision, and any 11299  
state university or college to participate in contracts into which 11300  
the director has entered for the purchase of machinery, materials, 11301  
supplies, or other articles. The turnpike and infrastructure 11302  
commission and any political subdivision or state university or 11303  
college desiring to participate in such purchase contracts shall 11304  
file with the director a certified copy of the bylaws or rules of 11305  
the turnpike and infrastructure commission or the ordinance or 11306  
resolution of the legislative authority, board of trustees, or 11307  
other governing board requesting authorization to participate in 11308  
such contracts and agreeing to be bound by such terms and 11309  
conditions as the director prescribes. Purchases made by the 11310  
turnpike and infrastructure commission, political subdivisions, or 11311  
state universities or colleges under this division are exempt from 11312  
any competitive bidding required by law for the purchase of 11313  
machinery, materials, supplies, or other articles. 11314

(C) As used in this section: 11315

(1) "Political subdivision" means any county, township, 11316  
municipal corporation, conservancy district, township park 11317

district, park district created under Chapter 1545. of the Revised Code, port authority, regional transit authority, regional airport authority, regional water and sewer district, county transit board, or school district as defined in section 5513.04 of the Revised Code.

(2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(3) "Ohio turnpike and infrastructure commission" means the commission created by section 5537.02 of the Revised Code.

**Sec. 5517.02.** (A) Before undertaking the construction, reconstruction by widening or resurfacing, or improvement of a state highway, or a bridge or culvert thereon, or the installation of a traffic control signal on a state highway, the director of transportation, except as provided in section 5517.021 of the Revised Code, shall make an estimate of the cost of the work using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. ~~In constructing, or reconstructing by widening or resurfacing, improving, maintaining, and repairing state highways, and the bridges and culverts thereon, and in installing, maintaining, and repairing traffic control signals on state highways, the director, except as provided in division (B) of this section, shall proceed by contract let to the lowest competent and responsible bidder, after advertisement as provided in section 5525.01 of the Revised Code~~ When a force account project assessment form is required, the estimate shall include costs for subcontracted work and any competitively bid component costs.

~~(B)(1) Where the work contemplated is the construction of a bridge or culvert, or the installation of a traffic control signal, estimated to cost not more than fifty thousand dollars, the director may proceed by employing labor, purchasing materials,~~

~~and furnishing equipment.~~ 11349

~~(2) The~~ After complying with division (A) of this section, 11350  
the director may ~~also~~ proceed without competitive bidding with 11351  
maintenance or repair work by employing labor, purchasing 11352  
materials, and furnishing equipment, ~~provided~~ if the total 11353  
estimated cost of the completed operation, or series of connected 11354  
operations, does not exceed ~~twenty-five~~ the following, as adjusted 11355  
under division (B)(2) of this section: 11356

(a) Thirty thousand dollars per centerline mile of highway, 11357  
exclusive of structures and traffic control signals, ~~or fifty;~~ 11358

(b) Sixty thousand dollars for any single ~~structure or~~ 11359  
traffic control signal or any other single project. 11360

~~(3)~~(2) On the first day of July of every odd-numbered year 11361  
beginning in 2015, the director shall increase the amounts 11362  
established in division (B)(1) of this section by an amount not to 11363  
exceed the lesser of three per cent, or the percentage amount of 11364  
any increase in the department of transportation's construction 11365  
cost index as annualized and totaled for the prior two calendar 11366  
years. The director shall publish the applicable amounts on the 11367  
department's internet web site. 11368

(C) The director may proceed by furnishing equipment, 11369  
purchasing materials, and employing labor in the erection of 11370  
temporary bridges or the making of temporary repairs to a highway 11371  
or bridge rendered necessary by flood, landslide, or other 11372  
extraordinary emergency. If the director determines inability to 11373  
complete such emergency work by force account, the director may 11374  
contract for any part of the work, with or without advertising for 11375  
bids, as the director considers for the best interest of the 11376  
department of transportation. 11377

(D) When a project proceeds by force account under this 11378  
section or section 5517.021 of the Revised Code, the department of 11379

transportation shall perform the work in compliance with any 11380  
project requirements and specifications that would have applied if 11381  
a contract for the work had been let by competitive bidding. The 11382  
department shall retain in the project record all records 11383  
documenting materials testing compliance, materials placement 11384  
compliance, actual personnel and equipment hours usage, and all 11385  
other documentation that would have been required if a contract 11386  
for the work had been let by competitive bidding. 11387

(E) The director shall proceed by competitive bidding to let 11388  
work to the lowest competent and responsible bidder after 11389  
advertisement as provided in section 5525.01 of the Revised Code 11390  
in both of the following situations: 11391

(1) When the scope of work exceeds the limits established in 11392  
section 5517.021 of the Revised Code; 11393

(2) When the estimated cost for a project, other than work 11394  
described in section 5517.021 of the Revised Code, exceeds the 11395  
amounts established in division (B) of this section, as adjusted. 11396

**Sec. 5517.021.** (A)(1) The director of transportation may 11397  
proceed without competitive bidding by employing labor, purchasing 11398  
materials, and furnishing equipment to do any of the following 11399  
work: 11400

(a) Replace any single span bridge in its substantial 11401  
entirety or widen any single span bridge, including necessary 11402  
modifications to accommodate widening the existing substructure 11403  
and wing walls. The director shall proceed under division 11404  
(A)(1)(a) of this section only if the deck area of the new or 11405  
widened bridge does not exceed seven hundred square feet as 11406  
measured around the outside perimeter of the deck. 11407

(b) Replace the bearings, beams, and deck of any bridge on 11408  
that bridge's existing foundation if the deck area of the 11409



rehabilitated structure does not exceed eight hundred square feet; 11410

(c) Construct or replace any single cell or multi-cell 11411  
culvert whose total waterway opening does not exceed fifty-two 11412  
square feet; 11413

(d) Pave or patch an asphalt surface if the operation does 11414  
not exceed one hundred twenty tons of asphalt per lane-mile of 11415  
roadway length, except that the department shall not perform a 11416  
continuous resurfacing operation under this section if the cost of 11417  
the work exceeds the amount established in division (B)(1)(a) of 11418  
section 5517.02 of the Revised Code, as adjusted. 11419

(2) Work performed in accordance with division (A)(1) of this 11420  
section may include approach roadway work, extending not more than 11421  
one hundred fifty feet as measured from the back side of the 11422  
bridge abutment wall or outside edge of the culvert, as 11423  
applicable. The length of an approach guardrail shall be in 11424  
accordance with department of transportation design requirements 11425  
and shall not be included in the approach work size limitation. 11426

(B) The requirements of section 117.16 of the Revised Code 11427  
shall not apply to work described in division (A) of this section 11428  
and the work shall be exempt from audit for force account purposes 11429  
except to determine compliance with the applicable size or tonnage 11430  
restrictions. 11431

**Sec. 5525.01.** Before entering into a contract, the director 11432  
of transportation shall advertise for bids for two consecutive 11433  
weeks in one newspaper of general circulation published in the 11434  
county in which the improvement or part thereof is located, but if 11435  
there is no such newspaper then in one newspaper having general 11436  
circulation in an adjacent county. In the alternative, the 11437  
director may advertise for bids as provided in section 7.16 of the 11438  
Revised Code. The director may advertise for bids in such other 11439  
publications as the director considers advisable. Such notices 11440

shall state that plans and specifications for the improvement are 11441  
on file in the office of the director and the district deputy 11442  
director of the district in which the improvement or part thereof 11443  
is located and the time within which bids therefor will be 11444  
received. 11445

Each bidder shall be required to file with the bidder's bid a 11446  
bid guaranty in the form of a certified check, a cashier's check, 11447  
or an electronic funds transfer to the treasurer of state that is 11448  
evidenced by a receipt or by a certification to the director of 11449  
transportation in a form prescribed by the director that an 11450  
electronic funds transfer has been made to the treasurer of state, 11451  
for an amount equal to five per cent of the bidder's bid, but in 11452  
no event more than fifty thousand dollars, or a bid bond for ten 11453  
per cent of the bidder's bid, payable to the director, which 11454  
check, transferred sum, or bond shall be forthwith returned to the 11455  
bidder in case the contract is awarded to another bidder, or, in 11456  
case of a successful bidder, when the bidder has entered into a 11457  
contract and furnished the bonds required by section 5525.16 of 11458  
the Revised Code. In the event the contract is awarded to a 11459  
bidder, and the bidder fails or refuses to furnish the bonds as 11460  
required by section 5525.16 of the Revised Code, the check, 11461  
transferred sum, or bid bond filed with the bidder's bid shall be 11462  
forfeited as liquidated damages. No bidder shall be required 11463  
either to file a signed contract with the bidder's bid, to enter 11464  
into a contract, or to furnish the contract performance bond and 11465  
the payment bond required by that section until the bids have been 11466  
opened and the bidder has been notified by the director that the 11467  
bidder is awarded the contract. 11468

The director shall permit a bidder to withdraw the bidder's 11469  
bid from consideration, without forfeiture of the check, 11470  
transferred sum, or bid bond filed with the bid, providing a 11471  
written request together with a sworn statement of the grounds for 11472

such withdrawal is delivered within forty-eight hours after the 11473  
time established for the receipt of bids, and if the price bid was 11474  
substantially lower than the other bids, providing the bid was 11475  
submitted in good faith, and the reason for the price bid being 11476  
substantially lower was a clerical mistake evident on the face of 11477  
the bid, as opposed to a judgment mistake, and was actually due to 11478  
an unintentional and substantial arithmetic error or an 11479  
unintentional omission of a substantial quantity of work, labor, 11480  
or material made directly in the compilation of the bid. In the 11481  
event the director decides the conditions for withdrawal have not 11482  
been met, the director may award the contract to such bidder. If 11483  
such bidder does not then enter into a contract and furnish the 11484  
contract bond as required by law, the director may declare 11485  
forfeited the check, transferred sum, or bid bond as liquidated 11486  
damages and award the contract to the next higher bidder or reject 11487  
the remaining bids and readvertise the project for bids. Such 11488  
bidder ~~may~~, within thirty days, may appeal the decision of the 11489  
director to the court of common pleas of Franklin county and the 11490  
court may affirm or reverse the decision of the director and may 11491  
order the director to refund the amount of the forfeiture. At the 11492  
hearing before the common pleas court evidence may be introduced 11493  
for and against the decision of the director. The decision of the 11494  
common pleas court may be appealed as in other cases. 11495

There is hereby created the ODOT letting fund, which shall be 11496  
in the custody of the treasurer of state but shall not be part of 11497  
the state treasury. All certified checks and cashiers' checks 11498  
received with bidders' bids, and all sums transferred to the 11499  
treasurer of state by electronic funds transfer in connection with 11500  
bidders' bids, under this section shall be credited to the fund. 11501  
All such bid guaranties shall be held in the fund until a 11502  
determination is made as to the final disposition of the money. If 11503  
the department determines that any such bid guaranty is no longer 11504  
required to be held, the amount of the bid guaranty shall be 11505

returned to the appropriate bidder. If the department determines 11506  
that a bid guaranty under this section shall be forfeited, the 11507  
amount of the bid guaranty shall be transferred or, in the case of 11508  
money paid on a forfeited bond, deposited into the state treasury, 11509  
to the credit of the highway operating fund. Any investment 11510  
earnings of the ODOT letting fund shall be distributed as the 11511  
treasurer of state considers appropriate. 11512

The director shall require all bidders to furnish the 11513  
director, upon such forms as the director may prescribe, detailed 11514  
information with respect to all pending work of the bidder, 11515  
whether with the department of transportation or otherwise, 11516  
together with such other information as the director considers 11517  
necessary. 11518

In the event a bidder fails to submit anything required to be 11519  
submitted with the bid and then fails or refuses to so submit such 11520  
at the request of the director, the failure or refusal constitutes 11521  
grounds for the director, in the director's discretion, to declare 11522  
as forfeited the bid guaranty submitted with the bid. 11523

The director may reject any or all bids. Except in regard to 11524  
contracts for environmental remediation and specialty work for 11525  
which there are no classes of work set out in the rules adopted by 11526  
the director, if the director awards the contract, the director 11527  
shall award it to the lowest competent and responsible bidder as 11528  
defined by rules adopted by the director under section 5525.05 of 11529  
the Revised Code, who is qualified to bid under sections 5525.02 11530  
to 5525.09 of the Revised Code. In regard to contracts for 11531  
environmental remediation and specialty work for which there are 11532  
no classes of work set out in the rules adopted by the director, 11533  
the director shall competitively bid the projects in accordance 11534  
with this chapter and shall award the contracts to the lowest and 11535  
best bidder. 11536

The award for all projects competitively let by the director 11537

under this section shall be made within ten days after the date on 11538  
which the bids are opened, and the successful bidder shall enter 11539  
into a contract and furnish a contract performance bond and a 11540  
payment bond, as provided for in section 5525.16 of the Revised 11541  
Code, within ten days after the bidder is notified that the bidder 11542  
has been awarded the contract. 11543

The director may insert in any contract awarded under this 11544  
chapter a clause providing for value engineering change proposals, 11545  
under which a contractor who has been awarded a contract may 11546  
propose a change in the plans and specifications of the project 11547  
that saves the department time or money on the project without 11548  
impairing any of the essential functions and characteristics of 11549  
the project such as service life, reliability, economy of 11550  
operation, ease of maintenance, safety, and necessary standardized 11551  
features. If the director adopts the value engineering proposal, 11552  
the savings from the proposal shall be divided between the 11553  
department and the contractor according to guidelines established 11554  
by the director, provided that the contractor shall receive at 11555  
least fifty per cent of the savings from the proposal. The 11556  
adoption of a value engineering proposal does not invalidate the 11557  
award of the contract or require the director to rebid the 11558  
project. 11559

**Sec. 5525.16.** (A) Before entering into a contract, the 11560  
director of transportation shall require a contract performance 11561  
bond and a payment bond with sufficient sureties, as follows: 11562

(1) A contract performance bond in an amount equal to one 11563  
hundred per cent of the ~~estimated cost of the work~~ contract 11564  
amount, conditioned, among other things, that the contractor will 11565  
perform the work upon the terms proposed, within the time 11566  
prescribed, and in accordance with the plans and specifications, 11567  
will indemnify the state against any damage that may result from 11568

any failure of the contractor to so perform, and, further, in case 11569  
of a grade separation will indemnify any railroad company involved 11570  
against any damage that may result by reason of the negligence of 11571  
the contractor in making the improvement. 11572

(2) A payment bond in an amount equal to one hundred per cent 11573  
of the ~~estimated cost of the work~~ contract amount, conditioned for 11574  
the payment by the contractor and all subcontractors for labor or 11575  
work performed or materials furnished in connection with the work, 11576  
improvement, or project involved. 11577

(B) In no case is the state liable for damages sustained in 11578  
the construction of any work, improvement, or project under this 11579  
chapter and Chapters 5501., 5503., 5511., 5513., 5515., 5516., 11580  
5517., 5519., 5521., 5523., 5527., 5528., 5529., 5531., 5533., and 11581  
5535. of the Revised Code. 11582

This section does not require the director to take bonds as 11583  
described in division (A) of this section in connection with any 11584  
force account work, but the director may require those bonds in 11585  
connection with force account work. 11586

If any bonds taken under this section are executed by a 11587  
surety company, the director may not approve such bonds unless 11588  
there is attached a certificate of the superintendent of insurance 11589  
that the company is authorized to transact business in this state, 11590  
and a copy of the power of attorney of the agent of the company. 11591  
The superintendent, upon request, shall issue to any licensed 11592  
agent of such company the certificate without charge. 11593

The bonds required to be taken under this section shall be 11594  
executed by the same surety, approved by the director as to 11595  
sufficiency of the sureties, and be in the form prescribed by the 11596  
attorney general. 11597

(C) Any person to whom any money is due for labor or work 11598  
performed or materials furnished in connection with a work, 11599

improvement, or project, at any time after performing the labor or 11600  
furnishing the materials but not later than ninety days after the 11601  
acceptance of the work, improvement, or project by the director, 11602  
may furnish to the sureties on the payment bond a statement of the 11603  
amount due the person. If the indebtedness is not paid in full at 11604  
the expiration of sixty days after the statement is furnished, the 11605  
person may commence an action in the person's own name upon the 11606  
bond as provided in sections 2307.06 and 2307.07 of the Revised 11607  
Code. 11608

An action shall not be commenced against the sureties on a 11609  
payment bond until sixty days after the furnishing of the 11610  
statement described in this section or, notwithstanding section 11611  
2305.12 of the Revised Code, later than one year after the date of 11612  
the acceptance of the work, improvement, or project. 11613

(D) As used in this section, "improvement," "subcontractor," 11614  
"material supplier," and "materials" have the same meanings as in 11615  
section 1311.01 of the Revised Code, and "contractor" has the same 11616  
meaning as "original contractor" as defined in that section. 11617

**Sec. 5526.01.** As used in this chapter: 11618

(A) "Firm" means any person or limited liability company that 11619  
is legally engaged in rendering professional services. 11620

(B) "Federal Water Pollution Control Act" has the same 11621  
meaning as in section 6111.01 of the Revised Code. 11622

(C) "Professional services" means any of the following: 11623

(1) The practice of engineering as defined in section 4733.01 11624  
of the Revised Code; 11625

(2) The practice of surveying as defined in section 4733.01 11626  
of the Revised Code; 11627

(3) The practice of landscape architecture as defined in 11628  
section 4703.30 of the Revised Code; 11629

(4) The evaluation of environmental impacts performed in 11630  
accordance with the "National Environmental Policy Act of 1969," 11631  
83 Stat. 852, 42 U.S.C. 4321, as amended, the Federal Water 11632  
Pollution Control Act, or any other applicable law or regulation; 11633

(5) Right-of-way acquisition services such as right-of-way 11634  
project management, title searches, property valuations, 11635  
appraisals, appraisal reviews, negotiations, relocation services, 11636  
appropriation activities, real estate closings, and property 11637  
management activities that are performed for the purpose of 11638  
properly acquiring private and public property rights in 11639  
conjunction with public highway projects and that conform to 11640  
Chapters 163. and 5501. of the Revised Code; rules 5501:2-5-01 to 11641  
5501:2-5-06 of the Ohio Administrative Code; the "Uniform 11642  
Relocation Assistance and Real Property Acquisition Policies Act 11643  
of 1970," 84 Stat. 1894, 42 U.S.C. 4601, et seq., as amended; the 11644  
"Surface Transportation and Uniform Relocation Assistance Act of 11645  
1987," Public Law No. 100-17, 101 Stat. 132; applicable provisions 11646  
of Titles 23 and 49 of the Code of Federal Regulations; and any 11647  
applicable policies and procedures established by the department 11648  
of transportation; 11649

(6) Services related to the department's administration of 11650  
construction contract claims, including, but not limited to, the 11651  
analysis of claims, assistance in negotiations, and assistance 11652  
during litigation; 11653

(7) Architectural services related to bridges; 11654

(8) Any other professional service that is determined by the 11655  
director of transportation or any other designated officials of 11656  
the department to be necessary for the provision of transportation 11657  
services or to provide assistance to the department in furtherance 11658  
of its statutory duties and powers. 11659

"Professional services" does not mean the practice of 11660



architecture as regulated under Chapter 4703. of the Revised Code, 11661  
except landscape architecture and architectural services related 11662  
to bridges as provided in divisions (C)(3) and (7) of this 11663  
section. 11664

(D) "Qualifications" means all of the following: 11665

(1) The competence of a firm to perform required professional 11666  
services as indicated by the technical training, education, and 11667  
experience of the firm's personnel, in particular the technical 11668  
training, education, and experience of the firm's personnel 11669  
assigned to perform professional services for the department; 11670

(2) The ability of a firm in terms of its workload and the 11671  
availability of qualified personnel, equipment, and facilities to 11672  
perform the required professional services competently and 11673  
expeditiously; 11674

(3) The past performance of a firm as indicated by 11675  
evaluations of previous clients of the firm with respect to such 11676  
factors as control of costs, quality of work, and meeting of 11677  
deadlines; 11678

(4) Any other relevant factors as determined by the director. 11679

**Sec. 5533.121.** In addition to any other name prescribed in 11680  
the Revised Code or otherwise, that portion of the road known as 11681  
United States highway number twenty-two, within the municipal 11682  
corporation of Zanesville only, in Muskingum county, shall be 11683  
known as the "U.S. Army Staff Sergeant Lester O. Buddy Kinney II 11684  
Memorial Highway." 11685

The director of transportation may erect suitable markers 11686  
along the highway indicating its name. 11687

**Sec. 5533.31.** The road known as interstate route eighty, 11688  
extending across Ohio from the Pennsylvania border in Trumbull 11689

county to the Indiana border in Williams county, shall be known as 11690  
the "Christopher Columbus highway." 11691

The director of transportation may erect suitable markers 11692  
upon the portions of such highway under ~~his~~ the director's 11693  
jurisdiction indicating its name, and the Ohio turnpike and 11694  
infrastructure commission may erect suitable markers on the 11695  
portions of such highway under its jurisdiction indicating its 11696  
name. 11697

**Sec. 5537.01.** As used in this chapter: 11698

(A) "Commission" means the Ohio turnpike and infrastructure 11699  
commission created by section 5537.02 of the Revised Code or, if 11700  
that commission is abolished, the board, body, officer, or 11701  
commission succeeding to the principal functions thereof or to 11702  
which the powers given by this chapter to the commission are given 11703  
by law. 11704

(B) "~~Project~~ or ~~turnpike~~ Turnpike project" means any 11705  
express or limited access highway, super highway, or motorway 11706  
constructed, operated, or improved, under the jurisdiction of the 11707  
commission and pursuant to this chapter, at a location or 11708  
locations reviewed by the turnpike legislative review committee 11709  
and approved by the governor, including all bridges, tunnels, 11710  
overpasses, underpasses, interchanges, entrance plazas, 11711  
approaches, those portions of connecting public roads that serve 11712  
interchanges and are determined by the commission and the director 11713  
of transportation to be necessary for the safe merging of traffic 11714  
between the turnpike project and those public roads, toll booths, 11715  
service facilities, and administration, storage, and other 11716  
buildings, property, and facilities that the commission considers 11717  
necessary for the operation or policing of the turnpike project, 11718  
together with all property and rights which may be acquired by the 11719  
commission for the construction, maintenance, or operation of the 11720

turnpike project, and includes any sections or extensions of a 11721  
turnpike project designated by the commission as such for the 11722  
particular purpose. Each turnpike project shall be separately 11723  
designated, by name or number, and may be constructed, improved, 11724  
or extended in such sections as the commission may from time to 11725  
time determine. Construction includes the improvement and 11726  
renovation of a previously constructed turnpike project, including 11727  
additional interchanges, whether or not the turnpike project was 11728  
initially constructed by the commission. 11729

(C) "Infrastructure project" means any public express or 11730  
limited access highway, super highway, or motorway, including all 11731  
bridges, tunnels, overpasses, underpasses, interchanges, entrance 11732  
plazas, approaches, and those portions of connecting public roads 11733  
that serve interchanges, that is constructed or improved, in whole 11734  
or in part, with infrastructure funding approved pursuant to 11735  
criteria established under section 5537.18 of the Revised Code. 11736

(D) "Cost," as applied to construction of a turnpike project 11737  
or an infrastructure project, includes the cost of construction, 11738  
including bridges over or under existing highways and railroads, 11739  
acquisition of all property acquired either by the commission or 11740  
by the owner of the infrastructure project for the construction, 11741  
demolishing or removing any buildings or structures on land so 11742  
acquired, including the cost of acquiring any lands to which the 11743  
buildings or structures may be moved, site clearance, improvement, 11744  
and preparation, diverting public roads, interchanges with public 11745  
roads, access roads to private property, including the cost of 11746  
land or easements therefor, all machinery, furnishings, and 11747  
equipment, communications facilities, financing expenses, interest 11748  
prior to and during construction and for one year after completion 11749  
of construction, traffic estimates, indemnity and surety bonds and 11750  
premiums on insurance, title work and title commitments, 11751  
insurance, and guarantees, engineering, feasibility studies, and 11752

legal expenses, plans, specifications, surveys, estimates of cost 11753  
and revenues, other expenses necessary or incident to determining 11754  
the feasibility or practicability of constructing or operating a 11755  
turnpike project or an infrastructure project, administrative 11756  
expenses, and any other expense that may be necessary or incident 11757  
to the construction of the turnpike project or an infrastructure 11758  
project, the financing of the construction, and the placing of the 11759  
turnpike project or an infrastructure project in operation. Any 11760  
obligation or expense incurred by the department of transportation 11761  
with the approval of the commission for surveys, borings, 11762  
preparation of plans and specifications, and other engineering 11763  
services in connection with the construction of a turnpike project 11764  
or an infrastructure project, or by the federal government with 11765  
the approval of the commission for any public road projects which 11766  
must be reimbursed as a condition to the exercise of any of the 11767  
powers of the commission under this chapter, shall be regarded as 11768  
a part of the cost of the turnpike project or an infrastructure 11769  
project and shall be reimbursed to the state or the federal 11770  
government, as the case may be, from revenues, state taxes, or the 11771  
proceeds of bonds as authorized by this chapter. 11772

~~(D)~~(E) "Owner" includes all persons having any title or 11773  
interest in any property authorized to be acquired by the 11774  
commission for turnpike projects under this chapter, or the public 11775  
entity for whom an infrastructure project is funded, in whole or 11776  
in part, by the commission under this chapter. 11777

~~(E)~~(F) "Revenues" means all tolls, service revenues, 11778  
investment income on special funds, rentals, gifts, grants, and 11779  
all other moneys coming into the possession of or under the 11780  
control of the commission by virtue of this chapter, except the 11781  
proceeds from the sale of bonds. "Revenues" does not include state 11782  
taxes. 11783

~~(F)~~(G) "Public roads" means all public highways, roads, and 11784

streets in the state, whether maintained by a state agency or any other governmental agency. 11785  
11786

~~(G)~~(H) "Public utility facilities" means tracks, pipes, 11787  
mains, conduits, cables, wires, towers, poles, and other equipment 11788  
and appliances of any public utility. 11789

~~(H)~~(I) "Financing expenses" means all costs and expenses 11790  
relating to the authorization, issuance, sale, delivery, 11791  
authentication, deposit, custody, clearing, registration, 11792  
transfer, exchange, fractionalization, replacement, payment, and 11793  
servicing of bonds including, without limitation, costs and 11794  
expenses for or relating to publication and printing, postage, 11795  
delivery, preliminary and final official statements, offering 11796  
circulars, and informational statements, travel and 11797  
transportation, underwriters, placement agents, investment 11798  
bankers, paying agents, registrars, authenticating agents, 11799  
remarketing agents, custodians, clearing agencies or corporations, 11800  
securities depositories, financial advisory services, 11801  
certifications, audits, federal or state regulatory agencies, 11802  
accounting and computation services, legal services and obtaining 11803  
approving legal opinions and other legal opinions, credit ratings, 11804  
redemption premiums, and credit enhancement facilities. 11805

~~(I)~~(J) "Bond proceedings" means the resolutions, trust 11806  
agreements, certifications, notices, sale proceedings, leases, 11807  
lease-purchase agreements, assignments, credit enhancement 11808  
facility agreements, and other agreements, instruments, and 11809  
documents, as amended and supplemented, or any one or more or any 11810  
combination thereof, authorizing, or authorizing or providing for 11811  
the terms and conditions applicable to, or providing for the 11812  
security or sale or award or liquidity of, bonds, and includes the 11813  
provisions set forth or incorporated in those bonds and bond 11814  
proceedings. 11815

~~(J)~~(K) "Bond service charges" means principal, including any 11816

mandatory sinking fund or mandatory redemption requirements for 11817  
the retirement of bonds, and interest and any redemption premium 11818  
payable on bonds, as those payments come due and are payable to 11819  
the bondholder or to a person making payment under a credit 11820  
enhancement facility of those bond service charges to a 11821  
bondholder. 11822

~~(K)~~(L) "Bond service fund" means the applicable fund created 11823  
by the bond proceedings for and pledged to the payment of bond 11824  
service charges on bonds provided for by those proceedings, 11825  
including all moneys and investments, and earnings from 11826  
investments, credited and to be credited to that fund as provided 11827  
in the bond proceedings. 11828

~~(I)~~(M) "Bonds" means bonds, notes, including notes 11829  
anticipating bonds or other notes, commercial paper, certificates 11830  
of participation, or other evidences of obligation, including any 11831  
interest coupons pertaining thereto, issued by the commission 11832  
pursuant to this chapter. 11833

~~(M)~~(N) "Infrastructure fund" means the applicable fund or 11834  
funds created by the bond proceedings, which shall be used to pay 11835  
or defray the cost of infrastructure projects recommended by the 11836  
director of transportation and evaluated and approved by the 11837  
commission. 11838

(O) "Net revenues" means revenues lawfully available to pay 11839  
both current operating expenses of the commission and bond service 11840  
charges in any fiscal year or other specified period, less current 11841  
operating expenses of the commission and any amount necessary to 11842  
maintain a working capital reserve for that period. 11843

~~(N)~~(P) "Pledged revenues" means net revenues, moneys and 11844  
investments, and earnings on those investments, in the applicable 11845  
bond service fund and any other special funds, and the proceeds of 11846  
any bonds issued for the purpose of refunding prior bonds, all as 11847

lawfully available and by resolution of the commission committed 11848  
for application as pledged revenues to the payment of bond service 11849  
charges on particular issues of bonds. 11850

~~(O)~~(Q) "Service facilities" means service stations, 11851  
restaurants, and other facilities for food service, roadside parks 11852  
and rest areas, parking, camping, tenting, rest, and sleeping 11853  
facilities, hotels or motels, and all similar and other facilities 11854  
providing services to the traveling public in connection with the 11855  
use of a turnpike project and owned, leased, licensed, or operated 11856  
by the commission. 11857

~~(R)~~(P) "Service revenues" means those revenues of the 11858  
commission derived from its ownership, leasing, licensing, or 11859  
operation of service facilities. 11860

~~(S)~~(Q) "Special funds" means the applicable bond service fund 11861  
and any accounts and subaccounts in that fund, any other funds or 11862  
accounts permitted by and established under, and identified as a 11863  
"special fund" or "special account" in, the bond proceedings, 11864  
including any special fund or account established for purposes of 11865  
rebate or other requirements under federal income tax laws. 11866

~~(T)~~(R) "State agencies" means the state, officers of the 11867  
state, and boards, departments, branches, divisions, or other 11868  
units or agencies of the state. 11869

~~(U)~~(S) "State taxes" means receipts of the commission from 11870  
the proceeds of state taxes or excises levied and collected, or 11871  
appropriated by the general assembly to the commission, for the 11872  
purposes and functions of the commission. State taxes do not 11873  
include tolls, or investment earnings on state taxes except on 11874  
those state taxes referred to in Section 5a of Article XII, Ohio 11875  
Constitution. 11876

~~(V)~~(T) "Tolls" means tolls, special fees or permit fees, or 11877  
other charges by the commission to the owners, lessors, lessees, 11878

or operators of motor vehicles for the operation of or the right 11879  
to operate those vehicles on a turnpike project. 11880

~~(U)~~(W) "Credit enhancement facilities" means letters of 11881  
credit, lines of credit, standby, contingent, or firm securities 11882  
purchase agreements, insurance, or surety arrangements, 11883  
guarantees, and other arrangements that provide for direct or 11884  
contingent payment of bond service charges, for security or 11885  
additional security in the event of nonpayment or default in 11886  
respect of bonds, or for making payment of bond service charges 11887  
and at the option and on demand of bondholders or at the option of 11888  
the commission or upon certain conditions occurring under put or 11889  
similar arrangements, or for otherwise supporting the credit or 11890  
liquidity of the bonds, and includes credit, reimbursement, 11891  
marketing, remarketing, indexing, carrying, interest rate hedge, 11892  
and subrogation agreements, and other agreements and arrangements 11893  
for payment and reimbursement of the person providing the credit 11894  
enhancement facility and the security for that payment and 11895  
reimbursement. 11896

~~(V)~~(X) "Person" has the same meaning as in section 1.59 of 11897  
the Revised Code and, unless the context otherwise provides, also 11898  
includes any governmental agency and any combination of those 11899  
persons. 11900

~~(W)~~(Y) "Refund" means to fund and retire outstanding bonds, 11901  
including advance refunding with or without payment or redemption 11902  
prior to stated maturity. 11903

~~(X)~~(Z) "Governmental agency" means any state agency, federal 11904  
agency, political subdivision, or other local, interstate, or 11905  
regional governmental agency, and any combination of those 11906  
agencies. 11907

~~(Y)~~(AA) "Property" has the same meaning as in section 1.59 of 11908  
the Revised Code, and includes interests in property. 11909



~~(Z)~~(BB) "Administrative agent," "agent," "commercial paper," 11910  
"floating rate interest structure," "indexing agent," "interest 11911  
rate hedge," "interest rate period," "put arrangement," and 11912  
"remarketing agent" have the same meanings as in section 9.98 of 11913  
the Revised Code. 11914

~~(AA)~~(CC) "Outstanding," as applied to bonds, means 11915  
outstanding in accordance with the terms of the bonds and the 11916  
applicable bond proceedings. 11917

~~(BB)~~(DD) "Ohio turnpike system" or "system" means all 11918  
existing and future turnpike projects constructed, operated, and 11919  
maintained under the jurisdiction of the commission. 11920

(EE) "Ohio turnpike and infrastructure system" means turnpike 11921  
projects and infrastructure projects funded by the commission 11922  
existing on and after July 1, 2013, that facilitate access to, use 11923  
of, and egress from the Ohio turnpike system, and also facilitate 11924  
access to and from areas of population, commerce, and industry 11925  
that are connected to the Ohio turnpike system. 11926

**Sec. 5537.02.** (A) There is hereby created a commission to be 11927  
known on and after July 1, 2013, as the "Ohio turnpike and 11928  
infrastructure commission." The commission is a body both 11929  
corporate and politic, constituting an instrumentality of the 11930  
state, and the exercise by it of the powers conferred by this 11931  
chapter in the construction, operation, and maintenance of the 11932  
Ohio turnpike system, and also in entering into agreements with 11933  
the department of transportation to pay the cost or a portion of 11934  
the costs of infrastructure projects, are and shall be held to be 11935  
essential governmental functions of the state, but the commission 11936  
shall not be immune from liability by reason thereof. Chapter 11937  
2744. of the Revised Code applies to the commission and the 11938  
commission is a political subdivision of the state for purposes of 11939  
that chapter. The commission is subject to all provisions of law 11940

generally applicable to state agencies which do not conflict with 11941  
this chapter. 11942

(B)(1) The commission shall consist of ~~nine~~ ten members as 11943  
follows: 11944

(a) ~~Four~~ Six members appointed by the governor with the 11945  
advice and consent of the senate, no more than ~~two~~ three of whom 11946  
shall be members of the same political party; 11947

(b) The director of transportation, who shall be a voting 11948  
member, and the director of budget and management, ~~and the~~ 11949  
~~director of development, each~~ both of whom shall ~~be a member~~ serve 11950  
as ex officio members, without compensation; 11951

(c) One member of the senate, appointed by the president of 11952  
the senate, who shall represent either a district in which is 11953  
located or through which passes a portion of a turnpike project 11954  
that is part of the Ohio turnpike system or a district located in 11955  
the vicinity of a turnpike project that is part of the Ohio 11956  
turnpike system; 11957

(d) One member of the house of representatives, appointed by 11958  
the speaker of the house of representatives, who shall represent 11959  
either a district in which is located or through which passes a 11960  
portion of a turnpike project that is part of the Ohio turnpike 11961  
system or a district located in the vicinity of a turnpike project 11962  
that is part of the Ohio turnpike system. 11963

(2) The members appointed by the governor shall be residents 11964  
of the state, shall have been qualified electors therein for a 11965  
period of at least five years next preceding their appointment, 11966  
~~and.~~ In making the appointments, the governor may appoint persons 11967  
who reside in different geographic areas of the state, taking into 11968  
consideration the various turnpike and infrastructure projects in 11969  
the state. Members appointed to the commission prior to July 1, 11970  
2013, shall serve terms of eight years commencing on the first day 11971

of July and ending on the thirtieth day of June. Thereafter, 11972  
members appointed by the governor shall serve terms of five years 11973  
commencing on the first day of July and ending on the thirtieth 11974  
day of June. Those members appointed by the president of the 11975  
senate or the speaker of the house of representatives shall serve 11976  
a term of the remainder of the general assembly during which the 11977  
senator or representative is appointed. Each appointed member 11978  
shall hold office from the date of appointment until the end of 11979  
the term for which the member was appointed. If a commission 11980  
member dies or resigns, or if a senator or representative who is a 11981  
member of the commission ceases to be a senator or representative, 11982  
or if an ex officio member ceases to hold the applicable office, 11983  
the vacancy shall be filled in the same manner as provided in 11984  
division (B)(1) of this section. Any member who fills a vacancy 11985  
occurring prior to the end of the term for which the member's 11986  
predecessor was appointed shall, if appointed by the governor, 11987  
hold office for the remainder of such term or, if appointed by the 11988  
president of the senate or the speaker of the house of 11989  
representatives, shall hold office for the remainder of the term 11990  
or for a shorter period of time as determined by the president or 11991  
the speaker. Any member appointed by the governor shall continue 11992  
in office subsequent to the expiration date of the member's term 11993  
until the member's successor takes office, or until a period of 11994  
sixty days has elapsed, whichever occurs first. A member of the 11995  
commission is eligible for reappointment. Each member of the 11996  
commission appointed by the governor, before entering upon the 11997  
member's duties, shall take an oath as provided by Section 7 of 11998  
Article XV, Ohio Constitution. The governor, the president of the 11999  
senate, or the speaker of the house of representatives, may at any 12000  
time remove their respective appointees to the commission for 12001  
misfeasance, nonfeasance, or malfeasance in office. 12002

(3)(a) A member of the commission who is appointed by the 12003  
president of the senate or the speaker of the house of 12004

representatives shall not participate in any vote of the 12005  
commission. Serving as an appointed member of the commission under 12006  
divisions (B)(1)(c), (1)(d), or (2) of this section does not 12007  
constitute grounds for resignation from the senate or the house of 12008  
representatives under section 101.26 of the Revised Code. 12009

(b) The director of budget and management ~~and the director of~~ 12010  
~~development~~ shall not participate in any vote of the commission. 12011

(C) The voting members of the commission shall elect one of 12012  
the ~~appointed~~ voting members as chairperson and another as 12013  
vice-chairperson, and shall appoint a secretary-treasurer who need 12014  
not be a member of the commission. ~~Three~~ Four of the voting 12015  
members of the commission constitute a quorum, and the affirmative 12016  
vote of ~~three~~ four voting members is necessary for any action 12017  
taken by the commission. No vacancy in the membership of the 12018  
commission impairs the rights of a quorum to exercise all the 12019  
rights and perform all the duties of the commission. 12020

(D) Each member of the commission appointed by the governor 12021  
shall give a surety bond to the commission in the penal sum of 12022  
twenty-five thousand dollars and the secretary-treasurer shall 12023  
give such a bond in at least the penal sum of fifty thousand 12024  
dollars. The commission may require any of its officers or 12025  
employees to file surety bonds including a blanket bond as 12026  
provided in section 3.06 of the Revised Code. Each such bond shall 12027  
be in favor of the commission and shall be conditioned upon the 12028  
faithful performance of the duties of the office, executed by a 12029  
surety company authorized to transact business in this state, 12030  
approved by the governor, and filed in the office of the secretary 12031  
of state. The costs of the surety bonds shall be paid or 12032  
reimbursed by the commission from revenues. Each member of the 12033  
commission appointed by the governor shall receive an annual 12034  
salary of five thousand dollars, payable in monthly installments. 12035  
Each member shall be reimbursed for the member's actual expenses 12036

necessarily incurred in the performance of the member's duties. 12037  
All costs and expenses incurred by the commission in carrying out 12038  
this chapter shall be payable solely from revenues and state 12039  
taxes, and no liability or obligation shall be incurred by the 12040  
commission beyond the extent to which revenues have been provided 12041  
for pursuant to this chapter. 12042

**Sec. 5537.03.** In order to remove present and anticipated 12043  
handicaps and potential hazards on the congested highways in this 12044  
state, to facilitate vehicular traffic throughout the state, to 12045  
finance infrastructure projects that improve and enhance mobility 12046  
in Ohio, and also to promote the agricultural, ~~commercial,~~ 12047  
recreational, tourism, and commercial, industrial, and economic 12048  
development of the state, and to provide for the general welfare 12049  
by the construction, improvement, and maintenance of modern 12050  
express highways embodying safety devices, including without 12051  
limitation center divisions, ample shoulder widths, long sight 12052  
distances, multiple lanes in each direction, and grade separations 12053  
at intersections with other public roads and railroads, the Ohio 12054  
turnpike and infrastructure commission, ~~subject~~ may do the 12055  
following: 12056

(A) Subject to section 5537.26 of the Revised Code, ~~may~~ 12057  
construct, maintain, repair, and operate a system of turnpike 12058  
projects at locations that are reviewed by the turnpike 12059  
legislative review committee and approved by the governor, and in 12060  
accordance with alignment and design standards that are approved 12061  
by the director of transportation, and issue revenue bonds of this 12062  
state, payable solely from pledged revenues, to pay the cost of 12063  
those projects. The turnpikes and turnpike projects authorized by 12064  
this chapter are hereby or shall be made part of the Ohio turnpike 12065  
system. 12066

(B) Provide the infrastructure funds to pay the cost or a 12067

portion of the cost of infrastructure projects as recommended by 12068  
the director of transportation pursuant to a determination made by 12069  
the commission based on criteria set forth in rules adopted by the 12070  
commission under section 5537.18 of the Revised Code. A 12071  
determination by the commission to provide infrastructure funds 12072  
for an infrastructure project shall be conclusive and 12073  
incontestable. 12074

**Sec. 5537.04.** (A) The Ohio turnpike and infrastructure 12075  
commission may do any of the following: 12076

(1) Adopt bylaws for the regulation of its affairs and the 12077  
conduct of its business; 12078

(2) Adopt an official seal, which shall not be the great seal 12079  
of the state and which need not be in compliance with section 5.10 12080  
of the Revised Code; 12081

(3) Maintain a principal office and suboffices at such places 12082  
within the state as it designates; 12083

(4) Sue With respect to the Ohio turnpike system and turnpike 12084  
projects, sue and be sued in its own name, plead and be impleaded, 12085  
provided any actions against the commission shall be brought in 12086  
the court of common pleas of the county in which the principal 12087  
office of the commission is located, or in the court of common 12088  
pleas of the county in which the cause of action arose if that 12089  
county is located within this state, and all summonses, 12090  
exceptions, and notices of every kind shall be served on the 12091  
commission by leaving a copy thereof at its principal office with 12092  
the secretary-treasurer or executive director of the commission; 12093

(5) With respect to infrastructure projects only, sue and be 12094  
sued in its own name, plead and be impleaded, provided any actions 12095  
against the commission shall be brought in the court of common 12096  
pleas of Franklin county, and all summonses, exceptions, and 12097

notices of every kind shall be served on the commission by leaving 12098  
a copy thereof at its principal office with the 12099  
secretary-treasurer or executive director of the commission. 12100

(6) Construct, maintain, repair, police, and operate the 12101  
turnpike system, and establish rules for the use of any turnpike 12102  
project; 12103

~~(6)~~(7) Issue revenue bonds of the state, payable solely from 12104  
pledged revenues, as provided in this chapter, for the purpose of 12105  
paying any part of the cost of constructing any one or more 12106  
turnpike projects or infrastructure projects; 12107

~~(7)~~(8) Fix, and revise from time to time, and charge and 12108  
collect tolls by any method approved by the commission, including, 12109  
but not limited to, manual methods or through electronic 12110  
technology accepted within the tolling industry; 12111

~~(8)~~(9) Acquire, hold, and dispose of property in the exercise 12112  
of its powers and the performance of its duties under this 12113  
chapter; 12114

~~(9)~~(10) Designate the locations and establish, limit, and 12115  
control such points of ingress to and egress from each turnpike 12116  
project as are necessary or desirable in the judgment of the 12117  
commission and of the director of transportation to ensure the 12118  
proper operation and maintenance of that turnpike project, and 12119  
prohibit entrance to such a turnpike project from any point not so 12120  
designated; 12121

~~(10)~~(11) Make and enter into all contracts and agreements 12122  
necessary or incidental to the performance of its duties and the 12123  
execution of its powers under this chapter, including 12124  
participation in a multi-jurisdiction electronic toll collection 12125  
agreement and collection or remittance of tolls, fees, or other 12126  
charges to or from entities or agencies that participate in such 12127  
an agreement; the commission also may enter into agreements with 12128

retail locations, including deputy registrars, to allow the 12129  
general public to acquire electronic toll collection devices, 12130  
commonly known as transponders, from the retail locations for such 12131  
reasonable fees as are established by the commission; 12132

~~(11)~~(12) Employ or retain or contract for the services of 12133  
consulting engineers, superintendents, managers, and any other 12134  
engineers, construction and accounting experts, financial 12135  
advisers, trustees, marketing, remarketing, and administrative 12136  
agents, attorneys, and other employees, independent contractors, 12137  
or agents that are necessary in its judgment and fix their 12138  
compensation, provided all such expenses shall be payable solely 12139  
from the proceeds of bonds or from revenues of the Ohio turnpike 12140  
system; 12141

~~(12)~~(13) Receive and accept from any federal agency, subject 12142  
to the approval of the governor, and from any other governmental 12143  
agency grants for or in aid of the construction, reconstruction, 12144  
repair, renovation, maintenance, or operation of any turnpike 12145  
project, and receive and accept aid or contributions from any 12146  
source or person of money, property, labor, or other things of 12147  
value, to be held, used, and applied only for the purposes for 12148  
which such grants and contributions are made; 12149

~~(13)~~(14) Provide coverage for its employees under Chapters 12150  
4123. and 4141. of the Revised Code; 12151

~~(14)~~(15) Fix and revise by rule, from time to time, such 12152  
permit fees, processing fees, or administrative charges for the 12153  
prepayment, deferred payment, or nonpayment of tolls and use of 12154  
electronic tolling equipment or other commission property; 12155

(16) Adopt rules for the issuance of citations either by a 12156  
policing authority or through administrative means to individuals 12157  
or corporations that evade the payment of tolls established for 12158  
the use of any turnpike project; 12159



(17) Approve funding and authorize agreements with the 12160  
department of transportation for the funding of infrastructure 12161  
projects recommended by the director of transportation pursuant to 12162  
the criteria established by rule under section 5537.18 of the 12163  
Revised Code. 12164

(B) The commission may do all acts necessary or proper to 12165  
carry out the powers expressly granted in this chapter. 12166

**Sec. 5537.05.** (A) The Ohio turnpike and infrastructure 12167  
commission may construct grade separations at intersections of any 12168  
turnpike project with public roads and railroads, and change and 12169  
adjust the lines and grades of those roads and railroads, and of 12170  
public utility facilities, which change and adjustment of lines 12171  
and grades of those roads shall be subject to the approval of the 12172  
governmental agency having jurisdiction over the road, so as to 12173  
accommodate them to the design of the grade separation. The cost 12174  
of the grade separation and any damage incurred in changing and 12175  
adjusting the lines and grades of roads, railroads, and public 12176  
utility facilities shall be ascertained and paid by the commission 12177  
as a part of the cost of the turnpike project or from revenues or 12178  
state taxes. 12179

(1) If the commission finds it necessary to change the 12180  
location of any portion of any public road, railroad, or public 12181  
utility facility, it shall cause the same to be reconstructed at 12182  
the location the governmental agency having jurisdiction over such 12183  
road, railroad, or public utility facility considers most 12184  
favorable. The construction shall be of substantially the same 12185  
type and in as good condition as the original road, railroad, or 12186  
public utility facility. The cost of the reconstruction, 12187  
relocation, or removal and any damage incurred in changing the 12188  
location shall be ascertained and paid by the commission as a part 12189  
of the cost of the turnpike project or from revenues or state 12190

taxes. 12191

(2) The commission may petition the board of county 12192  
commissioners of the county in which is situated any public road 12193  
or part thereof affected by the location therein of any turnpike 12194  
project, for the vacation or relocation of the road or any part 12195  
thereof, in the same manner and with the same force and effect as 12196  
is given to the director of transportation pursuant to sections 12197  
5553.04 to 5553.11 of the Revised Code. 12198

(B) The commission and its authorized agents and employees, 12199  
after proper notice, may enter upon any lands, waters, and 12200  
premises in the state for the purpose of making surveys, 12201  
soundings, drillings, and examinations that are necessary or 12202  
proper for the purposes of this chapter, and the entry shall not 12203  
be deemed a trespass, nor shall an entry for those purposes be 12204  
deemed an entry under any appropriation proceedings which may then 12205  
be pending, provided that before entering upon the premises of any 12206  
railroad notice shall be given to the superintendent of the 12207  
railroad involved at least five days in advance of entry, and 12208  
provided that no survey, sounding, drilling, and examination shall 12209  
be made between the rails or so close to a railroad track as would 12210  
render the track unusable. The commission shall make reimbursement 12211  
for any actual damage resulting to such lands, waters, and 12212  
premises and to private property located in, on, along, over, or 12213  
under such lands, waters, and premises, as a result of such 12214  
activities. The state, subject to the approval of the governor, 12215  
hereby consents to the use of all lands owned by it, including 12216  
lands lying under water, that are necessary or proper for the 12217  
construction, maintenance, or operation of any turnpike project, 12218  
provided adequate consideration is provided for the use. 12219

(C) The commission may make reasonable provisions or rules 12220  
for the installation, construction, maintenance, repair, renewal, 12221  
relocation, and removal of public utility facilities in, on, 12222

along, over, or under any turnpike project. Whenever the 12223  
commission determines that it is necessary that any public utility 12224  
facilities located in, on, along, over, or under any turnpike 12225  
project should be relocated in or removed from the turnpike 12226  
project, the public utility owning or operating the facilities 12227  
shall relocate or remove them in accordance with the order of the 12228  
commission. Except as otherwise provided in any license or other 12229  
agreement with the commission, the cost and expenses of such 12230  
relocation or removal, including the cost of installing the 12231  
facilities in a new location, the cost of any lands, or any rights 12232  
or interests in lands, and any other rights, acquired to 12233  
accomplish the relocation or removal, shall be ascertained and 12234  
paid by the commission as part of the cost of the turnpike project 12235  
or from revenues of the Ohio turnpike system. In case of any such 12236  
relocation or removal of facilities, the public utility owning or 12237  
operating them and its successors or assigns may maintain and 12238  
operate the facilities, with the necessary appurtenances, in the 12239  
new location, for as long a period, and upon the same terms, as it 12240  
had the right to maintain and operate the facilities in their 12241  
former location. 12242

(D) The commission is subject to Chapters 1515., 6131., 12243  
6133., 6135., and 6137. of the Revised Code and shall pay any 12244  
assessments levied under those chapters for an improvement or 12245  
maintenance of an improvement on land under the control or 12246  
ownership of the commission. 12247

**Sec. 5537.051.** (A)(1) In any county that as of January 1, 12248  
2011, had closed one or more roads as a result of grade separation 12249  
failure at intersections of a turnpike project with a county or 12250  
township road, the Ohio turnpike and infrastructure commission is 12251  
responsible for the major maintenance and repair and replacement 12252  
of failed grade separations. The governmental entity with 12253  
jurisdiction over the county or township road is responsible for 12254

routine maintenance of such failed grade separations. 12255

(2) This section does not apply to any grade separation at 12256  
intersections of a turnpike project with a county or township road 12257  
except as described in division (A)(1) of this section. 12258

(3) Major maintenance and repair and replacement of 12259  
aforementioned failed grade separations shall commence not later 12260  
than July 1, 2011, and be completed before December 31, 2014. 12261

(B) As used in this section: 12262

(1) "Major maintenance and repair and replacement" relates to 12263  
all elements constructed as part of or required for a grade 12264  
separation, including bridges, pile, foundations, substructures, 12265  
abutments, piers, superstructures, approach slabs, slopes, 12266  
embankments, fences, and appurtenances. 12267

(2) "Routine maintenance" includes, without limitation, 12268  
clearing debris, sweeping, snow and ice removal, wearing surface 12269  
improvements, marking for traffic control, box culverts, drainage 12270  
facilities including headwalls and underdrains, inlets, catch 12271  
basins and grates, guardrails, minor and emergency repairs to 12272  
railing and appurtenances, and emergency patching. 12273

**Sec. 5537.06.** (A) The Ohio turnpike and infrastructure 12274  
commission may acquire by purchase, lease, lease-purchase, lease 12275  
with option to purchase, appropriation, or otherwise and in such 12276  
manner and for such consideration as it considers proper, any 12277  
public or private property necessary, convenient, or proper for 12278  
the construction, maintenance, or efficient operation of the Ohio 12279  
turnpike system. The commission may pledge net revenues, to the 12280  
extent permitted by this chapter with respect to bonds, to secure 12281  
payments to be made by the commission under any such lease, 12282  
lease-purchase agreement, or lease with option to purchase. Title 12283  
to personal property, and interests less than a fee in real 12284

property, shall be held in the name of the commission. Title to 12285  
real property held in fee shall be held in the name of the state 12286  
for the use of the commission. In any proceedings for 12287  
appropriation under this section, the procedure to be followed 12288  
shall be in accordance with the procedure provided in sections 12289  
163.01 to 163.22 of the Revised Code, including division (B) of 12290  
section 163.06 of the Revised Code notwithstanding the limitation 12291  
in that division of its applicability to roads open to the public 12292  
without charge. Except as otherwise agreed upon by the owner, full 12293  
compensation shall be paid for public property so taken. 12294

(B) This section does not authorize the commission to take or 12295  
disturb property or facilities belonging to any public utility or 12296  
to a common carrier engaged in interstate commerce, which property 12297  
or facilities are required for the proper and convenient operation 12298  
of the public utility or common carrier, unless provision is made 12299  
for the restoration, relocation, replication, or duplication of 12300  
the property or facilities elsewhere at the sole cost of the 12301  
commission. 12302

(C) Disposition of real property shall be by the commission 12303  
in the manner and for the consideration it determines if to a 12304  
state agency or other governmental agency, and otherwise in the 12305  
manner provided in section 5501.45 of the Revised Code for the 12306  
disposition of property by the director of transportation. 12307  
Disposition of personal property shall be in the manner and for 12308  
the consideration the commission determines. 12309

(D) Any instrument by which real property is acquired 12310  
pursuant to this section shall identify the agency of the state 12311  
that has the use and benefit of the real property as specified in 12312  
section 5301.012 of the Revised Code. 12313

**Sec. 5537.07.** (A) When the cost to the Ohio turnpike and 12314  
infrastructure commission under any contract with a person other 12315

than a governmental agency involves an expenditure of more than 12316  
fifty thousand dollars, the commission shall make a written 12317  
contract with the lowest responsive and responsible bidder in 12318  
accordance with section 9.312 of the Revised Code after 12319  
advertisement for not less than two consecutive weeks in a 12320  
newspaper of general circulation in Franklin county, and in such 12321  
other publications as the commission determines, which notice 12322  
shall state the general character of the work and the general 12323  
character of the materials to be furnished, the place where plans 12324  
and specifications therefor may be examined, and the time and 12325  
place of receiving bids. The commission may require that the cost 12326  
estimate for the construction, demolition, alteration, repair, 12327  
improvement, renovation, or reconstruction of roadways and bridges 12328  
for which the commission is required to receive bids be kept 12329  
confidential and remain confidential until after all bids for the 12330  
public improvement have been received or the deadline for 12331  
receiving bids has passed. Thereafter, and before opening the bids 12332  
submitted for the roadways and bridges, the commission shall make 12333  
the cost estimate public knowledge by reading the cost estimate in 12334  
a public place. The commission may reject any and all bids. The 12335  
requirements of this division do not apply to contracts for the 12336  
acquisition of real property or compensation for professional or 12337  
other personal services. 12338

(B) Each bid for a contract for construction, demolition, 12339  
alteration, repair, improvement, renovation, or reconstruction 12340  
shall contain the full name of every person interested in it and 12341  
shall meet the requirements of section 153.54 of the Revised Code. 12342

(C) Other than for a contract referred to in division (B) of 12343  
this section, each bid for a contract that involves an expenditure 12344  
in excess of one hundred fifty thousand dollars or any contract 12345  
with a service facility operator shall contain the full name of 12346  
every person interested in it and shall be accompanied by a 12347

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 requirements set forth in divisions (A), (B), (C), and (D) of this section.

**Sec. 5537.08.** (A) The Ohio turnpike and infrastructure commission may provide by resolution for the issuance, at one time or from time to time, of revenue bonds of the state for the purpose of paying all or any part of the cost of any one or more turnpike projects or infrastructure projects. The bond service charges shall be payable solely from pledged revenues pledged for such payment pursuant to the applicable bond proceedings. The bonds of each issue shall be dated, shall bear interest at a rate or rates or at variable rates, and shall mature or be payable at

such time or times, with a final maturity not to exceed forty 12379  
years from their date or dates, all as determined by the 12380  
commission in the bond proceedings. The commission shall determine 12381  
the form of the bonds, including any interest coupons to be 12382  
attached thereto, and shall fix the denomination or denominations 12383  
of the bonds and the place or places of payment of bond service 12384  
charges. 12385

(B) The bonds shall be signed by the chairperson or 12386  
vice-chairperson of the commission or by the facsimile signature 12387  
of that officer, the official seal of the commission or a 12388  
facsimile thereof shall be affixed thereto or printed thereon and 12389  
attested by the secretary-treasurer of the commission, which may 12390  
be by facsimile signature, and any coupons attached thereto shall 12391  
bear the facsimile signature of the chairperson or 12392  
vice-chairperson of the commission. In case any officer whose 12393  
signature, or a facsimile of whose signature, appears on any bonds 12394  
or coupons ceases to be such officer before delivery of bonds, 12395  
such signature or facsimile shall nevertheless be valid and 12396  
sufficient for all purposes the same as if the officer had 12397  
remained in office until such delivery. 12398

(C) Subject to the bond proceedings and provisions for 12399  
registration, the bonds shall have all the qualities and incidents 12400  
of negotiable instruments under Title XIII of the Revised Code. 12401  
The bonds may be issued in such form or forms as the commission 12402  
determines, including without limitation coupon, book entry, and 12403  
fully registered form, and provision may be made for the 12404  
registration of any coupon bonds as to principal alone and also as 12405  
to both principal and interest, and for the exchange of bonds 12406  
between forms. The commission may sell such bonds by competitive 12407  
bid on the best bid after advertisement or request for bids or by 12408  
private sale in the manner, and for the price, it determines to be 12409  
for the best interest of the state. ~~The determination of the~~ 12410



~~commission as to the manner of sale, by competitive bid or by~~ 12411  
~~private sale, shall be approved by the controlling board.~~ 12412

(D) The proceeds of the bonds of each issue shall be used 12413  
solely for the payment of the costs of the turnpike project or 12414  
projects for which such bonds were issued, ~~and~~ or for the payment 12415  
of the costs of the infrastructure project or projects as approved 12416  
by the commission under section 5537.18 of the Revised Code. The 12417  
proceeds shall be disbursed in such manner and under such 12418  
restrictions as the commission provides in the applicable bond 12419  
proceedings. 12420

(E) Prior to the preparation of definitive bonds, the 12421  
commission may, under like restrictions, issue interim receipts or 12422  
temporary bonds or bond anticipation notes, with or without 12423  
coupons, exchangeable for definitive bonds when such bonds have 12424  
been executed and are available for delivery. The commission may 12425  
provide for the replacement of any mutilated, stolen, destroyed, 12426  
or lost bonds. Bonds may be issued by the commission under this 12427  
chapter without obtaining the consent of any state agency, and 12428  
without any other proceedings or the happening of any other 12429  
conditions or things than those proceedings, conditions, or things 12430  
that are specifically required by this chapter or those 12431  
proceedings. 12432

(F) Sections 9.98 to 9.983 of the Revised Code apply to the 12433  
bonds. 12434

(G) The bond proceedings shall provide, subject to the 12435  
provisions of any other applicable bond proceedings, for the 12436  
pledge to the payment of bond service charges and of any costs of 12437  
or relating to credit enhancement facilities of all, or such part 12438  
as the commission may determine, of the pledged revenues and the 12439  
applicable special fund or funds, which pledges may be made to 12440  
secure the bonds on a parity with bonds theretofore or thereafter 12441  
issued if and to the extent provided in the bond proceedings. 12442

Every pledge, and every covenant and agreement with respect 12443  
thereto, made in the bond proceedings may in the bond proceedings 12444  
be extended to the benefit of the owners and holders of bonds and 12445  
to any trustee and any person providing a credit enhancement 12446  
facility for those bonds, for the further security for the payment 12447  
of the bond service charges and credit enhancement facility costs. 12448

(H) The bond proceedings may contain additional provisions as 12449  
to: 12450

(1) The redemption of bonds prior to maturity at the option 12451  
of the commission or of the bondholders or upon the occurrence of 12452  
certain stated conditions, and at such price or prices and under 12453  
such terms and conditions as are provided in the bond proceedings; 12454

(2) Other terms of the bonds; 12455

(3) Limitations on the issuance of additional bonds; 12456

(4) The terms of any trust agreement securing the bonds or 12457  
under which the same may be issued; 12458

(5) Any or every provision of the bond proceedings being 12459  
binding upon the commission and state agencies, or other person as 12460  
may from time to time have the authority under law to take such 12461  
actions as may be necessary to perform all or any part of the duty 12462  
required by such provision; 12463

(6) Any provision that may be made in a trust agreement; 12464

(7) Any other or additional agreements with the holders of 12465  
the bonds, or the trustee therefor, relating to the bonds or the 12466  
security for the bonds, including agreements for credit 12467  
enhancement facilities. 12468

(I) Any holder of bonds or a trustee under the bond 12469  
proceedings, except to the extent that the holder's or trustee's 12470  
rights are restricted by the bond proceedings, may by any suitable 12471  
form of legal proceedings, protect and enforce any rights under 12472

the laws of this state or granted by the bond proceedings. Those 12473  
rights include the right to compel the performance of all duties 12474  
of the commission and state agencies required by this chapter or 12475  
the bond proceedings; to enjoin unlawful activities; and in the 12476  
event of default with respect to the payment of any bond service 12477  
charges on any bonds or in the performance of any covenant or 12478  
agreement on the part of the commission contained in the bond 12479  
proceedings, to apply to a court having jurisdiction of the cause 12480  
to appoint a receiver to receive and administer the revenues and 12481  
the pledged revenues which are pledged to the payment of the bond 12482  
service charges on such bonds or which are the subject of the 12483  
covenant or agreement, with full power to pay, and to provide for 12484  
payment of, bond service charges on such bonds, and with such 12485  
powers, subject to the direction of the court, as are accorded 12486  
receivers in general equity cases, excluding any power to pledge 12487  
additional revenues or receipts or other income, funds, or moneys 12488  
of the commission or state agencies to the payment of such bond 12489  
service charges and excluding the power to take possession of, 12490  
mortgage, or cause the sale or otherwise dispose of any turnpike 12491  
project or other property of the commission. 12492

(J) Each duty of the commission and the commission's officers 12493  
and employees, undertaken pursuant to the bond proceedings, is 12494  
hereby established as a duty of the commission, and of each such 12495  
officer, member, or employee having authority to perform the duty, 12496  
specifically enjoined by law resulting from an office, trust, or 12497  
station within the meaning of section 2731.01 of the Revised Code. 12498

(K) The commission's officers or employees are not liable in 12499  
their personal capacities on any bonds issued by the commission or 12500  
any agreements of or with the commission relating to those bonds. 12501

(L) The bonds are lawful investments for banks, savings and 12502  
loan associations, credit union share guaranty corporations, trust 12503  
companies, trustees, fiduciaries, insurance companies, including 12504

domestic for life and domestic not for life, trustees or other 12505  
officers having charge of sinking and bond retirement or other 12506  
funds of the state or its political subdivisions and taxing 12507  
districts, the commissioners of the sinking fund of the state, the 12508  
administrator of workers' compensation, the state teachers 12509  
retirement system, the public employees retirement system, the 12510  
school employees retirement system, and the Ohio police and fire 12511  
pension fund, notwithstanding any other provisions of the Revised 12512  
Code or rules adopted pursuant thereto by any state agency with 12513  
respect to investments by them, and are also acceptable as 12514  
security for the repayment of the deposit of public moneys. 12515

(M) Provision may be made in the applicable bond proceedings 12516  
for the establishment of separate accounts in the bond service 12517  
fund and for the application of such accounts only to the 12518  
specified bond service charges pertinent to such accounts and bond 12519  
service fund, and for other accounts therein within the general 12520  
purposes of such fund. 12521

(N) The commission may pledge all, or such portion as it 12522  
determines, of the pledged revenues to the payment of bond service 12523  
charges, and for the establishment and maintenance of any reserves 12524  
and special funds, as provided in the bond proceedings, and make 12525  
other provisions therein with respect to pledged revenues, 12526  
revenues, and net revenues as authorized by this chapter, which 12527  
provisions are controlling notwithstanding any other provisions of 12528  
law pertaining thereto. 12529

**Sec. 5537.09.** The Ohio turnpike and infrastructure commission 12530  
may provide by resolution for the issuance of revenue bonds of the 12531  
state, payable solely from pledged revenues, for the purpose of 12532  
refunding any bonds then outstanding, including the payment of 12533  
related financing expenses and, if considered advisable by the 12534  
commission, for the additional purpose of paying costs of 12535

improvements, extensions, renovations, or enlargements of any 12536  
turnpike project or any infrastructure project. The issuance of 12537  
refunding bonds, the maturities and other details thereof, the 12538  
rights of the holders thereof, and the rights, duties, and 12539  
obligations of the commission in respect to such bonds shall be 12540  
governed by the provisions of this chapter insofar as they are 12541  
applicable and by the applicable bond proceedings. 12542

**Sec. 5537.11.** (A) The bonds do not constitute a debt, or a 12543  
pledge of the faith and credit, of the state or of any political 12544  
subdivision of the state. Bond service charges on outstanding 12545  
bonds are payable solely from the pledged revenues pledged for 12546  
their payment as authorized by this chapter and as provided in the 12547  
bond proceedings. All turnpike and infrastructure revenue bonds 12548  
shall contain on their face a statement to that effect. 12549

(B) All expenses incurred in carrying out this chapter shall 12550  
be payable solely from revenues provided under this chapter and 12551  
from state taxes. This chapter does not authorize the Ohio 12552  
turnpike and infrastructure commission to incur indebtedness or 12553  
liability on behalf of or payable by the state or any political 12554  
subdivision of the state. 12555

**Sec. 5537.12.** (A) In the discretion of the Ohio turnpike and 12556  
infrastructure commission any bonds may be secured by a trust 12557  
agreement between the commission and a corporate trustee, which 12558  
may be any trust company or bank having the powers of a trust 12559  
company within or without the state but authorized to exercise 12560  
trust powers within this state. 12561

(B) Any trust agreement may pledge or assign the revenues to 12562  
be received, but shall not convey or mortgage any turnpike project 12563  
or infrastructure project, any part of a turnpike project or 12564  
infrastructure project, or any part of the Ohio turnpike system or 12565

the Ohio turnpike and infrastructure system. Any such trust 12566  
agreement or other bond proceedings may contain provisions for 12567  
protecting and enforcing the rights and remedies of the 12568  
bondholders that are reasonable and proper and not in violation of 12569  
law, including covenants setting forth the duties of the 12570  
commission in relation to the acquisition of property, and the 12571  
construction, maintenance, repair, operation, and insurance of the 12572  
turnpike project or projects in connection with which the bonds 12573  
are authorized, the rates of toll to be charged, and the custody, 12574  
safeguarding, and application of all moneys, and provisions for 12575  
the employment or retention of the services of consulting 12576  
engineers in connection with the construction, maintenance, or 12577  
operation of the turnpike project or projects. Any bank or trust 12578  
company incorporated under the laws of this state which may act as 12579  
depository of the proceeds of bonds or of revenues may furnish 12580  
such indemnifying bonds or may pledge such securities as are 12581  
required by the commission. Any such trust agreement may set forth 12582  
the rights and remedies of the bondholders and of the trustee, may 12583  
restrict the individual right of action by bondholders as is 12584  
customary in revenue bond trust agreements of public bodies, and 12585  
may contain other provisions that the commission considers 12586  
reasonable and proper for the security of the bondholders. All 12587  
expenses incurred in entering into or carrying out the provisions 12588  
of such a trust agreement may be treated as a part of the cost, or 12589  
of the cost of the operation, of the turnpike project or projects. 12590

**Sec. 5537.13.** (A) Subject to division (C)(1) of this section 12591  
and section 5537.26 of the Revised Code, the Ohio turnpike and 12592  
infrastructure commission may fix, revise, charge, and collect 12593  
tolls for each turnpike project, and contract in the manner 12594  
provided by this section with any person desiring the use of any 12595  
part thereof, including the right-of-way adjoining the paved 12596  
portion, for placing thereon telephone, electric light, or power 12597

lines, service facilities, or for any other purpose, and fix the 12598  
terms, conditions, rents, and rates of charge for such use, 12599  
provided that no toll, charge, or rental may be made by the 12600  
commission for placing in, on, along, over, or under the turnpike 12601  
project, equipment or public utility facilities that are necessary 12602  
to serve service facilities or to interconnect any public utility 12603  
facilities. 12604

(B) Contracts for the operation of service facilities shall 12605  
be made in writing. Such contracts, except contracts with state 12606  
agencies or other governmental agencies, shall be made with the 12607  
bidder whose bid is determined by the commission to be the best 12608  
bid received, after advertisement for two consecutive weeks in a 12609  
newspaper of general circulation in Franklin county, and in other 12610  
publications that the commission determines. The notice shall 12611  
state the general character of the service facilities operation 12612  
proposed, the place where plans and specifications may be 12613  
examined, and the time and place of receiving bids. Bids shall 12614  
contain the full name of each person interested in them, and shall 12615  
be in such form as the commission requires. The commission may 12616  
reject any and all bids. All contracts for service facilities 12617  
shall be preserved in the principal office of the commission. 12618

(C) Tolls (1) Except as necessary to comply with covenants in 12619  
bond proceedings in existence before July 1, 2013, for calendar 12620  
years 2013 through 2023, the commission shall not increase the 12621  
toll rates for any class of passenger vehicle as fixed on the 12622  
effective date of this amendment, when both of the following 12623  
apply: 12624

(a) The tolls are collected and remitted in accordance with a 12625  
multi-jurisdiction electronic toll collection agreement; and 12626

(b) The distance traveled is thirty miles or less. 12627

(2) Subject to division (C)(1) of this section, tolls shall 12628

be so fixed and adjusted as to provide funds at least sufficient 12629  
with other revenues of the Ohio turnpike system, if any, to pay: 12630

~~(1)~~(a) The cost of maintaining, improving, repairing, 12631  
constructing, and operating the Ohio turnpike system and its 12632  
different parts and sections, and to create and maintain any 12633  
reserves for those purposes; 12634

~~(2)~~(b) Any unpaid bond service charges on outstanding bonds 12635  
payable from pledged revenues as such charges become due and 12636  
payable, and to create and maintain any reserves for that purpose. 12637

(D) Tolls are not subject to supervision, approval, or 12638  
regulation by any state agency other than the turnpike and 12639  
infrastructure commission. 12640

(E) Revenues derived from each turnpike project ~~in connection~~ 12641  
~~with which any bonds are outstanding~~ shall be first applied to pay 12642  
the cost of maintenance, improvement, repair, and operation and to 12643  
provide any reserves therefor that are provided for in the bond 12644  
proceedings authorizing the issuance of those outstanding bonds, 12645  
and otherwise as provided by the commission, ~~and the balance.~~ The 12646  
bond proceedings also shall provide, subject to the provisions of 12647  
any other applicable bond proceedings, for the pledge of all, or 12648  
such part as the commission may determine of the pledged revenues 12649  
~~shall be set aside, at such regular intervals as are provided in~~ 12650  
~~the bond proceedings, in a bond service fund, which is hereby~~ 12651  
~~pledged to and charged with~~ and the applicable special fund or 12652  
funds to the payment of the bond service charges ~~on any such~~ 12653  
~~outstanding bonds as provided in the applicable, which pledge may~~ 12654  
~~be made to secure the bonds senior or subordinate to or on a~~ 12655  
~~parity with bonds theretofore or thereafter issued, if and to the~~ 12656  
~~extent provided in the~~ bond proceedings. The pledge shall be valid 12657  
and binding from the time the pledge is made; the revenues and the 12658  
pledged revenues thereafter received by the commission immediately 12659  
shall be subject to the lien of the pledge without any physical 12660



delivery thereof or further act, and the lien of the pledge shall 12661  
be valid and binding as against all parties having claims of any 12662  
kind in tort, contract, or otherwise against the commission, 12663  
whether or not those parties have notice thereof. The bond 12664  
proceedings by which a pledge is created need not be filed or 12665  
recorded except in the records of the commission. The use and 12666  
disposition of moneys to the credit of a bond service fund shall 12667  
be subject to the applicable bond proceedings. ~~Except as is~~ 12668  
~~otherwise provided in such bond proceedings, such a bond service~~ 12669  
~~fund shall be a fund for all such bonds, without distinction or~~ 12670  
~~priority of one over another.~~ 12671

(F) The proceeds of bonds issued for the payment of the costs 12672  
of infrastructure projects, net of the payment of all financing 12673  
expenses and deposits into debt service reserves or other special 12674  
funds as may be required in the applicable bond proceedings, shall 12675  
be deposited to the infrastructure fund or funds and shall be 12676  
exclusively used to pay the cost of infrastructure projects 12677  
approved by the commission, except that income earned by the 12678  
infrastructure fund may be used by the commission towards the 12679  
payment of bond service charges. 12680

**Sec. 5537.14.** All moneys received by the Ohio turnpike and 12681  
infrastructure commission under this chapter, whether as proceeds 12682  
from the sale of bonds or as revenues, are to be held and applied 12683  
solely as provided in this chapter and in any applicable bond 12684  
proceedings. Such moneys shall be kept in depositories as selected 12685  
by the commission in the manner provided in sections 135.01 to 12686  
135.21 of the Revised Code, insofar as such sections are 12687  
applicable, and the deposits shall be secured as provided in 12688  
sections 135.01 to 135.21 of the Revised Code. The bond 12689  
proceedings shall provide that any officer to whom, or any bank or 12690  
trust company to which, revenues or pledged revenues are paid 12691  
shall act as trustee of such moneys and hold and apply them for 12692

the purposes thereof, subject to applicable provisions of this 12693  
chapter and the bond proceedings. 12694

**Sec. 5537.15.** Any holder of bonds issued and outstanding 12695  
under this chapter, or any of the coupons appertaining thereto, 12696  
and the trustee under any trust agreement, except to the extent 12697  
the rights given by this chapter may be restricted or modified by 12698  
the bond proceedings, may by suit, action, mandamus, or other 12699  
proceedings, protect and enforce any rights under the laws of the 12700  
state or granted under this chapter or the bond proceedings, and 12701  
may enforce and compel the performance of all duties required by 12702  
this chapter or the bond proceedings, to be performed by the Ohio 12703  
turnpike and infrastructure commission or any officer of the 12704  
commission, including the fixing, charging, collecting, and 12705  
application of tolls. 12706

**Sec. 5537.16.** (A) The Ohio turnpike and infrastructure 12707  
commission may adopt such bylaws and rules as it considers 12708  
advisable for the control and regulation of traffic on any 12709  
turnpike project, for the protection and preservation of property 12710  
under its jurisdiction and control, for the maintenance and 12711  
preservation of good order within the property under its control, 12712  
and for the purpose of establishing owner or operator liability 12713  
for failure to comply with toll collection rules. The rules of the 12714  
commission with respect to the speed, use of special engine 12715  
brakes, axle loads, vehicle loads, and vehicle dimensions of 12716  
vehicles on turnpike projects, including the issuance of a special 12717  
permit by the commission to allow the operation on any turnpike 12718  
project of a motor vehicle transporting two or fewer steel coils, 12719  
shall apply notwithstanding sections 4511.21 to 4511.24, 4513.34, 12720  
and Chapter 5577. of the Revised Code. Such bylaws and rules shall 12721  
be published in a newspaper of general circulation in Franklin 12722  
county, and in such other manner as the commission prescribes. 12723

(B) Such rules shall provide that public police officers 12724  
shall be afforded ready access, while in the performance of their 12725  
official duty, to all property under the jurisdiction of the 12726  
commission and without the payment of tolls. 12727

(C) No person shall violate any such bylaws or rules of the 12728  
commission. 12729

(D)(1) All fines collected for the violation of applicable 12730  
laws of the state and the bylaws and rules of the commission or 12731  
moneys arising from bonds forfeited for such violation shall be 12732  
disposed of in accordance with section 5503.04 of the Revised 12733  
Code. 12734

(2) All fees or charges assessed by the commission against an 12735  
owner or operator of a vehicle as a civil violation for failure to 12736  
comply with toll collection or toll evasion rules shall be 12737  
revenues of the commission. 12738

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 12739  
be maintained and kept in good condition and repair by the Ohio 12740  
turnpike and infrastructure commission. The Ohio turnpike system 12741  
shall be policed and operated by a force of police, toll 12742  
collectors, and other employees and agents that the commission 12743  
employs or contracts for. 12744

(B) All public or private property damaged or destroyed in 12745  
carrying out the powers granted by this chapter shall be restored 12746  
or repaired and placed in its original condition, as nearly as 12747  
practicable, or adequate compensation or consideration made 12748  
therefor out of moneys provided under this chapter. 12749

(C) All governmental agencies may lease, lend, grant, or 12750  
convey to the commission at its request, upon terms that the 12751  
proper authorities of the governmental agencies consider 12752  
reasonable and fair and without the necessity for an 12753

advertisement, order of court, or other action or formality, other 12754  
than the regular and formal action of the authorities concerned, 12755  
any property that is necessary or convenient to the effectuation 12756  
of the purposes of the commission, including public roads and 12757  
other property already devoted to public use. 12758

(D) Each bridge constituting part of a turnpike project shall 12759  
be inspected at least once each year by a professional engineer 12760  
employed or retained by the commission. 12761

(E) On or before the first day of July in each year, the 12762  
commission shall make an annual report of its activities for the 12763  
preceding calendar year to the governor and the general assembly. 12764  
Each such report shall set forth a complete operating and 12765  
financial statement covering the commission's operations and 12766  
funding of any turnpike projects and infrastructure projects 12767  
during the year. The commission shall cause an audit of its books 12768  
and accounts to be made at least once each year by certified 12769  
public accountants, and the cost thereof may be treated as a part 12770  
of the cost of operations of the commission. The auditor of state, 12771  
at least once a year and without previous notice to the 12772  
commission, shall audit the accounts and transactions of the 12773  
commission. 12774

(F) The commission shall submit a copy of its annual audit by 12775  
the auditor of state and its proposed annual budget for each 12776  
calendar or fiscal year to the governor, the presiding officers of 12777  
each house of the general assembly, the director of budget and 12778  
management, and the legislative service commission no later than 12779  
the first day of that calendar or fiscal year. 12780

(G) Upon request of the chairperson of the appropriate 12781  
standing committee or subcommittee of the senate and house of 12782  
representatives that is primarily responsible for considering 12783  
transportation budget matters, the commission shall appear at 12784  
least one time before each committee or subcommittee during the 12785

period when that committee or subcommittee is considering the 12786  
biennial appropriations for the department of transportation and 12787  
shall provide testimony outlining its budgetary results for the 12788  
last two calendar years, including a comparison of budget and 12789  
actual revenue and expenditure amounts. The commission also shall 12790  
address its current budget and long-term capital plan. 12791

(H) Not more than sixty nor less than thirty days before 12792  
adopting its annual budget, the commission shall submit a copy of 12793  
its proposed annual budget to the governor, the presiding officers 12794  
of each house of the general assembly, the director of budget and 12795  
management, and the legislative service commission. The office of 12796  
budget and management shall review the proposed budget and may 12797  
provide recommendations to the commission for its consideration. 12798

Sec. 5537.18. (A) The Ohio turnpike and infrastructure 12799  
commission shall adopt rules establishing the procedures and 12800  
criteria under which the commission may approve an application 12801  
received from the director of transportation for infrastructure 12802  
project funding under division (B) of this section. The rules 12803  
shall require an infrastructure project to have an anticipated 12804  
benefit to the system of public highways in the state of Ohio and 12805  
transportation-related nexus with and relationship to the Ohio 12806  
turnpike system and the Ohio turnpike and infrastructure system. 12807  
The criteria included in the rules for determining if an 12808  
infrastructure project has the required nexus and relationship to 12809  
the Ohio turnpike system and the Ohio turnpike and infrastructure 12810  
system and the criteria for approving an application for 12811  
infrastructure project funding submitted by the director of 12812  
transportation shall include the following: 12813

(1) A physical proximity of the infrastructure project to and 12814  
a direct or indirect physical connection between the 12815  
infrastructure project and the Ohio turnpike system; 12816

<u>(2) The impact of the infrastructure project on traffic</u>	12817
<u>density, flow through, or capacity on the Ohio turnpike system;</u>	12818
<u>(3) The impact of the infrastructure project on the Ohio</u>	12819
<u>turnpike system toll revenue or other revenues;</u>	12820
<u>(4) The impact of the infrastructure project on the movement</u>	12821
<u>of goods and services on or in the area of the Ohio turnpike</u>	12822
<u>system; and</u>	12823
<u>(5) The enhancement or improvement by and through the</u>	12824
<u>infrastructure project of access to, use of, and egress from the</u>	12825
<u>Ohio turnpike system and access to and from connected areas of</u>	12826
<u>population, commerce, and industry.</u>	12827
<u>(B) The director of transportation may submit an application</u>	12828
<u>to the commission for infrastructure project funding. An</u>	12829
<u>application to the commission for infrastructure project funding,</u>	12830
<u>as submitted by the director, shall include only infrastructure</u>	12831
<u>projects that previously have been reviewed and recommended by the</u>	12832
<u>transportation review advisory council pursuant to the selection</u>	12833
<u>process followed by the council under Chapter 5512. of the Revised</u>	12834
<u>Code. In selecting infrastructure projects for which applications</u>	12835
<u>will be made to the commission for infrastructure project funding,</u>	12836
<u>the director shall consider the physical proximity of the project</u>	12837
<u>to the Ohio turnpike system. Not less than ninety per cent of the</u>	12838
<u>total cost of the infrastructure project funding requests</u>	12839
<u>submitted by the director of transportation to the commission</u>	12840
<u>shall be for infrastructure projects that are at least partially</u>	12841
<u>located within seventy-five miles of the Ohio turnpike system.</u>	12842
<u>By rule, the director may establish guidelines under which an</u>	12843
<u>application may be made for infrastructure project funding that</u>	12844
<u>combines separate projects if the combination of projects is</u>	12845
<u>necessary to satisfy any funding threshold required for approval</u>	12846
<u>by the transportation review advisory council and the individual</u>	12847

projects have a nexus to the Ohio turnpike system and also address 12848  
a critical public safety concern or have a significant economic 12849  
impact. 12850

(C) The commission shall evaluate each application for 12851  
infrastructure project funding submitted under division (B) of 12852  
this section in accordance with the procedures and criteria 12853  
established in rules adopted under division (A) of this section. A 12854  
determination or approval made under this section is conclusive 12855  
and incontestable. 12856

(D) Nothing in this section shall interfere with the 12857  
authority of the director of transportation under Chapter 5512. of 12858  
the Revised Code. 12859

**Sec. 5537.19.** The Ohio turnpike and infrastructure commission 12860  
shall expend such moneys as the commission considers necessary for 12861  
studies of any turnpike project or infrastructure project, whether 12862  
proposed, under construction, or in operation, and may employ 12863  
consulting engineers, traffic engineers, and any other individuals 12864  
or firms that the commission considers necessary to properly 12865  
implement the studies. The cost of the studies may be paid from 12866  
revenues, eligible state and federal grants, state taxes available 12867  
to the commission and permitted by law to be spent for such 12868  
purposes, or the proceeds of bonds. 12869

**Sec. 5537.20.** The exercise of the powers granted by this 12870  
chapter is in all respects for the benefit of the people of the 12871  
state, for the increase of their commerce and prosperity, and for 12872  
the improvement of their health and living conditions, and as the 12873  
construction, operation, and maintenance of the Ohio turnpike 12874  
system by the Ohio turnpike and infrastructure commission 12875  
constitute the performance of essential governmental functions, 12876  
the commission, except as provided in division (D) of section 12877

5537.05 of the Revised Code, shall not be required to pay any 12878  
state or local taxes or assessments upon any turnpike project or 12879  
infrastructure project funded by it, or upon revenues or any 12880  
property acquired or used by the commission under this chapter, or 12881  
upon the income therefrom. The bonds issued under this chapter, 12882  
their transfer, and the income therefrom, including any profit 12883  
made on the sale thereof, shall at all times be free from taxation 12884  
within the state. 12885

**Sec. 5537.21.** (A) When bond service charges on all 12886  
outstanding bonds issued in connection with any turnpike project 12887  
have been paid or provision for that payment has been made, as 12888  
provided in the applicable bond proceedings, or in the case of a 12889  
turnpike project in connection with which no bonds have been 12890  
issued, the project shall continue to be or be operated, and 12891  
improved and maintained, by the Ohio turnpike and infrastructure 12892  
commission as a part of the Ohio turnpike system and as a toll 12893  
road, and all revenues received by the commission relating to that 12894  
project shall be applied as provided in division (B) of this 12895  
section. 12896

(B) Subject to the bond proceedings for bonds relating to any 12897  
turnpike project or infrastructure project, tolls relating to a 12898  
turnpike project as referred to in division (A) of this section 12899  
shall be so fixed and adjusted such that the aggregate of 12900  
available revenues relating to that turnpike project ~~and available~~ 12901  
~~for the purpose~~ are in amounts ~~to provide moneys~~ at least 12902  
sufficient, ~~and those revenues shall be used,~~ to pay the costs 12903  
described in division (C)~~(1)~~(2)(a) of section 5537.13 of the 12904  
Revised Code. 12905

**Sec. 5537.22.** All final actions of the Ohio turnpike and 12906  
infrastructure commission shall be journalized and such journal 12907  
shall be open to the inspection of the public at all reasonable 12908



times. 12909

**Sec. 5537.24.** (A) There is hereby created a turnpike 12910  
legislative review committee consisting of six members as follows: 12911

(1) Three members of the senate, no more than two of whom 12912  
shall be members of the same political party, one of whom shall be 12913  
the chairperson of the committee dealing primarily with highway 12914  
matters, one of whom shall be appointed by the president of the 12915  
senate, and one of whom shall be appointed by the minority leader 12916  
of the senate. 12917

Both the senate member who is appointed by the president of 12918  
the senate and the senate member appointed by the minority leader 12919  
of the senate shall represent either districts in which is located 12920  
or through which passes a portion of a turnpike project that is 12921  
part of the Ohio turnpike system or districts located in the 12922  
vicinity of a turnpike project that is part of the Ohio turnpike 12923  
system. 12924

The president of the senate shall make the president of the 12925  
senate's appointment to the committee first, followed by the 12926  
minority leader of the senate, and they shall make their 12927  
appointments in such a manner that their two appointees represent 12928  
districts that are located in different areas of the state. If the 12929  
chairperson of the senate committee dealing primarily with highway 12930  
matters represents a district in which is located or through which 12931  
passes a portion of a turnpike project that is part of the Ohio 12932  
turnpike system or a district located in the vicinity of a 12933  
turnpike project that is part of the Ohio turnpike system, the 12934  
president of the senate and the minority leader of the senate 12935  
shall make their appointments in such a manner that their two 12936  
appointees and the chairperson of the senate committee dealing 12937  
primarily with highway matters all represent districts that are 12938  
located in different areas of the state. 12939

(2) Three members of the house of representatives, no more 12940  
than two of whom shall be members of the same political party, one 12941  
of whom shall be the chairperson of the house of representatives 12942  
committee dealing primarily with highway matters, one of whom 12943  
shall be appointed by the speaker of the house of representatives, 12944  
and one of whom shall be appointed by the minority leader of the 12945  
house of representatives. 12946

Both the house of representatives member who is appointed by 12947  
the speaker of the house of representatives and the house of 12948  
representatives member appointed by the minority leader of the 12949  
house of representatives shall represent either districts in which 12950  
is located or through which passes a portion of a turnpike project 12951  
that is part of the Ohio turnpike system or districts located in 12952  
the vicinity of a turnpike project that is part of the Ohio 12953  
turnpike system. 12954

The speaker of the house of representatives shall make the 12955  
speaker of the house of representative's appointment to the 12956  
committee first, followed by the minority leader of the house of 12957  
representatives, and they shall make their appointments in such a 12958  
manner that their two appointees represent districts that are 12959  
located in different areas of the state. If the chairperson of the 12960  
house of representatives committee dealing primarily with highway 12961  
matters represents a district in which is located or through which 12962  
passes a portion of a turnpike project that is part of the Ohio 12963  
turnpike system or a district located in the vicinity of a 12964  
turnpike project that is part of the Ohio turnpike system, the 12965  
speaker of the house of representatives and the minority leader of 12966  
the house of representatives shall make their appointments in such 12967  
a manner that their two appointees and the chairperson of the 12968  
house of representatives committee dealing primarily with highway 12969  
matters all represent districts that are located in different 12970  
areas of the state. 12971

The chairperson of the house of representatives committee 12972  
shall serve as the chairperson of the turnpike legislative review 12973  
committee for the year 1996. Thereafter, the chair annually shall 12974  
alternate between, first, the chairperson of the senate committee 12975  
and then the chairperson of the house of representatives 12976  
committee. 12977

(B) Each member of the turnpike legislative review committee 12978  
who is a member of the general assembly shall serve a term of the 12979  
remainder of the general assembly during which the member is 12980  
appointed or is serving as chairperson of the specified senate or 12981  
house committee. In the event of the death or resignation of a 12982  
committee member who is a member of the general assembly, or in 12983  
the event that a member ceases to be a senator or representative, 12984  
or in the event that the chairperson of the senate committee 12985  
dealing primarily with highway matters or the chairperson of the 12986  
house of representatives committee dealing primarily with highway 12987  
matters ceases to hold that position, the vacancy shall be filled 12988  
through an appointment by the president of the senate or the 12989  
speaker of the house of representatives or minority leader of the 12990  
senate or house of representatives, as applicable. Any member 12991  
appointed to fill a vacancy occurring prior to the end of the term 12992  
for which the member's predecessor was appointed shall hold office 12993  
for the remainder of the term or for a shorter period of time as 12994  
determined by the president or the speaker. A member of the 12995  
committee is eligible for reappointment. 12996

(C) The turnpike legislative review committee shall meet at 12997  
least quarterly and may meet at the call of its chairperson, or 12998  
upon the written request to the chairperson of not fewer than four 12999  
members of the committee. Meetings shall be held at sites that are 13000  
determined solely by the chairperson of the committee. At each 13001  
meeting, the Ohio turnpike and infrastructure commission shall 13002  
make a report to the committee on commission matters, including 13003

but not limited to financial and budgetary matters and proposed 13004  
and on-going construction, maintenance, repair, and operational 13005  
projects of the commission. 13006

The committee, by the affirmative vote of at least four of 13007  
its members, may submit written recommendations to the commission, 13008  
either at meetings held pursuant to this section or at any other 13009  
time, describing new turnpike projects or new interchanges located 13010  
on existing projects that the committee believes the commission 13011  
should consider constructing. 13012

(D) At least annually the commission shall make a report to 13013  
the committee of those infrastructure projects approved and paid 13014  
for by the commission. 13015

(E) The members of the turnpike legislative review committee 13016  
who are members of the general assembly shall serve without 13017  
compensation, but shall be reimbursed by the commission for their 13018  
actual and necessary expenses incurred in the discharge of their 13019  
official duties as committee members. Serving as a member of the 13020  
turnpike legislative review committee does not constitute grounds 13021  
for resignation from the senate or house of representatives under 13022  
section 101.26 of the Revised Code. 13023

**Sec. 5537.25.** (A) Notwithstanding any provision of law to the 13024  
contrary, the Ohio turnpike and infrastructure commission shall 13025  
make no expenditure to engage the services of any person to 13026  
influence either of the following: 13027

(1) Administrative actions or decisions of the governor, the 13028  
director of any department listed in section 121.02 of the Revised 13029  
Code, any member of the staff of any public officer or employee 13030  
listed in this section, the president of the United States, or any 13031  
federal officer or employee; 13032

(2) Legislation pending in this state or any other state, a 13033

subdivision of this state or any other state, or the federal 13034  
government, including the executive approval or veto of any such 13035  
pending legislation. 13036

(B) This section shall not be interpreted to prohibit the 13037  
commission from designating officers or members of the commission, 13038  
or full-time, permanent employees of the commission, to act as 13039  
administrative or legislative agents for the commission. 13040

**Sec. 5537.26.** (A) Except as provided in division (D) of this 13041  
section, no increase by the Ohio turnpike and infrastructure 13042  
commission in the toll rate structure that is applicable to 13043  
vehicles operating on a turnpike project shall become effective 13044  
unless the commission complies with the notice and hearing 13045  
requirements prescribed in division (B) of this section, and the 13046  
commission shall not take any action that expands, has the effect 13047  
of expanding, or will to any degree at any time in the future have 13048  
the effect of expanding the sphere of responsibility of the 13049  
commission beyond the Ohio turnpike, unless the commission 13050  
complies with the notice and hearing requirements prescribed in 13051  
division (B) of this section. 13052

(B) Not less than ninety days prior to the date on which the 13053  
commission votes to increase any part of the toll rate structure 13054  
that is applicable to vehicles operating on a turnpike project, 13055  
and not less than ninety days prior to the date on which the 13056  
commission votes to take an action that expands, has the effect of 13057  
expanding, or will to any degree at any time in the future have 13058  
the effect of expanding the sphere of responsibility of the 13059  
commission beyond the Ohio turnpike, the commission shall do both 13060  
of the following: 13061

(1) Send notice to the governor and the presiding officers 13062  
and minority leaders of the senate and house of representatives 13063  
that details the proposed increase to the toll rate structure or 13064

the expansion of the sphere of responsibility of the commission 13065  
beyond the Ohio turnpike, including a description of and a 13066  
justification for the increase or expansion; 13067

(2) Commence holding public hearings on the proposed increase 13068  
in the toll rate structure or the proposed action. If the 13069  
commission is proposing an increase in the toll rate structure 13070  
that is applicable to vehicles operating on a turnpike project, it 13071  
shall hold not less than three public hearings in three 13072  
geographically diverse locations in this state that are in the 13073  
immediate vicinity of the affected project. If the commission is 13074  
proposing to take an action that expands, has the effect of 13075  
expanding, or will to any degree at any time in the future have 13076  
the effect of expanding the sphere of responsibility of the 13077  
commission beyond the Ohio turnpike, it shall hold not less than 13078  
three public hearings in three locations in the immediate vicinity 13079  
where the expanded responsibilities would arise. 13080

The commission shall hold the third or, if it holds more than 13081  
three hearings, the last hearing of any set of hearings required 13082  
to be held under this section not less than thirty days prior to 13083  
the date on which it votes to increase part of the toll rate 13084  
structure that is applicable to vehicles operating on a turnpike 13085  
project or to take an action that expands, has the effect of 13086  
expanding, or will to any degree at any time in the future have 13087  
the effect of expanding the sphere of responsibility of the 13088  
commission beyond the Ohio turnpike. 13089

The commission shall inform the public of all the hearings 13090  
required to be held under this section by causing a notice to be 13091  
published in a newspaper of general circulation in the county in 13092  
which each hearing is to be held, not less than once per week for 13093  
two weeks prior to the date of the hearing. 13094

(C) If the commission does not comply with the notice and 13095  
hearing requirements contained in division (B) of this section and 13096

votes for an increase in the toll rate structure that is 13097  
applicable to vehicles operating on a turnpike project, the 13098  
increase in the toll rate structure shall not take effect, any 13099  
attempt by the commission to implement the increase in the toll 13100  
rate structure is void, and, if necessary, the attorney general 13101  
shall file an action in the court of common pleas of the county in 13102  
which the principal office of the commission is located to enjoin 13103  
the commission from implementing the increase. The commission 13104  
shall not implement any increase until it complies with division 13105  
(B) of this section. 13106

If the commission does not comply with the notice and hearing 13107  
requirements contained in division (B) of this section and votes 13108  
to take an action that expands, has the effect of expanding, or 13109  
will to any degree at any time in the future have the effect of 13110  
expanding the sphere of responsibility of the commission beyond 13111  
the Ohio turnpike, the commission shall not take the proposed 13112  
action and, if necessary, the attorney general shall file an 13113  
action in the court of common pleas of the county in which the 13114  
principal office of the commission is located to enjoin the 13115  
commission from taking the proposed action. The commission shall 13116  
not take the proposed action until it complies with the notice and 13117  
hearing requirements prescribed in division (B) of this section. 13118

(D) Divisions (A) to (C) of this section do not apply to any 13119  
decrease made to the toll rate structure by the commission. The 13120  
commission may implement a temporary decrease in the toll rate 13121  
structure only if it does not exceed eighteen months in duration. 13122  
Prior to instituting any decrease to the toll rate structure, the 13123  
commission shall do both of the following: 13124

(1) Not less than five days prior to any public meeting under 13125  
division (D)(2) of this section, send notice to the governor and 13126  
the presiding officers and minority leaders of the senate and 13127  
house of representatives that details the proposed decrease to the 13128

toll rate structure; 13129

(2) Hold a public meeting to explain to members of the 13130  
traveling public the reasons for the upcoming decrease, to inform 13131  
them of any benefits and any negative consequences, and to give 13132  
them the opportunity to express their opinions as to the relative 13133  
merits or drawbacks of each toll decrease. The commission shall 13134  
inform the public of the meeting by causing a notice to be 13135  
published in newspapers of general circulation in Cuyahoga, Lucas, 13136  
Mahoning, Trumbull, Williams, and Summit counties not less than 13137  
five days prior to the meeting. The commission shall not be 13138  
required to hold any public hearing or meeting upon the expiration 13139  
of any temporary decrease in the toll rate structure, so long as 13140  
it implements the same toll rate structure that was in effect 13141  
immediately prior to the temporary decrease. 13142

(E) As used in this section, "Ohio turnpike" means the toll 13143  
freeway that is under the jurisdiction of the commission and runs 13144  
in an easterly and westerly direction across the entire northern 13145  
portion of this state between its borders with the state of 13146  
Pennsylvania in the east and the state of Indiana in the west, and 13147  
carries the interstate highway designations of interstate 13148  
seventy-six, interstate eighty, and interstate eighty-ninety. 13149

**Sec. 5537.27.** The Ohio turnpike and infrastructure 13150  
commission, the director of transportation or the director's 13151  
designee, and another person designated by the governor shall 13152  
establish a procedure whereby a political subdivision or other 13153  
government agency or agencies may submit a written application to 13154  
the commission, requesting the commission to construct and operate 13155  
a turnpike project within the boundaries of the subdivision, 13156  
agency, or agencies making the request. The procedure shall 13157  
include a requirement that the commission send a written reply to 13158  
the subdivision, agency, or agencies, explaining the disposition 13159



of the request. The procedure established pursuant to this section 13160  
shall not become effective unless it is approved by the commission 13161  
and by the director or the director's designee and the designee of 13162  
the governor, and shall require submission of the proposed 13163  
turnpike project to the turnpike legislative review committee if 13164  
the project must be approved by the governor. 13165

**Sec. 5537.28.** (A) ~~Notwithstanding any other provision of law,~~ 13166  
~~on and after the effective date of this section, the Ohio turnpike~~ 13167  
~~commission shall not expend any toll revenues that are generated~~ 13168  
~~by an existing turnpike project to fund in any manner or to any~~ 13169  
~~degree the construction, operation, maintenance, or repair of~~ 13170  
~~another turnpike project the location of which must be reviewed by~~ 13171  
~~the turnpike legislative review committee and approved by the~~ 13172  
~~governor.~~ 13173

In paying the cost of ~~such a~~ any turnpike project, the Ohio 13174  
turnpike and infrastructure commission may issue bonds and bond 13175  
anticipation notes as permitted by this chapter, and may accept 13176  
moneys from any source to pay the cost of any portion of the 13177  
turnpike project, including, but not limited to, the federal 13178  
government, any department or agency of this state, and any 13179  
political subdivision or other government agency. Each such 13180  
project shall be constructed, operated, maintained, and repaired 13181  
entirely with funds ~~generated by that project or otherwise~~ 13182  
~~specifically acquired for that project or~~ from sources permitted 13183  
~~by this chapter~~ excess funds available from any other turnpike 13184  
project. 13185

(B) ~~The commission shall not expend any toll revenues~~ 13186  
~~generated by the Ohio turnpike to pay any amount of the principal~~ 13187  
~~amount of, or interest due on, any bonds or bond anticipation~~ 13188  
~~notes issued by the commission to pay any portion of the cost of~~ 13189  
~~another turnpike project the location of which must be reviewed by~~ 13190

~~the turnpike legislative review committee and approved by the~~ 13191  
~~governor. The commission shall not expend any toll revenues~~ 13192  
~~generated by any turnpike project to pay any amount of the~~ 13193  
~~principal amount of, or interest due on, any bonds or bond~~ 13194  
~~anticipation notes issued by the commission to pay any portion of~~ 13195  
~~the cost of a new turnpike project the location of which must be~~ 13196  
~~reviewed by the turnpike legislative review committee and approved~~ 13197  
~~by the governor or the cost of the operation, repair, improvement,~~ 13198  
~~maintenance, or reconstruction of any turnpike project other than~~ 13199  
~~the project that generated those toll revenues.~~ 13200

~~(C) As used in this section:~~ 13201

~~(1) "Ohio turnpike" has the same meaning as in division (E)~~ 13202  
~~of section 5537.26 of the Revised Code;~~ 13203

~~(2) "Another "any turnpike project" does not include~~ 13204  
~~infrastructure improvements on the Ohio turnpike or on connecting~~ 13205  
~~roadways within one mile of an Ohio turnpike interchange projects.~~ 13206  
~~The costs of infrastructure projects approved under section~~ 13207  
~~5537.18 of the Revised Code shall be funded exclusively out of the~~ 13208  
~~infrastructure fund or funds.~~ 13209

**Sec. 5537.30.** (A) Not later than December 31, 2009, the Ohio 13210  
turnpike and infrastructure commission shall establish a program 13211  
for the placement of business logos for identification purposes on 13212  
directional signs within the turnpike right-of-way. 13213

(B)(1) The commission shall establish, and may revise at any 13214  
time, a fee for participation in the business logo sign program. 13215  
All direct and indirect costs of the business logo sign program 13216  
established pursuant to this section shall be fully paid by the 13217  
businesses applying for participation in the program. The direct 13218  
and indirect costs of the program shall include, but not be 13219  
limited to, the cost of capital, directional signs, blanks, posts, 13220  
logos, installation, repair, engineering, design, insurance, 13221

removal, replacement, and administration. 13222

(2) Money generated from participating businesses in excess 13223  
of the direct and indirect costs and any reasonable profit earned 13224  
by a person awarded a contract ~~under division (C) of this section~~ 13225  
to operate, maintain, or market the business logo sign program 13226  
shall be remitted to the commission. 13227

(3) If the commission operates such a program and does not 13228  
contract with a private person to operate it, all money collected 13229  
from participating businesses shall be retained by the commission. 13230

~~(C) The commission, in accordance with rules adopted pursuant~~ 13231  
~~to section 111.15 of the Revised Code, may contract with any~~ 13232  
~~private person to operate, maintain, or market the business logo~~ 13233  
~~sign program. The contract may allow for a reasonable profit to be~~ 13234  
~~earned by the successful applicant. In awarding the contract, the~~ 13235  
~~commission shall consider the skill, expertise, prior experience,~~ 13236  
~~and other qualifications of each applicant.~~ 13237

~~(D)~~ The program shall permit the business logo signs of a 13238  
seller of motor vehicle fuel to include on the seller's signs a 13239  
marking or symbol indicating that the seller sells one or more 13240  
types of alternative fuel so long as the seller in fact sells that 13241  
fuel. As used in this division, "alternative fuel" has the same 13242  
meaning as in section 125.831 of the Revised Code. 13243

**Sec. 5553.051.** The board of county commissioners may 13244  
establish a fee to cover the actual costs the county incurs in 13245  
providing published notice and mailed notice as required by 13246  
section 5553.05 of the Revised Code. The board may require an 13247  
initial deposit to be paid at the time a petition for vacation of 13248  
a road is filed under section 5553.04 of the Revised Code or 13249  
promptly thereafter. The clerk of the board shall maintain an 13250  
accurate and detailed accounting of all funds received under this 13251  
section and expended in providing the required published and 13252

mailed notice. 13253

**Sec. 5577.044.** (A) Notwithstanding sections 5577.02 and 13254  
5577.04 of the Revised Code, a vehicle fueled solely by compressed 13255  
natural gas may exceed by not more than two thousand pounds the 13256  
gross vehicle weight provisions of sections 5577.01 to 5577.09 of 13257  
the Revised Code or the axle load limits of those sections. 13258

(B) If a vehicle described in division (A) of this section 13259  
exceeds the weight provisions of sections 5577.01 to 5577.09 of 13260  
the Revised Code by more than the allowance provided for in 13261  
division (A) of this section, both of the following apply: 13262

(1) The applicable penalty prescribed in section 5577.99 of 13263  
the Revised Code; 13264

(2) The civil liability imposed by section 5577.12 of the 13265  
Revised Code. 13266

(C) Division (A) of this section does not apply to the 13267  
operation of a vehicle on either of the following: 13268

(1) A highway that is part of the interstate system; 13269

(2) A highway, road, or bridge that is subject to reduced 13270  
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 13271  
5577.09, or 5591.42 of the Revised Code. 13272

**Sec. 5577.05.** (A) No vehicle shall be operated upon the 13273  
public highways, streets, bridges, and culverts within the state, 13274  
whose dimensions exceed those specified in this section. 13275

(B) No such vehicle shall have a width in excess of: 13276

(1) One hundred four inches for passenger bus type vehicles 13277  
operated exclusively within municipal corporations; 13278

(2) One hundred two inches, excluding such safety devices as 13279  
are required by law, for passenger bus type vehicles operated over 13280

freeways, and such other state roads with minimum pavement widths 13281  
of twenty-two feet, except those roads or portions of roads over 13282  
which operation of one hundred two-inch buses is prohibited by 13283  
order of the director of transportation; 13284

(3) One hundred thirty-two inches for traction engines; 13285

(4) One hundred two inches for recreational vehicles, 13286  
excluding safety devices and retracted awnings and other 13287  
appurtenances of six inches or less in width and except that the 13288  
director may prohibit the operation of one hundred two inch 13289  
recreational vehicles on designated state highways or portions of 13290  
highways; 13291

(5) One hundred two inches, including load, for all other 13292  
vehicles, except that the director may prohibit the operation of 13293  
one hundred two-inch vehicles on such state highways or portions 13294  
of state highways as the director designates. 13295

(C) No such vehicle shall have a length in excess of: 13296

(1) Sixty-six feet for passenger bus type vehicles and 13297  
articulated passenger bus type vehicles operated by a regional 13298  
transit authority pursuant to sections 306.30 to 306.54 of the 13299  
Revised Code; 13300

(2) Forty-five feet for all other passenger bus type 13301  
vehicles; 13302

(3) Fifty-three feet for any semitrailer when operated in a 13303  
commercial tractor-semitrailer combination, with or without load, 13304  
except that the director may prohibit the operation of any such 13305  
commercial tractor-semitrailer combination on such state highways 13306  
or portions of state highways as the director designates. 13307

(4) Twenty-eight and one-half feet for any semitrailer or 13308  
trailer when operated in a commercial tractor-semitrailer-trailer 13309  
or commercial tractor-semitrailer-semitrailer combination, except 13310

that the director may prohibit the operation of any such 13311  
commercial tractor-semitrailer-trailer or commercial 13312  
tractor-semitrailer-semitrailer combination on such state highways 13313  
or portions of state highways as the director designates; 13314

(5)(a) Ninety-seven feet for drive-away saddlemount vehicle 13315  
transporter combinations and drive-away saddlemount with fullmount 13316  
vehicle transporter combinations when operated on any interstate, 13317  
United States route, or state route, including reasonable access 13318  
travel on all other roadways for a distance not to exceed one road 13319  
mile from any interstate, United States route, or state route, not 13320  
to exceed three saddlemounted vehicles, but which may include one 13321  
fullmount; 13322

(b) Seventy-five feet for drive-away saddlemount vehicle 13323  
transporter combinations and drive-away saddlemount with fullmount 13324  
vehicle transporter combinations, when operated on any roadway not 13325  
designated as an interstate, United States route, or state route, 13326  
not to exceed three saddlemounted vehicles, but which may include 13327  
one fullmount; 13328

(6) Sixty-five feet for any other combination of vehicles 13329  
coupled together, with or without load, except as provided in 13330  
divisions (C)(3) and (4), and in division (E) of this section; 13331

(7) Forty-five feet for recreational vehicles; 13332

(8) ~~Forty~~ Fifty feet for all other vehicles except trailers 13333  
and semitrailers, with or without load. 13334

(D) No such vehicle shall have a height in excess of thirteen 13335  
feet six inches, with or without load. 13336

(E) An automobile transporter or boat transporter shall be 13337  
allowed a length of sixty-five feet and a stinger-steered 13338  
automobile transporter or stinger-steered boat transporter shall 13339  
be allowed a length of seventy-five feet, except that the load 13340  
thereon may extend no more than four feet beyond the rear of such 13341

vehicles and may extend no more than three feet beyond the front 13342  
of such vehicles, and except further that the director may 13343  
prohibit the operation of a stinger-steered automobile 13344  
transporter, stinger-steered boat transporter, or a B-train 13345  
assembly on any state highway or portion of any state highway that 13346  
the director designates. 13347

(F) The widths prescribed in division (B) of this section 13348  
shall not include side mirrors, turn signal lamps, marker lamps, 13349  
handholds for cab entry and egress, flexible fender extensions, 13350  
mud flaps, splash and spray suppressant devices, and load-induced 13351  
tire bulge. 13352

The width prescribed in division (B)(5) of this section shall 13353  
not include automatic covering devices, tarp and tarp hardware, 13354  
and tiedown assemblies, provided these safety devices do not 13355  
extend more than three inches from each side of the vehicle. 13356

The lengths prescribed in divisions (C)(2) to (8) of this 13357  
section shall not include safety devices, bumpers attached to the 13358  
front or rear of such bus or combination, nonproperty carrying 13359  
devices or components that do not extend more than twenty-four 13360  
inches beyond the rear of the vehicle and are needed for loading 13361  
or unloading, B-train assembly used between the first and second 13362  
semitrailer of a commercial tractor-semitrailer-semitrailer 13363  
combination, energy conservation devices as provided in any 13364  
regulations adopted by the secretary of the United States 13365  
department of transportation, or any noncargo-carrying 13366  
refrigeration equipment attached to the front of trailers and 13367  
semitrailers. In special cases, vehicles whose dimensions exceed 13368  
those prescribed by this section may operate in accordance with 13369  
rules adopted by the director. 13370

(G) This section does not apply to fire engines, fire trucks, 13371  
or other vehicles or apparatus belonging to any municipal 13372  
corporation or to the volunteer fire department of any municipal 13373

corporation or used by such department in the discharge of its 13374  
functions. This section does not apply to vehicles and pole 13375  
trailers used in the transportation of wooden and metal poles, nor 13376  
to the transportation of pipes or well-drilling equipment, nor to 13377  
farm machinery and equipment. ~~The~~ 13378

The owner or operator of any vehicle, machinery, or equipment 13379  
not specifically enumerated in this section but the dimensions of 13380  
which exceed the dimensions provided by this section, when 13381  
operating the same on the highways and streets of this state, 13382  
shall comply with the rules of the director governing such 13383  
movement that the director may adopt. Sections 119.01 to 119.13 of 13384  
the Revised Code apply to any rules the director adopts under this 13385  
section, or the amendment or rescission of the rules, and any 13386  
person adversely affected shall have the same right of appeal as 13387  
provided in those sections. 13388

This section does not require the state, a municipal 13389  
corporation, county, township, or any railroad or other private 13390  
corporation to provide sufficient vertical clearance to permit the 13391  
operation of such vehicle, or to make any changes in or about 13392  
existing structures now crossing streets, roads, and other public 13393  
thoroughfares in this state. 13394

(H) As used in this section, "recreational vehicle" has the 13395  
same meaning as in section 4501.01 of the Revised Code. 13396

**Sec. 5728.01.** As used in sections 5728.02 to 5728.14 of the 13397  
Revised Code: 13398

(A) "Motor vehicle" means everything on wheels that is 13399  
self-propelled, other than by muscular power or power collected 13400  
from electric trolley wires and other than vehicles or machinery 13401  
not designed for or employed in general highway transportation, 13402  
used to transport or propel persons or property over a public 13403  
highway. 13404



(B) "Commercial car" means any motor vehicle used for 13405  
transporting persons or property, wholly on its own structure on a 13406  
public highway. 13407

(C) "Commercial tractor" means any motor vehicle designed and 13408  
used to propel or draw a trailer or semi-trailer or both on a 13409  
public highway without having any provision for carrying loads 13410  
independently of such trailer or semi-trailer. 13411

(D) "Trailer" means everything on wheels that is not 13412  
self-propelled, except vehicles or machinery not designed for or 13413  
employed in general highway transportation, used for carrying 13414  
property wholly on its own structure and for being drawn by a 13415  
motor vehicle on a public highway, including any such vehicle when 13416  
formed by or operated as a combination of a semi-trailer and a 13417  
vehicle of the dolly type such as that commonly known as a trailer 13418  
dolly. "Trailer" does not include manufactured homes as defined in 13419  
division (C)(4) of section 3781.06 of the Revised Code or mobile 13420  
homes as defined in division (O) of section 4501.01 of the Revised 13421  
Code. 13422

(E) "Semi-trailer" means everything on wheels that is not 13423  
self-propelled, except vehicles or machinery not designed for or 13424  
employed in general highway transportation, designed and used for 13425  
carrying property on a public highway when being propelled or 13426  
drawn by a commercial tractor when part of its own weight or the 13427  
weight of its load, or both, rest upon and is carried by a 13428  
commercial tractor. 13429

(F) "Commercial tandem" means any commercial car and trailer 13430  
or any commercial tractor, semi-trailer, and trailer when fastened 13431  
together and used as one unit. 13432

(G) "Commercial tractor combination" means any commercial 13433  
tractor and semi-trailer when fastened together and used as one 13434  
unit. 13435

(H) "Axle" means two or more load carrying wheels mounted in a single transverse vertical plane. 13436  
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(I) "Public highway" means any highway, road, or street dedicated to public use, including a highway under the control and jurisdiction of the Ohio turnpike and infrastructure commission created by the provisions of section 5537.02 of the Revised Code and land and lots over which the public, either as user or owner, generally has a right to pass even though such land or lots are closed temporarily by public authorities for the purpose of construction, reconstruction, maintenance, or repair. 13438  
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(J) "Jurisdiction" means a state of the United States, the District of Columbia, or a province or territory of Canada. 13446  
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**Sec. 5735.05.** (A) To provide revenue for maintaining the state highway system; to widen existing surfaces on such highways; to resurface such highways; to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; to enable the counties of the state properly to plan, maintain, and repair their roads and to pay principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for highway improvements; to enable the municipal corporations to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets, and to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for highway improvements; to enable the Ohio turnpike and 13448  
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infrastructure commission to construct, reconstruct, maintain, and 13467  
repair turnpike projects; to maintain and repair bridges and 13468  
viaducts; to purchase, erect, and maintain street and traffic 13469  
signs and markers; to purchase, erect, and maintain traffic lights 13470  
and signals; to pay the costs apportioned to the public under 13471  
sections 4907.47 and 4907.471 of the Revised Code and to 13472  
supplement revenue already available for such purposes; to pay the 13473  
costs incurred by the public utilities commission in administering 13474  
sections 4907.47 to 4907.476 of the Revised Code; to distribute 13475  
equitably among those persons using the privilege of driving motor 13476  
vehicles upon such highways and streets the cost of maintaining 13477  
and repairing them; to pay the interest, principal, and charges on 13478  
highway capital improvements bonds and other obligations issued 13479  
pursuant to Section 2m of Article VIII, Ohio Constitution, and 13480  
section 151.06 of the Revised Code; to pay the interest, 13481  
principal, and charges on highway obligations issued pursuant to 13482  
Section 2i of Article VIII, Ohio Constitution, and sections 13483  
5528.30 and 5528.31 of the Revised Code; to pay the interest, 13484  
principal, and charges on major new state infrastructure bonds and 13485  
other obligations of the state issued pursuant to Section 13 of 13486  
Article VIII, Ohio Constitution, and section 5531.10 of the 13487  
Revised Code; to provide revenue for the purposes of sections 13488  
1547.71 to 1547.78 of the Revised Code; and to pay the expenses of 13489  
the department of taxation incident to the administration of the 13490  
motor fuel laws, a motor fuel excise tax is hereby imposed on all 13491  
motor fuel dealers upon receipt of motor fuel within this state at 13492  
the rate of two cents plus the cents per gallon rate on each 13493  
gallon so received, to be computed in the manner set forth in 13494  
section 5735.06 of the Revised Code; provided that no tax is 13495  
hereby imposed upon the following transactions: 13496

(1) The sale of dyed diesel fuel by a licensed motor fuel 13497  
dealer from a location other than a retail service station 13498  
provided the licensed motor fuel dealer places on the face of the 13499

delivery document or invoice, or both if both are used, a 13500  
conspicuous notice stating that the fuel is dyed and is not for 13501  
taxable use, and that taxable use of that fuel is subject to a 13502  
penalty. The tax commissioner, by rule, may provide that any 13503  
notice conforming to rules or regulations issued by the United 13504  
States department of the treasury or the Internal Revenue Service 13505  
is sufficient notice for the purposes of division (A)(1) of this 13506  
section. 13507

(2) The sale of K-1 kerosene to a retail service station, 13508  
except when placed directly in the fuel supply tank of a motor 13509  
vehicle. Such sale shall be rebuttably presumed to not be 13510  
distributed or sold for use or used to generate power for the 13511  
operation of motor vehicles upon the public highways or upon the 13512  
waters within the boundaries of this state. 13513

(3) The sale of motor fuel by a licensed motor fuel dealer to 13514  
another licensed motor fuel dealer; 13515

(4) The exportation of motor fuel by a licensed motor fuel 13516  
dealer from this state to any other state or foreign country; 13517

(5) The sale of motor fuel to the United States government or 13518  
any of its agencies, except such tax as is permitted by it, where 13519  
such sale is evidenced by an exemption certificate, in a form 13520  
approved by the tax commissioner, executed by the United States 13521  
government or an agency thereof certifying that the motor fuel 13522  
therein identified has been purchased for the exclusive use of the 13523  
United States government or its agency; 13524

(6) The sale of motor fuel that is in the process of 13525  
transportation in foreign or interstate commerce, except insofar 13526  
as it may be taxable under the Constitution and statutes of the 13527  
United States, and except as may be agreed upon in writing by the 13528  
dealer and the commissioner; 13529

(7) The sale of motor fuel when sold exclusively for use in 13530

the operation of aircraft, where such sale is evidenced by an 13531  
exemption certificate prescribed by the commissioner and executed 13532  
by the purchaser certifying that the motor fuel purchased has been 13533  
purchased for exclusive use in the operation of aircraft; 13534

(8) The sale for exportation of motor fuel by a licensed 13535  
motor fuel dealer to a licensed exporter type A; 13536

(9) The sale for exportation of motor fuel by a licensed 13537  
motor fuel dealer to a licensed exporter type B, provided that the 13538  
destination state motor fuel tax has been paid or will be accrued 13539  
and paid by the licensed motor fuel dealer. 13540

(10) The sale to a consumer of diesel fuel, by a motor fuel 13541  
dealer for delivery from a bulk lot vehicle, for consumption in 13542  
operating a vessel when the use of such fuel in a vessel would 13543  
otherwise qualify for a refund under section 5735.14 of the 13544  
Revised Code. 13545

Division (A)(1) of this section does not apply to the sale or 13546  
distribution of dyed diesel fuel used to operate a motor vehicle 13547  
on the public highways or upon water within the boundaries of this 13548  
state by persons permitted under regulations of the United States 13549  
department of the treasury or of the Internal Revenue Service to 13550  
so use dyed diesel fuel. 13551

(B) The two cent motor fuel tax levied by this section is 13552  
also for the purpose of paying the expenses of administering and 13553  
enforcing the state law relating to the registration and operation 13554  
of motor vehicles. 13555

(C) After the tax provided for by this section on the receipt 13556  
of any motor fuel has been paid by the motor fuel dealer, the 13557  
motor fuel may thereafter be used, sold, or resold by any person 13558  
having lawful title to it, without incurring liability for such 13559  
tax. 13560

If a licensed motor fuel dealer sells motor fuel received by 13561

the licensed motor fuel dealer to another licensed motor fuel dealer, the seller may deduct on the report required by section 5735.06 of the Revised Code the number of gallons so sold for the month within which the motor fuel was sold or delivered. In this event the number of gallons is deemed to have been received by the purchaser, who shall report and pay the tax imposed thereon.

**Sec. 5735.23.** (A) Out of receipts from the tax levied by section 5735.05 of the Revised Code, the treasurer of state shall place to the credit of the tax refund fund established by section 5703.052 of the Revised Code amounts equal to the refunds certified by the tax commissioner pursuant to sections 5735.13, 5735.14, 5735.141, 5735.142, and 5735.16 of the Revised Code. The treasurer of state shall then transfer the amount required by section 5735.051 of the Revised Code to the waterways safety fund, the amount required by section 4907.472 of the Revised Code to the grade crossing protection fund, and the amount required by section 5735.053 of the Revised Code to the motor fuel tax administration fund.

(B) Except as provided in division (D) of this section, each month the balance of the receipts from the tax levied by section 5735.05 of the Revised Code shall be credited, after receipt by the treasurer of state of certification from the commissioners of the sinking fund, as required by section 5528.35 of the Revised Code, that there are sufficient moneys to the credit of the highway obligations bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, as follows:

(1) To the state and local government highway distribution fund, which is hereby created in the state treasury, an amount

that is the same percentage of the balance to be credited as that 13593  
portion of the tax per gallon determined under division (B)(2)(a) 13594  
of section 5735.06 of the Revised Code is of the total tax per 13595  
gallon determined under divisions (B)(2)(a) and (b) of that 13596  
section. 13597

(2) After making the distribution to the state and local 13598  
government highway distribution fund, the remainder shall be 13599  
credited as follows: 13600

(a) Thirty per cent to the gasoline excise tax fund for 13601  
distribution pursuant to division (A)(1) of section 5735.27 of the 13602  
Revised Code; 13603

(b) Twenty-five per cent to the gasoline excise tax fund for 13604  
distribution pursuant to division (A)(3) of section 5735.27 of the 13605  
Revised Code; 13606

(c) Except as provided in division (D) of this section, 13607  
forty-five per cent to the highway operating fund for distribution 13608  
pursuant to division (B)(1) of section 5735.27 of the Revised 13609  
Code. 13610

(C) From the balance in the state and local government 13611  
highway distribution fund on the last day of each month there 13612  
shall be paid the following amounts: 13613

(1) To the local transportation improvement program fund 13614  
created by section 164.14 of the Revised Code, an amount equal to 13615  
a fraction of the balance in the state and local government 13616  
highway distribution fund, the numerator of which fraction is one 13617  
and the denominator of which fraction is that portion of the tax 13618  
per gallon determined under division (B)(2)(a) of section 5735.06 13619  
of the Revised Code; 13620

(2) An amount equal to five cents multiplied by the number of 13621  
gallons of motor fuel sold at stations operated by the Ohio 13622  
turnpike and infrastructure commission, such gallonage to be 13623

certified by the commission to the treasurer of state not later 13624  
than the last day of the month following. The funds paid to the 13625  
commission pursuant to this section shall be expended for the 13626  
construction, reconstruction, maintenance, and repair of turnpike 13627  
projects, except that the funds may not be expended for the 13628  
construction of new interchanges. The funds also may be expended 13629  
for the construction, reconstruction, maintenance, and repair of 13630  
those portions of connecting public roads that serve existing 13631  
interchanges and are determined by the commission and the director 13632  
of transportation to be necessary for the safe merging of traffic 13633  
between the turnpike and those public roads. 13634

The remainder of the balance shall be distributed as follows 13635  
on the fifteenth day of the following month: 13636

(a) Ten and seven-tenths per cent shall be paid to municipal 13637  
corporations for distribution pursuant to division (A)(1) of 13638  
section 5735.27 of the Revised Code and may be used for any 13639  
purpose for which payments received under that division may be 13640  
used. Through July 15, 2005, the sum of two hundred forty-eight 13641  
thousand six hundred twenty-five dollars shall be monthly 13642  
subtracted from the amount so computed and credited to the highway 13643  
operating fund. Beginning August 15, 2005, the sum of seven 13644  
hundred forty-five thousand eight hundred seventy-five dollars 13645  
shall be monthly subtracted from the amount so computed and 13646  
credited to the highway operating fund. 13647

(b) Five per cent shall be paid to townships for distribution 13648  
pursuant to division (A)(5) of section 5735.27 of the Revised Code 13649  
and may be used for any purpose for which payments received under 13650  
that division may be used. Through July 15, 2005, the sum of 13651  
eighty-seven thousand seven hundred fifty dollars shall be monthly 13652  
subtracted from the amount so computed and credited to the highway 13653  
operating fund. Beginning August 15, 2005, the sum of two hundred 13654  
sixty-three thousand two hundred fifty dollars shall be monthly 13655



subtracted from the amount so computed and credited to the highway operating fund. 13656  
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(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. 13658  
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(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. 13669  
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(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 months, the amount available to be credited or transferred to the bond service fund is less than one-sixth of the amount so certified, the shortfall shall be added to the amount due the next succeeding month. Any amount still due at the end of the six-month period shall be credited or transferred as the money becomes available, until such time as the office of budget and management receives certification from the treasurer of state or the 13673  
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treasurer of state's designee that sufficient money has been 13688  
credited or transferred to the bond service fund to meet in full 13689  
all payments of debt service and financing costs due during the 13690  
fiscal year from that fund. 13691

**Sec. 5739.02.** For the purpose of providing revenue with which 13692  
to meet the needs of the state, for the use of the general revenue 13693  
fund of the state, for the purpose of securing a thorough and 13694  
efficient system of common schools throughout the state, for the 13695  
purpose of affording revenues, in addition to those from general 13696  
property taxes, permitted under constitutional limitations, and 13697  
from other sources, for the support of local governmental 13698  
functions, and for the purpose of reimbursing the state for the 13699  
expense of administering this chapter, an excise tax is hereby 13700  
levied on each retail sale made in this state. 13701

(A)(1) The tax shall be collected as provided in section 13702  
5739.025 of the Revised Code. The rate of the tax shall be five 13703  
and one-half per cent. The tax applies and is collectible when the 13704  
sale is made, regardless of the time when the price is paid or 13705  
delivered. 13706

(2) In the case of the lease or rental, with a fixed term of 13707  
more than thirty days or an indefinite term with a minimum period 13708  
of more than thirty days, of any motor vehicles designed by the 13709  
manufacturer to carry a load of not more than one ton, watercraft, 13710  
outboard motor, or aircraft, or of any tangible personal property, 13711  
other than motor vehicles designed by the manufacturer to carry a 13712  
load of more than one ton, to be used by the lessee or renter 13713  
primarily for business purposes, the tax shall be collected by the 13714  
vendor at the time the lease or rental is consummated and shall be 13715  
calculated by the vendor on the basis of the total amount to be 13716  
paid by the lessee or renter under the lease agreement. If the 13717  
total amount of the consideration for the lease or rental includes 13718

amounts that are not calculated at the time the lease or rental is 13719  
executed, the tax shall be calculated and collected by the vendor 13720  
at the time such amounts are billed to the lessee or renter. In 13721  
the case of an open-end lease or rental, the tax shall be 13722  
calculated by the vendor on the basis of the total amount to be 13723  
paid during the initial fixed term of the lease or rental, and for 13724  
each subsequent renewal period as it comes due. As used in this 13725  
division, "motor vehicle" has the same meaning as in section 13726  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 13727  
unit attached to the watercraft. 13728

A lease with a renewal clause and a termination penalty or 13729  
similar provision that applies if the renewal clause is not 13730  
exercised is presumed to be a sham transaction. In such a case, 13731  
the tax shall be calculated and paid on the basis of the entire 13732  
length of the lease period, including any renewal periods, until 13733  
the termination penalty or similar provision no longer applies. 13734  
The taxpayer shall bear the burden, by a preponderance of the 13735  
evidence, that the transaction or series of transactions is not a 13736  
sham transaction. 13737

(3) Except as provided in division (A)(2) of this section, in 13738  
the case of a sale, the price of which consists in whole or in 13739  
part of the lease or rental of tangible personal property, the tax 13740  
shall be measured by the installments of that lease or rental. 13741

(4) In the case of a sale of a physical fitness facility 13742  
service or recreation and sports club service, the price of which 13743  
consists in whole or in part of a membership for the receipt of 13744  
the benefit of the service, the tax applicable to the sale shall 13745  
be measured by the installments thereof. 13746

(B) The tax does not apply to the following: 13747

(1) Sales to the state or any of its political subdivisions, 13748  
or to any other state or its political subdivisions if the laws of 13749

that state exempt from taxation sales made to this state and its	13750
political subdivisions;	13751
(2) Sales of food for human consumption off the premises	13752
where sold;	13753
(3) Sales of food sold to students only in a cafeteria,	13754
dormitory, fraternity, or sorority maintained in a private,	13755
public, or parochial school, college, or university;	13756
(4) Sales of newspapers and of magazine subscriptions and	13757
sales or transfers of magazines distributed as controlled	13758
circulation publications;	13759
(5) The furnishing, preparing, or serving of meals without	13760
charge by an employer to an employee provided the employer records	13761
the meals as part compensation for services performed or work	13762
done;	13763
(6) Sales of motor fuel upon receipt, use, distribution, or	13764
sale of which in this state a tax is imposed by the law of this	13765
state, but this exemption shall not apply to the sale of motor	13766
fuel on which a refund of the tax is allowable under division (A)	13767
of section 5735.14 of the Revised Code; and the tax commissioner	13768
may deduct the amount of tax levied by this section applicable to	13769
the price of motor fuel when granting a refund of motor fuel tax	13770
pursuant to division (A) of section 5735.14 of the Revised Code	13771
and shall cause the amount deducted to be paid into the general	13772
revenue fund of this state;	13773
(7) Sales of natural gas by a natural gas company, of water	13774
by a water-works company, or of steam by a heating company, if in	13775
each case the thing sold is delivered to consumers through pipes	13776
or conduits, and all sales of communications services by a	13777
telegraph company, all terms as defined in section 5727.01 of the	13778
Revised Code, and sales of electricity delivered through wires;	13779
(8) Casual sales by a person, or auctioneer employed directly	13780

by the person to conduct such sales, except as to such sales of 13781  
motor vehicles, watercraft or outboard motors required to be 13782  
titled under section 1548.06 of the Revised Code, watercraft 13783  
documented with the United States coast guard, snowmobiles, and 13784  
all-purpose vehicles as defined in section 4519.01 of the Revised 13785  
Code; 13786

(9)(a) Sales of services or tangible personal property, other 13787  
than motor vehicles, mobile homes, and manufactured homes, by 13788  
churches, organizations exempt from taxation under section 13789  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 13790  
organizations operated exclusively for charitable purposes as 13791  
defined in division (B)(12) of this section, provided that the 13792  
number of days on which such tangible personal property or 13793  
services, other than items never subject to the tax, are sold does 13794  
not exceed six in any calendar year, except as otherwise provided 13795  
in division (B)(9)(b) of this section. If the number of days on 13796  
which such sales are made exceeds six in any calendar year, the 13797  
church or organization shall be considered to be engaged in 13798  
business and all subsequent sales by it shall be subject to the 13799  
tax. In counting the number of days, all sales by groups within a 13800  
church or within an organization shall be considered to be sales 13801  
of that church or organization. 13802

(b) The limitation on the number of days on which tax-exempt 13803  
sales may be made by a church or organization under division 13804  
(B)(9)(a) of this section does not apply to sales made by student 13805  
clubs and other groups of students of a primary or secondary 13806  
school, or a parent-teacher association, booster group, or similar 13807  
organization that raises money to support or fund curricular or 13808  
extracurricular activities of a primary or secondary school. 13809

(c) Divisions (B)(9)(a) and (b) of this section do not apply 13810  
to sales by a noncommercial educational radio or television 13811  
broadcasting station. 13812

(10) Sales not within the taxing power of this state under the Constitution of the United States;	13813 13814
(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;	13815 13816 13817 13818
(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.	13819 13820 13821 13822 13823 13824 13825 13826 13827 13828 13829 13830
"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the	13831 13832 13833 13834 13835 13836 13837 13838 13839 13840 13841 13842 13843 13844

operation of a parent-teacher association, booster group, or 13845  
similar organization primarily engaged in the promotion and 13846  
support of the curricular or extracurricular activities of a 13847  
primary or secondary school; the operation of a community or area 13848  
center in which presentations in music, dramatics, the arts, and 13849  
related fields are made in order to foster public interest and 13850  
education therein; the production of performances in music, 13851  
dramatics, and the arts; or the promotion of education by an 13852  
organization engaged in carrying on research in, or the 13853  
dissemination of, scientific and technological knowledge and 13854  
information primarily for the public. 13855

Nothing in this division shall be deemed to exempt sales to 13856  
any organization for use in the operation or carrying on of a 13857  
trade or business, or sales to a home for the aged for use in the 13858  
operation of independent living facilities as defined in division 13859  
(A) of section 5709.12 of the Revised Code. 13860

(13) Building and construction materials and services sold to 13861  
construction contractors for incorporation into a structure or 13862  
improvement to real property under a construction contract with 13863  
this state or a political subdivision of this state, or with the 13864  
United States government or any of its agencies; building and 13865  
construction materials and services sold to construction 13866  
contractors for incorporation into a structure or improvement to 13867  
real property that are accepted for ownership by this state or any 13868  
of its political subdivisions, or by the United States government 13869  
or any of its agencies at the time of completion of the structures 13870  
or improvements; building and construction materials sold to 13871  
construction contractors for incorporation into a horticulture 13872  
structure or livestock structure for a person engaged in the 13873  
business of horticulture or producing livestock; building 13874  
materials and services sold to a construction contractor for 13875  
incorporation into a house of public worship or religious 13876

education, or a building used exclusively for charitable purposes 13877  
under a construction contract with an organization whose purpose 13878  
is as described in division (B)(12) of this section; building 13879  
materials and services sold to a construction contractor for 13880  
incorporation into a building under a construction contract with 13881  
an organization exempt from taxation under section 501(c)(3) of 13882  
the Internal Revenue Code of 1986 when the building is to be used 13883  
exclusively for the organization's exempt purposes; building and 13884  
construction materials sold for incorporation into the original 13885  
construction of a sports facility under section 307.696 of the 13886  
Revised Code; building and construction materials and services 13887  
sold to a construction contractor for incorporation into real 13888  
property outside this state if such materials and services, when 13889  
sold to a construction contractor in the state in which the real 13890  
property is located for incorporation into real property in that 13891  
state, would be exempt from a tax on sales levied by that state; 13892  
and, until one calendar year after the construction of a 13893  
convention center that qualifies for property tax exemption under 13894  
section 5709.084 of the Revised Code is completed, building and 13895  
construction materials and services sold to a construction 13896  
contractor for incorporation into the real property comprising 13897  
that convention center; 13898

(14) Sales of ships or vessels or rail rolling stock used or 13899  
to be used principally in interstate or foreign commerce, and 13900  
repairs, alterations, fuel, and lubricants for such ships or 13901  
vessels or rail rolling stock; 13902

(15) Sales to persons primarily engaged in any of the 13903  
activities mentioned in division (B)(42)(a), (g), or (h) of this 13904  
section, to persons engaged in making retail sales, or to persons 13905  
who purchase for sale from a manufacturer tangible personal 13906  
property that was produced by the manufacturer in accordance with 13907  
specific designs provided by the purchaser, of packages, including 13908



material, labels, and parts for packages, and of machinery, 13909  
equipment, and material for use primarily in packaging tangible 13910  
personal property produced for sale, including any machinery, 13911  
equipment, and supplies used to make labels or packages, to 13912  
prepare packages or products for labeling, or to label packages or 13913  
products, by or on the order of the person doing the packaging, or 13914  
sold at retail. "Packages" includes bags, baskets, cartons, 13915  
crates, boxes, cans, bottles, bindings, wrappings, and other 13916  
similar devices and containers, but does not include motor 13917  
vehicles or bulk tanks, trailers, or similar devices attached to 13918  
motor vehicles. "Packaging" means placing in a package. Division 13919  
(B)(15) of this section does not apply to persons engaged in 13920  
highway transportation for hire. 13921

(16) Sales of food to persons using supplemental nutrition 13922  
assistance program benefits to purchase the food. As used in this 13923  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 13924  
federal regulations adopted pursuant to the Food and Nutrition Act 13925  
of 2008. 13926

(17) Sales to persons engaged in farming, agriculture, 13927  
horticulture, or floriculture, of tangible personal property for 13928  
use or consumption primarily in the production by farming, 13929  
agriculture, horticulture, or floriculture of other tangible 13930  
personal property for use or consumption primarily in the 13931  
production of tangible personal property for sale by farming, 13932  
agriculture, horticulture, or floriculture; or material and parts 13933  
for incorporation into any such tangible personal property for use 13934  
or consumption in production; and of tangible personal property 13935  
for such use or consumption in the conditioning or holding of 13936  
products produced by and for such use, consumption, or sale by 13937  
persons engaged in farming, agriculture, horticulture, or 13938  
floriculture, except where such property is incorporated into real 13939  
property; 13940

(18) Sales of drugs for a human being that may be dispensed	13941
only pursuant to a prescription; insulin as recognized in the	13942
official United States pharmacopoeia; urine and blood testing	13943
materials when used by diabetics or persons with hypoglycemia to	13944
test for glucose or acetone; hypodermic syringes and needles when	13945
used by diabetics for insulin injections; epoetin alfa when	13946
purchased for use in the treatment of persons with medical	13947
disease; hospital beds when purchased by hospitals, nursing homes,	13948
or other medical facilities; and medical oxygen and medical	13949
oxygen-dispensing equipment when purchased by hospitals, nursing	13950
homes, or other medical facilities;	13951
(19) Sales of prosthetic devices, durable medical equipment	13952
for home use, or mobility enhancing equipment, when made pursuant	13953
to a prescription and when such devices or equipment are for use	13954
by a human being.	13955
(20) Sales of emergency and fire protection vehicles and	13956
equipment to nonprofit organizations for use solely in providing	13957
fire protection and emergency services, including trauma care and	13958
emergency medical services, for political subdivisions of the	13959
state;	13960
(21) Sales of tangible personal property manufactured in this	13961
state, if sold by the manufacturer in this state to a retailer for	13962
use in the retail business of the retailer outside of this state	13963
and if possession is taken from the manufacturer by the purchaser	13964
within this state for the sole purpose of immediately removing the	13965
same from this state in a vehicle owned by the purchaser;	13966
(22) Sales of services provided by the state or any of its	13967
political subdivisions, agencies, instrumentalities, institutions,	13968
or authorities, or by governmental entities of the state or any of	13969
its political subdivisions, agencies, instrumentalities,	13970
institutions, or authorities;	13971

(23) Sales of motor vehicles to nonresidents of this state	13972
under the circumstances described in division (B) of section	13973
5739.029 of the Revised Code;	13974
(24) Sales to persons engaged in the preparation of eggs for	13975
sale of tangible personal property used or consumed directly in	13976
such preparation, including such tangible personal property used	13977
for cleaning, sanitizing, preserving, grading, sorting, and	13978
classifying by size; packages, including material and parts for	13979
packages, and machinery, equipment, and material for use in	13980
packaging eggs for sale; and handling and transportation equipment	13981
and parts therefor, except motor vehicles licensed to operate on	13982
public highways, used in intraplant or interplant transfers or	13983
shipment of eggs in the process of preparation for sale, when the	13984
plant or plants within or between which such transfers or	13985
shipments occur are operated by the same person. "Packages"	13986
includes containers, cases, baskets, flats, fillers, filler flats,	13987
cartons, closure materials, labels, and labeling materials, and	13988
"packaging" means placing therein.	13989
(25)(a) Sales of water to a consumer for residential use;	13990
(b) Sales of water by a nonprofit corporation engaged	13991
exclusively in the treatment, distribution, and sale of water to	13992
consumers, if such water is delivered to consumers through pipes	13993
or tubing.	13994
(26) Fees charged for inspection or reinspection of motor	13995
vehicles under section 3704.14 of the Revised Code;	13996
(27) Sales to persons licensed to conduct a food service	13997
operation pursuant to section 3717.43 of the Revised Code, of	13998
tangible personal property primarily used directly for the	13999
following:	14000
(a) To prepare food for human consumption for sale;	14001
(b) To preserve food that has been or will be prepared for	14002

human consumption for sale by the food service operator, not	14003
including tangible personal property used to display food for	14004
selection by the consumer;	14005
(c) To clean tangible personal property used to prepare or	14006
serve food for human consumption for sale.	14007
(28) Sales of animals by nonprofit animal adoption services	14008
or county humane societies;	14009
(29) Sales of services to a corporation described in division	14010
(A) of section 5709.72 of the Revised Code, and sales of tangible	14011
personal property that qualifies for exemption from taxation under	14012
section 5709.72 of the Revised Code;	14013
(30) Sales and installation of agricultural land tile, as	14014
defined in division (B)(5)(a) of section 5739.01 of the Revised	14015
Code;	14016
(31) Sales and erection or installation of portable grain	14017
bins, as defined in division (B)(5)(b) of section 5739.01 of the	14018
Revised Code;	14019
(32) The sale, lease, repair, and maintenance of, parts for,	14020
or items attached to or incorporated in, motor vehicles that are	14021
primarily used for transporting tangible personal property	14022
belonging to others by a person engaged in highway transportation	14023
for hire, except for packages and packaging used for the	14024
transportation of tangible personal property;	14025
(33) Sales to the state headquarters of any veterans'	14026
organization in this state that is either incorporated and issued	14027
a charter by the congress of the United States or is recognized by	14028
the United States veterans administration, for use by the	14029
headquarters;	14030
(34) Sales to a telecommunications service vendor, mobile	14031
telecommunications service vendor, or satellite broadcasting	14032

service vendor of tangible personal property and services used 14033  
directly and primarily in transmitting, receiving, switching, or 14034  
recording any interactive, one- or two-way electromagnetic 14035  
communications, including voice, image, data, and information, 14036  
through the use of any medium, including, but not limited to, 14037  
poles, wires, cables, switching equipment, computers, and record 14038  
storage devices and media, and component parts for the tangible 14039  
personal property. The exemption provided in this division shall 14040  
be in lieu of all other exemptions under division (B)(42)(a) or 14041  
(n) of this section to which the vendor may otherwise be entitled, 14042  
based upon the use of the thing purchased in providing the 14043  
telecommunications, mobile telecommunications, or satellite 14044  
broadcasting service. 14045

(35)(a) Sales where the purpose of the consumer is to use or 14046  
consume the things transferred in making retail sales and 14047  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 14048  
certificates, or other advertising material that prices and 14049  
describes tangible personal property offered for retail sale. 14050

(b) Sales to direct marketing vendors of preliminary 14051  
materials such as photographs, artwork, and typesetting that will 14052  
be used in printing advertising material; and of printed matter 14053  
that offers free merchandise or chances to win sweepstake prizes 14054  
and that is mailed to potential customers with advertising 14055  
material described in division (B)(35)(a) of this section; 14056

(c) Sales of equipment such as telephones, computers, 14057  
facsimile machines, and similar tangible personal property 14058  
primarily used to accept orders for direct marketing retail sales. 14059

(d) Sales of automatic food vending machines that preserve 14060  
food with a shelf life of forty-five days or less by refrigeration 14061  
and dispense it to the consumer. 14062

For purposes of division (B)(35) of this section, "direct 14063

marketing" means the method of selling where consumers order 14064  
tangible personal property by United States mail, delivery 14065  
service, or telecommunication and the vendor delivers or ships the 14066  
tangible personal property sold to the consumer from a warehouse, 14067  
catalogue distribution center, or similar fulfillment facility by 14068  
means of the United States mail, delivery service, or common 14069  
carrier. 14070

(36) Sales to a person engaged in the business of 14071  
horticulture or producing livestock of materials to be 14072  
incorporated into a horticulture structure or livestock structure; 14073

(37) Sales of personal computers, computer monitors, computer 14074  
keyboards, modems, and other peripheral computer equipment to an 14075  
individual who is licensed or certified to teach in an elementary 14076  
or a secondary school in this state for use by that individual in 14077  
preparation for teaching elementary or secondary school students; 14078

(38) Sales to a professional racing team of any of the 14079  
following: 14080

(a) Motor racing vehicles; 14081

(b) Repair services for motor racing vehicles; 14082

(c) Items of property that are attached to or incorporated in 14083  
motor racing vehicles, including engines, chassis, and all other 14084  
components of the vehicles, and all spare, replacement, and 14085  
rebuilt parts or components of the vehicles; except not including 14086  
tires, consumable fluids, paint, and accessories consisting of 14087  
instrumentation sensors and related items added to the vehicle to 14088  
collect and transmit data by means of telemetry and other forms of 14089  
communication. 14090

(39) Sales of used manufactured homes and used mobile homes, 14091  
as defined in section 5739.0210 of the Revised Code, made on or 14092  
after January 1, 2000; 14093

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility

service, except that the sales tax levied by this section shall be 14126  
collected upon all meals, drinks, and food for human consumption 14127  
sold when transporting persons. Persons engaged in rendering 14128  
services in the exploration for, and production of, crude oil and 14129  
natural gas for others are deemed engaged directly in the 14130  
exploration for, and production of, crude oil and natural gas. 14131  
This paragraph does not exempt from "retail sale" or "sales at 14132  
retail" the sale of tangible personal property that is to be 14133  
incorporated into a structure or improvement to real property. 14134

(b) To hold the thing transferred as security for the 14135  
performance of an obligation of the vendor; 14136

(c) To resell, hold, use, or consume the thing transferred as 14137  
evidence of a contract of insurance; 14138

(d) To use or consume the thing directly in commercial 14139  
fishing; 14140

(e) To incorporate the thing transferred as a material or a 14141  
part into, or to use or consume the thing transferred directly in 14142  
the production of, magazines distributed as controlled circulation 14143  
publications; 14144

(f) To use or consume the thing transferred in the production 14145  
and preparation in suitable condition for market and sale of 14146  
printed, imprinted, overprinted, lithographic, multilithic, 14147  
blueprinted, photostatic, or other productions or reproductions of 14148  
written or graphic matter; 14149

(g) To use the thing transferred, as described in section 14150  
5739.011 of the Revised Code, primarily in a manufacturing 14151  
operation to produce tangible personal property for sale; 14152

(h) To use the benefit of a warranty, maintenance or service 14153  
contract, or similar agreement, as described in division (B)(7) of 14154  
section 5739.01 of the Revised Code, to repair or maintain 14155  
tangible personal property, if all of the property that is the 14156



subject of the warranty, contract, or agreement would not be	14157
subject to the tax imposed by this section;	14158
(i) To use the thing transferred as qualified research and	14159
development equipment;	14160
(j) To use or consume the thing transferred primarily in	14161
storing, transporting, mailing, or otherwise handling purchased	14162
sales inventory in a warehouse, distribution center, or similar	14163
facility when the inventory is primarily distributed outside this	14164
state to retail stores of the person who owns or controls the	14165
warehouse, distribution center, or similar facility, to retail	14166
stores of an affiliated group of which that person is a member, or	14167
by means of direct marketing. This division does not apply to	14168
motor vehicles registered for operation on the public highways. As	14169
used in this division, "affiliated group" has the same meaning as	14170
in division (B)(3)(e) of section 5739.01 of the Revised Code and	14171
"direct marketing" has the same meaning as in division (B)(35) of	14172
this section.	14173
(k) To use or consume the thing transferred to fulfill a	14174
contractual obligation incurred by a warrantor pursuant to a	14175
warranty provided as a part of the price of the tangible personal	14176
property sold or by a vendor of a warranty, maintenance or service	14177
contract, or similar agreement the provision of which is defined	14178
as a sale under division (B)(7) of section 5739.01 of the Revised	14179
Code;	14180
(l) To use or consume the thing transferred in the production	14181
of a newspaper for distribution to the public;	14182
(m) To use tangible personal property to perform a service	14183
listed in division (B)(3) of section 5739.01 of the Revised Code,	14184
if the property is or is to be permanently transferred to the	14185
consumer of the service as an integral part of the performance of	14186
the service;	14187

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and 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 14219  
volume for the purpose of making sales, marketing, customer 14220  
service, technical support, or other specialized business 14221  
activity, and that employs at least fifty individuals that engage 14222  
in call center activities on a full-time basis, or sufficient 14223  
individuals to fill fifty full-time equivalent positions. 14224

(46) Sales by a telecommunications service vendor of 900 14225  
service to a subscriber. This division does not apply to 14226  
information services, as defined in division (FF) of section 14227  
5739.01 of the Revised Code. 14228

(47) Sales of value-added non-voice data service. This 14229  
division does not apply to any similar service that is not 14230  
otherwise a telecommunications service. 14231

(48)(a) Sales of machinery, equipment, and software to a 14232  
qualified direct selling entity for use in a warehouse or 14233  
distribution center primarily for storing, transporting, or 14234  
otherwise handling inventory that is held for sale to independent 14235  
salespersons who operate as direct sellers and that is held 14236  
primarily for distribution outside this state; 14237

(b) As used in division (B)(48)(a) of this section: 14238

(i) "Direct seller" means a person selling consumer products 14239  
to individuals for personal or household use and not from a fixed 14240  
retail location, including selling such product at in-home product 14241  
demonstrations, parties, and other one-on-one selling. 14242

(ii) "Qualified direct selling entity" means an entity 14243  
selling to direct sellers at the time the entity enters into a tax 14244  
credit agreement with the tax credit authority pursuant to section 14245  
122.17 of the Revised Code, provided that the agreement was 14246  
entered into on or after January 1, 2007. Neither contingencies 14247  
relevant to the granting of, nor later developments with respect 14248  
to, the tax credit shall impair the status of the qualified direct 14249

selling entity under division (B)(48) of this section after 14250  
execution of the tax credit agreement by the tax credit authority. 14251

(c) Division (B)(48) of this section is limited to machinery, 14252  
equipment, and software first stored, used, or consumed in this 14253  
state within the period commencing June 24, 2008, and ending on 14254  
the date that is five years after that date. 14255

(49) Sales of materials, parts, equipment, or engines used in 14256  
the repair or maintenance of aircraft or avionics systems of such 14257  
aircraft, and sales of repair, remodeling, replacement, or 14258  
maintenance services in this state performed on aircraft or on an 14259  
aircraft's avionics, engine, or component materials or parts. As 14260  
used in division (B)(49) of this section, "aircraft" means 14261  
aircraft of more than six thousand pounds maximum certified 14262  
takeoff weight or used exclusively in general aviation. 14263

(50) Sales of full flight simulators that are used for pilot 14264  
or flight-crew training, sales of repair or replacement parts or 14265  
components, and sales of repair or maintenance services for such 14266  
full flight simulators. "Full flight simulator" means a replica of 14267  
a specific type, or make, model, and series of aircraft cockpit. 14268  
It includes the assemblage of equipment and computer programs 14269  
necessary to represent aircraft operations in ground and flight 14270  
conditions, a visual system providing an out-of-the-cockpit view, 14271  
and a system that provides cues at least equivalent to those of a 14272  
three-degree-of-freedom motion system, and has the full range of 14273  
capabilities of the systems installed in the device as described 14274  
in appendices A and B of part 60 of chapter 1 of title 14 of the 14275  
Code of Federal Regulations. 14276

(51) Any transfer or lease of tangible personal property 14277  
~~between the state and a successful proposer in accordance with~~ 14278  
~~sections 126.60 to 126.605 of the Revised Code, provided the~~ 14279  
~~property is part of a project as defined in section 126.60 of the~~ 14280  
~~Revised Code and the state retains ownership of the project or~~ 14281

~~part thereof that is being transferred or leased,~~ between the 14282  
state and JobsOhio in accordance with section 4313.02 of the 14283  
Revised Code. 14284

(C) For the purpose of the proper administration of this 14285  
chapter, and to prevent the evasion of the tax, it is presumed 14286  
that all sales made in this state are subject to the tax until the 14287  
contrary is established. 14288

(D) The levy of this tax on retail sales of recreation and 14289  
sports club service shall not prevent a municipal corporation from 14290  
levying any tax on recreation and sports club dues or on any 14291  
income generated by recreation and sports club dues. 14292

(E) The tax collected by the vendor from the consumer under 14293  
this chapter is not part of the price, but is a tax collection for 14294  
the benefit of the state, and of counties levying an additional 14295  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 14296  
Code and of transit authorities levying an additional sales tax 14297  
pursuant to section 5739.023 of the Revised Code. Except for the 14298  
discount authorized under section 5739.12 of the Revised Code and 14299  
the effects of any rounding pursuant to section 5703.055 of the 14300  
Revised Code, no person other than the state or such a county or 14301  
transit authority shall derive any benefit from the collection or 14302  
payment of the tax levied by this section or section 5739.021, 14303  
5739.023, or 5739.026 of the Revised Code. 14304

**Sec. 5747.01.** Except as otherwise expressly provided or 14305  
clearly appearing from the context, any term used in this chapter 14306  
that is not otherwise defined in this section has the same meaning 14307  
as when used in a comparable context in the laws of the United 14308  
States relating to federal income taxes or if not used in a 14309  
comparable context in those laws, has the same meaning as in 14310  
section 5733.40 of the Revised Code. Any reference in this chapter 14311  
to the Internal Revenue Code includes other laws of the United 14312

States relating to federal income taxes.	14313
As used in this chapter:	14314
(A) "Adjusted gross income" or "Ohio adjusted gross income"	14315
means federal adjusted gross income, as defined and used in the	14316
Internal Revenue Code, adjusted as provided in this section:	14317
(1) Add interest or dividends on obligations or securities of	14318
any state or of any political subdivision or authority of any	14319
state, other than this state and its subdivisions and authorities.	14320
(2) Add interest or dividends on obligations of any	14321
authority, commission, instrumentality, territory, or possession	14322
of the United States to the extent that the interest or dividends	14323
are exempt from federal income taxes but not from state income	14324
taxes.	14325
(3) Deduct interest or dividends on obligations of the United	14326
States and its territories and possessions or of any authority,	14327
commission, or instrumentality of the United States to the extent	14328
that the interest or dividends are included in federal adjusted	14329
gross income but exempt from state income taxes under the laws of	14330
the United States.	14331
(4) Deduct disability and survivor's benefits to the extent	14332
included in federal adjusted gross income.	14333
(5) Deduct benefits under Title II of the Social Security Act	14334
and tier 1 railroad retirement benefits to the extent included in	14335
federal adjusted gross income under section 86 of the Internal	14336
Revenue Code.	14337
(6) In the case of a taxpayer who is a beneficiary of a trust	14338
that makes an accumulation distribution as defined in section 665	14339
of the Internal Revenue Code, add, for the beneficiary's taxable	14340
years beginning before 2002, the portion, if any, of such	14341
distribution that does not exceed the undistributed net income of	14342

the trust for the three taxable years preceding the taxable year 14343  
in which the distribution is made to the extent that the portion 14344  
was not included in the trust's taxable income for any of the 14345  
trust's taxable years beginning in 2002 or thereafter. 14346

"Undistributed net income of a trust" means the taxable income of 14347  
the trust increased by (a)(i) the additions to adjusted gross 14348  
income required under division (A) of this section and (ii) the 14349  
personal exemptions allowed to the trust pursuant to section 14350  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 14351  
deductions to adjusted gross income required under division (A) of 14352  
this section, (ii) the amount of federal income taxes attributable 14353  
to such income, and (iii) the amount of taxable income that has 14354  
been included in the adjusted gross income of a beneficiary by 14355  
reason of a prior accumulation distribution. Any undistributed net 14356  
income included in the adjusted gross income of a beneficiary 14357  
shall reduce the undistributed net income of the trust commencing 14358  
with the earliest years of the accumulation period. 14359

(7) Deduct the amount of wages and salaries, if any, not 14360  
otherwise allowable as a deduction but that would have been 14361  
allowable as a deduction in computing federal adjusted gross 14362  
income for the taxable year, had the targeted jobs credit allowed 14363  
and determined under sections 38, 51, and 52 of the Internal 14364  
Revenue Code not been in effect. 14365

(8) Deduct any interest or interest equivalent on public 14366  
obligations and purchase obligations to the extent that the 14367  
interest or interest equivalent is included in federal adjusted 14368  
gross income. 14369

(9) Add any loss or deduct any gain resulting from the sale, 14370  
exchange, or other disposition of public obligations to the extent 14371  
that the loss has been deducted or the gain has been included in 14372  
computing federal adjusted gross income. 14373

(10) Deduct or add amounts, as provided under section 5747.70 14374

of the Revised Code, related to contributions to variable college 14375  
savings program accounts made or tuition units purchased pursuant 14376  
to Chapter 3334. of the Revised Code. 14377

(11)(a) Deduct, to the extent not otherwise allowable as a 14378  
deduction or exclusion in computing federal or Ohio adjusted gross 14379  
income for the taxable year, the amount the taxpayer paid during 14380  
the taxable year for medical care insurance and qualified 14381  
long-term care insurance for the taxpayer, the taxpayer's spouse, 14382  
and dependents. No deduction for medical care insurance under 14383  
division (A)(11) of this section shall be allowed either to any 14384  
taxpayer who is eligible to participate in any subsidized health 14385  
plan maintained by any employer of the taxpayer or of the 14386  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 14387  
application would be entitled to, benefits under part A of Title 14388  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 14389  
301, as amended. For the purposes of division (A)(11)(a) of this 14390  
section, "subsidized health plan" means a health plan for which 14391  
the employer pays any portion of the plan's cost. The deduction 14392  
allowed under division (A)(11)(a) of this section shall be the net 14393  
of any related premium refunds, related premium reimbursements, or 14394  
related insurance premium dividends received during the taxable 14395  
year. 14396

(b) Deduct, to the extent not otherwise deducted or excluded 14397  
in computing federal or Ohio adjusted gross income during the 14398  
taxable year, the amount the taxpayer paid during the taxable 14399  
year, not compensated for by any insurance or otherwise, for 14400  
medical care of the taxpayer, the taxpayer's spouse, and 14401  
dependents, to the extent the expenses exceed seven and one-half 14402  
per cent of the taxpayer's federal adjusted gross income. 14403

(c) Deduct, to the extent not otherwise deducted or excluded 14404  
in computing federal or Ohio adjusted gross income, any amount 14405  
included in federal adjusted gross income under section 105 or not 14406



excluded under section 106 of the Internal Revenue Code solely 14407  
because it relates to an accident and health plan for a person who 14408  
otherwise would be a "qualifying relative" and thus a "dependent" 14409  
under section 152 of the Internal Revenue Code but for the fact 14410  
that the person fails to meet the income and support limitations 14411  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 14412

(d) For purposes of division (A)(11) of this section, 14413  
"medical care" has the meaning given in section 213 of the 14414  
Internal Revenue Code, subject to the special rules, limitations, 14415  
and exclusions set forth therein, and "qualified long-term care" 14416  
has the same meaning given in section 7702B(c) of the Internal 14417  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 14418  
of this section, "dependent" includes a person who otherwise would 14419  
be a "qualifying relative" and thus a "dependent" under section 14420  
152 of the Internal Revenue Code but for the fact that the person 14421  
fails to meet the income and support limitations under section 14422  
152(d)(1)(B) and (C) of the Internal Revenue Code. 14423

(12)(a) Deduct any amount included in federal adjusted gross 14424  
income solely because the amount represents a reimbursement or 14425  
refund of expenses that in any year the taxpayer had deducted as 14426  
an itemized deduction pursuant to section 63 of the Internal 14427  
Revenue Code and applicable United States department of the 14428  
treasury regulations. The deduction otherwise allowed under 14429  
division (A)(12)(a) of this section shall be reduced to the extent 14430  
the reimbursement is attributable to an amount the taxpayer 14431  
deducted under this section in any taxable year. 14432

(b) Add any amount not otherwise included in Ohio adjusted 14433  
gross income for any taxable year to the extent that the amount is 14434  
attributable to the recovery during the taxable year of any amount 14435  
deducted or excluded in computing federal or Ohio adjusted gross 14436  
income in any taxable year. 14437

(13) Deduct any portion of the deduction described in section 14438

1341(a)(2) of the Internal Revenue Code, for repaying previously 14439  
reported income received under a claim of right, that meets both 14440  
of the following requirements: 14441

(a) It is allowable for repayment of an item that was 14442  
included in the taxpayer's adjusted gross income for a prior 14443  
taxable year and did not qualify for a credit under division (A) 14444  
or (B) of section 5747.05 of the Revised Code for that year; 14445

(b) It does not otherwise reduce the taxpayer's adjusted 14446  
gross income for the current or any other taxable year. 14447

(14) Deduct an amount equal to the deposits made to, and net 14448  
investment earnings of, a medical savings account during the 14449  
taxable year, in accordance with section 3924.66 of the Revised 14450  
Code. The deduction allowed by division (A)(14) of this section 14451  
does not apply to medical savings account deposits and earnings 14452  
otherwise deducted or excluded for the current or any other 14453  
taxable year from the taxpayer's federal adjusted gross income. 14454

(15)(a) Add an amount equal to the funds withdrawn from a 14455  
medical savings account during the taxable year, and the net 14456  
investment earnings on those funds, when the funds withdrawn were 14457  
used for any purpose other than to reimburse an account holder 14458  
for, or to pay, eligible medical expenses, in accordance with 14459  
section 3924.66 of the Revised Code; 14460

(b) Add the amounts distributed from a medical savings 14461  
account under division (A)(2) of section 3924.68 of the Revised 14462  
Code during the taxable year. 14463

(16) Add any amount claimed as a credit under section 14464  
5747.059 or 5747.65 of the Revised Code to the extent that such 14465  
amount satisfies either of the following: 14466

(a) The amount was deducted or excluded from the computation 14467  
of the taxpayer's federal adjusted gross income as required to be 14468  
reported for the taxpayer's taxable year under the Internal 14469

Revenue Code; 14470

(b) The amount resulted in a reduction of the taxpayer's 14471  
federal adjusted gross income as required to be reported for any 14472  
of the taxpayer's taxable years under the Internal Revenue Code. 14473

(17) Deduct the amount contributed by the taxpayer to an 14474  
individual development account program established by a county 14475  
department of job and family services pursuant to sections 329.11 14476  
to 329.14 of the Revised Code for the purpose of matching funds 14477  
deposited by program participants. On request of the tax 14478  
commissioner, the taxpayer shall provide any information that, in 14479  
the tax commissioner's opinion, is necessary to establish the 14480  
amount deducted under division (A)(17) of this section. 14481

(18) Beginning in taxable year 2001 but not for any taxable 14482  
year beginning after December 31, 2005, if the taxpayer is married 14483  
and files a joint return and the combined federal adjusted gross 14484  
income of the taxpayer and the taxpayer's spouse for the taxable 14485  
year does not exceed one hundred thousand dollars, or if the 14486  
taxpayer is single and has a federal adjusted gross income for the 14487  
taxable year not exceeding fifty thousand dollars, deduct amounts 14488  
paid during the taxable year for qualified tuition and fees paid 14489  
to an eligible institution for the taxpayer, the taxpayer's 14490  
spouse, or any dependent of the taxpayer, who is a resident of 14491  
this state and is enrolled in or attending a program that 14492  
culminates in a degree or diploma at an eligible institution. The 14493  
deduction may be claimed only to the extent that qualified tuition 14494  
and fees are not otherwise deducted or excluded for any taxable 14495  
year from federal or Ohio adjusted gross income. The deduction may 14496  
not be claimed for educational expenses for which the taxpayer 14497  
claims a credit under section 5747.27 of the Revised Code. 14498

(19) Add any reimbursement received during the taxable year 14499  
of any amount the taxpayer deducted under division (A)(18) of this 14500  
section in any previous taxable year to the extent the amount is 14501

not otherwise included in Ohio adjusted gross income. 14502

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 14503  
(v) of this section, add five-sixths of the amount of depreciation 14504  
expense allowed by subsection (k) of section 168 of the Internal 14505  
Revenue Code, including the taxpayer's proportionate or 14506  
distributive share of the amount of depreciation expense allowed 14507  
by that subsection to a pass-through entity in which the taxpayer 14508  
has a direct or indirect ownership interest. 14509

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 14510  
this section, add five-sixths of the amount of qualifying section 14511  
179 depreciation expense, including the taxpayer's proportionate 14512  
or distributive share of the amount of qualifying section 179 14513  
depreciation expense allowed to any pass-through entity in which 14514  
the taxpayer has a direct or indirect ownership interest. 14515

(iii) Subject to division (A)(20)(a)(v) of this section, for 14516  
taxable years beginning in 2012 or thereafter, if the increase in 14517  
income taxes withheld by the taxpayer is equal to or greater than 14518  
ten per cent of income taxes withheld by the taxpayer during the 14519  
taxpayer's immediately preceding taxable year, "two-thirds" shall 14520  
be substituted for "five-sixths" for the purpose of divisions 14521  
(A)(20)(a)(i) and (ii) of this section. 14522

(iv) Subject to division (A)(20)(a)(v) of this section, for 14523  
taxable years beginning in 2012 or thereafter, a taxpayer is not 14524  
required to add an amount under division (A)(20) of this section 14525  
if the increase in income taxes withheld by the taxpayer and by 14526  
any pass-through entity in which the taxpayer has a direct or 14527  
indirect ownership interest is equal to or greater than the sum of 14528  
(I) the amount of qualifying section 179 depreciation expense and 14529  
(II) the amount of depreciation expense allowed to the taxpayer by 14530  
subsection (k) of section 168 of the Internal Revenue Code, and 14531  
including the taxpayer's proportionate or distributive shares of 14532  
such amounts allowed to any such pass-through entities. 14533

(v) If a taxpayer directly or indirectly incurs a net 14534  
operating loss for the taxable year for federal income tax 14535  
purposes, to the extent such loss resulted from depreciation 14536  
expense allowed by subsection (k) of section 168 of the Internal 14537  
Revenue Code and by qualifying section 179 depreciation expense, 14538  
"the entire" shall be substituted for "five-sixths of the" for the 14539  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 14540

The tax commissioner, under procedures established by the 14541  
commissioner, may waive the add-backs related to a pass-through 14542  
entity if the taxpayer owns, directly or indirectly, less than 14543  
five per cent of the pass-through entity. 14544

(b) Nothing in division (A)(20) of this section shall be 14545  
construed to adjust or modify the adjusted basis of any asset. 14546

(c) To the extent the add-back required under division 14547  
(A)(20)(a) of this section is attributable to property generating 14548  
nonbusiness income or loss allocated under section 5747.20 of the 14549  
Revised Code, the add-back shall be situated to the same location 14550  
as the nonbusiness income or loss generated by the property for 14551  
the purpose of determining the credit under division (A) of 14552  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 14553  
be apportioned, subject to one or more of the four alternative 14554  
methods of apportionment enumerated in section 5747.21 of the 14555  
Revised Code. 14556

(d) For the purposes of division (A)(20)(a)(v) of this 14557  
section, net operating loss carryback and carryforward shall not 14558  
include the allowance of any net operating loss deduction 14559  
carryback or carryforward to the taxable year to the extent such 14560  
loss resulted from depreciation allowed by section 168(k) of the 14561  
Internal Revenue Code and by the qualifying section 179 14562  
depreciation expense amount. 14563

(e) For the purposes of divisions (A)(20) and (21) of this 14564

section: 14565

(i) "Income taxes withheld" means the total amount withheld 14566  
and remitted under sections 5747.06 and 5747.07 of the Revised 14567  
Code by an employer during the employer's taxable year. 14568

(ii) "Increase in income taxes withheld" means the amount by 14569  
which the amount of income taxes withheld by an employer during 14570  
the employer's current taxable year exceeds the amount of income 14571  
taxes withheld by that employer during the employer's immediately 14572  
preceding taxable year. 14573

(iii) "Qualifying section 179 depreciation expense" means the 14574  
difference between (I) the amount of depreciation expense directly 14575  
or indirectly allowed to a taxpayer under section 179 of the 14576  
Internal Revised Code, and (II) the amount of depreciation expense 14577  
directly or indirectly allowed to the taxpayer under section 179 14578  
of the Internal Revenue Code as that section existed on December 14579  
31, 2002. 14580

(21)(a) If the taxpayer was required to add an amount under 14581  
division (A)(20)(a) of this section for a taxable year, deduct one 14582  
of the following: 14583

(i) One-fifth of the amount so added for each of the five 14584  
succeeding taxable years if the amount so added was five-sixths of 14585  
qualifying section 179 depreciation expense or depreciation 14586  
expense allowed by subsection (k) of section 168 of the Internal 14587  
Revenue Code; 14588

(ii) One-half of the amount so added for each of the two 14589  
succeeding taxable years if the amount so added was two-thirds of 14590  
such depreciation expense; 14591

(iii) One-sixth of the amount so added for each of the six 14592  
succeeding taxable years if the entire amount of such depreciation 14593  
expense was so added. 14594

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(21)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(20)(a) of this section has been deducted.

(d) No refund shall be allowed as a result of adjustments made by division (A)(21) of this section.

(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33

of the Revised Code. 14627

(24) Deduct, to the extent included in federal adjusted gross 14628  
income and not otherwise allowable as a deduction or exclusion in 14629  
computing federal or Ohio adjusted gross income for the taxable 14630  
year, military pay and allowances received by the taxpayer during 14631  
the taxable year for active duty service in the United States 14632  
army, air force, navy, marine corps, or coast guard or reserve 14633  
components thereof or the national guard. The deduction may not be 14634  
claimed for military pay and allowances received by the taxpayer 14635  
while the taxpayer is stationed in this state. 14636

(25) Deduct, to the extent not otherwise allowable as a 14637  
deduction or exclusion in computing federal or Ohio adjusted gross 14638  
income for the taxable year and not otherwise compensated for by 14639  
any other source, the amount of qualified organ donation expenses 14640  
incurred by the taxpayer during the taxable year, not to exceed 14641  
ten thousand dollars. A taxpayer may deduct qualified organ 14642  
donation expenses only once for all taxable years beginning with 14643  
taxable years beginning in 2007. 14644

For the purposes of division (A)(25) of this section: 14645

(a) "Human organ" means all or any portion of a human liver, 14646  
pancreas, kidney, intestine, or lung, and any portion of human 14647  
bone marrow. 14648

(b) "Qualified organ donation expenses" means travel 14649  
expenses, lodging expenses, and wages and salary forgone by a 14650  
taxpayer in connection with the taxpayer's donation, while living, 14651  
of one or more of the taxpayer's human organs to another human 14652  
being. 14653

(26) Deduct, to the extent not otherwise deducted or excluded 14654  
in computing federal or Ohio adjusted gross income for the taxable 14655  
year, amounts received by the taxpayer as retired military 14656  
personnel pay for service in the United States army, navy, air 14657



force, coast guard, or marine corps or reserve components thereof, 14658  
or the national guard, or received by the surviving spouse or 14659  
former spouse of such a taxpayer under the survivor benefit plan 14660  
on account of such a taxpayer's death. If the taxpayer receives 14661  
income on account of retirement paid under the federal civil 14662  
service retirement system or federal employees retirement system, 14663  
or under any successor retirement program enacted by the congress 14664  
of the United States that is established and maintained for 14665  
retired employees of the United States government, and such 14666  
retirement income is based, in whole or in part, on credit for the 14667  
taxpayer's military service, the deduction allowed under this 14668  
division shall include only that portion of such retirement income 14669  
that is attributable to the taxpayer's military service, to the 14670  
extent that portion of such retirement income is otherwise 14671  
included in federal adjusted gross income and is not otherwise 14672  
deducted under this section. Any amount deducted under division 14673  
(A)(26) of this section is not included in a taxpayer's adjusted 14674  
gross income for the purposes of section 5747.055 of the Revised 14675  
Code. No amount may be deducted under division (A)(26) of this 14676  
section on the basis of which a credit was claimed under section 14677  
5747.055 of the Revised Code. 14678

(27) Deduct, to the extent not otherwise deducted or excluded 14679  
in computing federal or Ohio adjusted gross income for the taxable 14680  
year, the amount the taxpayer received during the taxable year 14681  
from the military injury relief fund created in section 5101.98 of 14682  
the Revised Code. 14683

(28) Deduct, to the extent not otherwise deducted or excluded 14684  
in computing federal or Ohio adjusted gross income for the taxable 14685  
year, the amount the taxpayer received as a veterans bonus during 14686  
the taxable year from the Ohio department of veterans services as 14687  
authorized by Section 2r of Article VIII, Ohio Constitution. 14688

(29) Deduct, to the extent not otherwise deducted or excluded 14689

in computing federal or Ohio adjusted gross income for the taxable 14690  
year, any loss from wagering transactions that is allowed as an 14691  
itemized deduction under section 165 of the Internal Revenue Code 14692  
and that the taxpayer deducted in computing federal taxable 14693  
income. 14694

(30) Deduct, to the extent not otherwise deducted or excluded 14695  
in computing federal or Ohio adjusted gross income for the taxable 14696  
year, any income ~~derived from providing public services under a~~ 14697  
~~contract through a project owned by the state, as described in~~ 14698  
~~section 126.604 of the Revised Code or~~ derived from a transfer 14699  
agreement or from the enterprise transferred under that agreement 14700  
under section 4313.02 of the Revised Code. 14701

(31) Deduct, to the extent not otherwise deducted or excluded 14702  
in computing federal or Ohio adjusted gross income for the taxable 14703  
year, Ohio college opportunity or federal Pell grant amounts 14704  
received by the taxpayer or the taxpayer's spouse or dependent 14705  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 14706  
1070a, et seq., and used to pay room or board furnished by the 14707  
educational institution for which the grant was awarded at the 14708  
institution's facilities, including meal plans administered by the 14709  
institution. For the purposes of this division, receipt of a grant 14710  
includes the distribution of a grant directly to an educational 14711  
institution and the crediting of the grant to the enrollee's 14712  
account with the institution. 14713

(B) "Business income" means income, including gain or loss, 14714  
arising from transactions, activities, and sources in the regular 14715  
course of a trade or business and includes income, gain, or loss 14716  
from real property, tangible property, and intangible property if 14717  
the acquisition, rental, management, and disposition of the 14718  
property constitute integral parts of the regular course of a 14719  
trade or business operation. "Business income" includes income, 14720  
including gain or loss, from a partial or complete liquidation of 14721

a business, including, but not limited to, gain or loss from the 14722  
sale or other disposition of goodwill. 14723

(C) "Nonbusiness income" means all income other than business 14724  
income and may include, but is not limited to, compensation, rents 14725  
and royalties from real or tangible personal property, capital 14726  
gains, interest, dividends and distributions, patent or copyright 14727  
royalties, or lottery winnings, prizes, and awards. 14728

(D) "Compensation" means any form of remuneration paid to an 14729  
employee for personal services. 14730

(E) "Fiduciary" means a guardian, trustee, executor, 14731  
administrator, receiver, conservator, or any other person acting 14732  
in any fiduciary capacity for any individual, trust, or estate. 14733

(F) "Fiscal year" means an accounting period of twelve months 14734  
ending on the last day of any month other than December. 14735

(G) "Individual" means any natural person. 14736

(H) "Internal Revenue Code" means the "Internal Revenue Code 14737  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 14738

(I) "Resident" means any of the following, provided that 14739  
division (I)(3) of this section applies only to taxable years of a 14740  
trust beginning in 2002 or thereafter: 14741

(1) An individual who is domiciled in this state, subject to 14742  
section 5747.24 of the Revised Code; 14743

(2) The estate of a decedent who at the time of death was 14744  
domiciled in this state. The domicile tests of section 5747.24 of 14745  
the Revised Code are not controlling for purposes of division 14746  
(I)(2) of this section. 14747

(3) A trust that, in whole or part, resides in this state. If 14748  
only part of a trust resides in this state, the trust is a 14749  
resident only with respect to that part. 14750

For the purposes of division (I)(3) of this section: 14751

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the

fair market value of all the trust's assets immediately after the 14815  
subsequent transfer, net of any related liabilities. 14816

(iii) Whether a transfer to the trust is by or from any of 14817  
the sources enumerated in division (I)(3)(a) of this section shall 14818  
be ascertained without regard to the domicile of the trust's 14819  
beneficiaries. 14820

(e) For the purposes of division (I)(3)(a)(i) of this 14821  
section: 14822

(i) A trust is described in division (I)(3)(e)(i) of this 14823  
section if the trust is a testamentary trust and the testator of 14824  
that testamentary trust was domiciled in this state at the time of 14825  
the testator's death for purposes of the taxes levied under 14826  
Chapter 5731. of the Revised Code. 14827

(ii) A trust is described in division (I)(3)(e)(ii) of this 14828  
section if the transfer is a qualifying transfer described in any 14829  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 14830  
irrevocable inter vivos trust, and at least one of the trust's 14831  
qualifying beneficiaries is domiciled in this state for purposes 14832  
of this chapter during all or some portion of the trust's current 14833  
taxable year. 14834

(f) For the purposes of division (I)(3)(e)(ii) of this 14835  
section, a "qualifying transfer" is a transfer of assets, net of 14836  
any related liabilities, directly or indirectly to a trust, if the 14837  
transfer is described in any of the following: 14838

(i) The transfer is made to a trust, created by the decedent 14839  
before the decedent's death and while the decedent was domiciled 14840  
in this state for the purposes of this chapter, and, prior to the 14841  
death of the decedent, the trust became irrevocable while the 14842  
decedent was domiciled in this state for the purposes of this 14843  
chapter. 14844

(ii) The transfer is made to a trust to which the decedent, 14845

prior to the decedent's death, had directly or indirectly 14846  
transferred assets, net of any related liabilities, while the 14847  
decedent was domiciled in this state for the purposes of this 14848  
chapter, and prior to the death of the decedent the trust became 14849  
irrevocable while the decedent was domiciled in this state for the 14850  
purposes of this chapter. 14851

(iii) The transfer is made on account of a contractual 14852  
relationship existing directly or indirectly between the 14853  
transferor and either the decedent or the estate of the decedent 14854  
at any time prior to the date of the decedent's death, and the 14855  
decedent was domiciled in this state at the time of death for 14856  
purposes of the taxes levied under Chapter 5731. of the Revised 14857  
Code. 14858

(iv) The transfer is made to a trust on account of a 14859  
contractual relationship existing directly or indirectly between 14860  
the transferor and another person who at the time of the 14861  
decedent's death was domiciled in this state for purposes of this 14862  
chapter. 14863

(v) The transfer is made to a trust on account of the will of 14864  
a testator who was domiciled in this state at the time of the 14865  
testator's death for purposes of the taxes levied under Chapter 14866  
5731. of the Revised Code. 14867

(vi) The transfer is made to a trust created by or caused to 14868  
be created by a court, and the trust was directly or indirectly 14869  
created in connection with or as a result of the death of an 14870  
individual who, for purposes of the taxes levied under Chapter 14871  
5731. of the Revised Code, was domiciled in this state at the time 14872  
of the individual's death. 14873

(g) The tax commissioner may adopt rules to ascertain the 14874  
part of a trust residing in this state. 14875

(J) "Nonresident" means an individual or estate that is not a 14876

resident. An individual who is a resident for only part of a 14877  
taxable year is a nonresident for the remainder of that taxable 14878  
year. 14879

(K) "Pass-through entity" has the same meaning as in section 14880  
5733.04 of the Revised Code. 14881

(L) "Return" means the notifications and reports required to 14882  
be filed pursuant to this chapter for the purpose of reporting the 14883  
tax due and includes declarations of estimated tax when so 14884  
required. 14885

(M) "Taxable year" means the calendar year or the taxpayer's 14886  
fiscal year ending during the calendar year, or fractional part 14887  
thereof, upon which the adjusted gross income is calculated 14888  
pursuant to this chapter. 14889

(N) "Taxpayer" means any person subject to the tax imposed by 14890  
section 5747.02 of the Revised Code or any pass-through entity 14891  
that makes the election under division (D) of section 5747.08 of 14892  
the Revised Code. 14893

(O) "Dependents" means dependents as defined in the Internal 14894  
Revenue Code and as claimed in the taxpayer's federal income tax 14895  
return for the taxable year or which the taxpayer would have been 14896  
permitted to claim had the taxpayer filed a federal income tax 14897  
return. 14898

(P) "Principal county of employment" means, in the case of a 14899  
nonresident, the county within the state in which a taxpayer 14900  
performs services for an employer or, if those services are 14901  
performed in more than one county, the county in which the major 14902  
portion of the services are performed. 14903

(Q) As used in sections 5747.50 to 5747.55 of the Revised 14904  
Code: 14905

(1) "Subdivision" means any county, municipal corporation, 14906



park district, or township. 14907

(2) "Essential local government purposes" includes all 14908  
functions that any subdivision is required by general law to 14909  
exercise, including like functions that are exercised under a 14910  
charter adopted pursuant to the Ohio Constitution. 14911

(R) "Overpayment" means any amount already paid that exceeds 14912  
the figure determined to be the correct amount of the tax. 14913

(S) "Taxable income" or "Ohio taxable income" applies only to 14914  
estates and trusts, and means federal taxable income, as defined 14915  
and used in the Internal Revenue Code, adjusted as follows: 14916

(1) Add interest or dividends, net of ordinary, necessary, 14917  
and reasonable expenses not deducted in computing federal taxable 14918  
income, on obligations or securities of any state or of any 14919  
political subdivision or authority of any state, other than this 14920  
state and its subdivisions and authorities, but only to the extent 14921  
that such net amount is not otherwise includible in Ohio taxable 14922  
income and is described in either division (S)(1)(a) or (b) of 14923  
this section: 14924

(a) The net amount is not attributable to the S portion of an 14925  
electing small business trust and has not been distributed to 14926  
beneficiaries for the taxable year; 14927

(b) The net amount is attributable to the S portion of an 14928  
electing small business trust for the taxable year. 14929

(2) Add interest or dividends, net of ordinary, necessary, 14930  
and reasonable expenses not deducted in computing federal taxable 14931  
income, on obligations of any authority, commission, 14932  
instrumentality, territory, or possession of the United States to 14933  
the extent that the interest or dividends are exempt from federal 14934  
income taxes but not from state income taxes, but only to the 14935  
extent that such net amount is not otherwise includible in Ohio 14936  
taxable income and is described in either division (S)(1)(a) or 14937

(b) of this section;	14938
(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;	14939 14940
(4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S)(1)(a) or (b) of this section;	14941 14942 14943 14944 14945 14946 14947 14948
(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the targeted jobs credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;	14949 14950 14951 14952 14953 14954 14955 14956 14957
(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;	14958 14959 14960 14961 14962 14963
(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;	14964 14965 14966 14967 14968

(8) Except in the case of the final return of an estate, add 14969  
any amount deducted by the taxpayer on both its Ohio estate tax 14970  
return pursuant to section 5731.14 of the Revised Code, and on its 14971  
federal income tax return in determining federal taxable income; 14972

(9)(a) Deduct any amount included in federal taxable income 14973  
solely because the amount represents a reimbursement or refund of 14974  
expenses that in a previous year the decedent had deducted as an 14975  
itemized deduction pursuant to section 63 of the Internal Revenue 14976  
Code and applicable treasury regulations. The deduction otherwise 14977  
allowed under division (S)(9)(a) of this section shall be reduced 14978  
to the extent the reimbursement is attributable to an amount the 14979  
taxpayer or decedent deducted under this section in any taxable 14980  
year. 14981

(b) Add any amount not otherwise included in Ohio taxable 14982  
income for any taxable year to the extent that the amount is 14983  
attributable to the recovery during the taxable year of any amount 14984  
deducted or excluded in computing federal or Ohio taxable income 14985  
in any taxable year, but only to the extent such amount has not 14986  
been distributed to beneficiaries for the taxable year. 14987

(10) Deduct any portion of the deduction described in section 14988  
1341(a)(2) of the Internal Revenue Code, for repaying previously 14989  
reported income received under a claim of right, that meets both 14990  
of the following requirements: 14991

(a) It is allowable for repayment of an item that was 14992  
included in the taxpayer's taxable income or the decedent's 14993  
adjusted gross income for a prior taxable year and did not qualify 14994  
for a credit under division (A) or (B) of section 5747.05 of the 14995  
Revised Code for that year. 14996

(b) It does not otherwise reduce the taxpayer's taxable 14997  
income or the decedent's adjusted gross income for the current or 14998  
any other taxable year. 14999

(11) Add any amount claimed as a credit under section	15000
5747.059 or 5747.65 of the Revised Code to the extent that the	15001
amount satisfies either of the following:	15002
(a) The amount was deducted or excluded from the computation	15003
of the taxpayer's federal taxable income as required to be	15004
reported for the taxpayer's taxable year under the Internal	15005
Revenue Code;	15006
(b) The amount resulted in a reduction in the taxpayer's	15007
federal taxable income as required to be reported for any of the	15008
taxpayer's taxable years under the Internal Revenue Code.	15009
(12) Deduct any amount, net of related expenses deducted in	15010
computing federal taxable income, that a trust is required to	15011
report as farm income on its federal income tax return, but only	15012
if the assets of the trust include at least ten acres of land	15013
satisfying the definition of "land devoted exclusively to	15014
agricultural use" under section 5713.30 of the Revised Code,	15015
regardless of whether the land is valued for tax purposes as such	15016
land under sections 5713.30 to 5713.38 of the Revised Code. If the	15017
trust is a pass-through entity investor, section 5747.231 of the	15018
Revised Code applies in ascertaining if the trust is eligible to	15019
claim the deduction provided by division (S)(12) of this section	15020
in connection with the pass-through entity's farm income.	15021
Except for farm income attributable to the S portion of an	15022
electing small business trust, the deduction provided by division	15023
(S)(12) of this section is allowed only to the extent that the	15024
trust has not distributed such farm income. Division (S)(12) of	15025
this section applies only to taxable years of a trust beginning in	15026
2002 or thereafter.	15027
(13) Add the net amount of income described in section 641(c)	15028
of the Internal Revenue Code to the extent that amount is not	15029
included in federal taxable income.	15030

(14) Add or deduct the amount the taxpayer would be required 15031  
to add or deduct under division (A)(20) or (21) of this section if 15032  
the taxpayer's Ohio taxable income were computed in the same 15033  
manner as an individual's Ohio adjusted gross income is computed 15034  
under this section. In the case of a trust, division (S)(14) of 15035  
this section applies only to any of the trust's taxable years 15036  
beginning in 2002 or thereafter. 15037

(T) "School district income" and "school district income tax" 15038  
have the same meanings as in section 5748.01 of the Revised Code. 15039

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 15040  
of this section, "public obligations," "purchase obligations," and 15041  
"interest or interest equivalent" have the same meanings as in 15042  
section 5709.76 of the Revised Code. 15043

(V) "Limited liability company" means any limited liability 15044  
company formed under Chapter 1705. of the Revised Code or under 15045  
the laws of any other state. 15046

(W) "Pass-through entity investor" means any person who, 15047  
during any portion of a taxable year of a pass-through entity, is 15048  
a partner, member, shareholder, or equity investor in that 15049  
pass-through entity. 15050

(X) "Banking day" has the same meaning as in section 1304.01 15051  
of the Revised Code. 15052

(Y) "Month" means a calendar month. 15053

(Z) "Quarter" means the first three months, the second three 15054  
months, the third three months, or the last three months of the 15055  
taxpayer's taxable year. 15056

(AA)(1) "Eligible institution" means a state university or 15057  
state institution of higher education as defined in section 15058  
3345.011 of the Revised Code, or a private, nonprofit college, 15059  
university, or other post-secondary institution located in this 15060

state that possesses a certificate of authorization issued by the 15061  
Ohio board of regents pursuant to Chapter 1713. of the Revised 15062  
Code or a certificate of registration issued by the state board of 15063  
career colleges and schools under Chapter 3332. of the Revised 15064  
Code. 15065

(2) "Qualified tuition and fees" means tuition and fees 15066  
imposed by an eligible institution as a condition of enrollment or 15067  
attendance, not exceeding two thousand five hundred dollars in 15068  
each of the individual's first two years of post-secondary 15069  
education. If the individual is a part-time student, "qualified 15070  
tuition and fees" includes tuition and fees paid for the academic 15071  
equivalent of the first two years of post-secondary education 15072  
during a maximum of five taxable years, not exceeding a total of 15073  
five thousand dollars. "Qualified tuition and fees" does not 15074  
include: 15075

(a) Expenses for any course or activity involving sports, 15076  
games, or hobbies unless the course or activity is part of the 15077  
individual's degree or diploma program; 15078

(b) The cost of books, room and board, student activity fees, 15079  
athletic fees, insurance expenses, or other expenses unrelated to 15080  
the individual's academic course of instruction; 15081

(c) Tuition, fees, or other expenses paid or reimbursed 15082  
through an employer, scholarship, grant in aid, or other 15083  
educational benefit program. 15084

(BB)(1) "Modified business income" means the business income 15085  
included in a trust's Ohio taxable income after such taxable 15086  
income is first reduced by the qualifying trust amount, if any. 15087

(2) "Qualifying trust amount" of a trust means capital gains 15088  
and losses from the sale, exchange, or other disposition of equity 15089  
or ownership interests in, or debt obligations of, a qualifying 15090  
investee to the extent included in the trust's Ohio taxable 15091

income, but only if the following requirements are satisfied:	15092
(a) The book value of the qualifying investee's physical	15093
assets in this state and everywhere, as of the last day of the	15094
qualifying investee's fiscal or calendar year ending immediately	15095
prior to the date on which the trust recognizes the gain or loss,	15096
is available to the trust.	15097
(b) The requirements of section 5747.011 of the Revised Code	15098
are satisfied for the trust's taxable year in which the trust	15099
recognizes the gain or loss.	15100
Any gain or loss that is not a qualifying trust amount is	15101
modified business income, qualifying investment income, or	15102
modified nonbusiness income, as the case may be.	15103
(3) "Modified nonbusiness income" means a trust's Ohio	15104
taxable income other than modified business income, other than the	15105
qualifying trust amount, and other than qualifying investment	15106
income, as defined in section 5747.012 of the Revised Code, to the	15107
extent such qualifying investment income is not otherwise part of	15108
modified business income.	15109
(4) "Modified Ohio taxable income" applies only to trusts,	15110
and means the sum of the amounts described in divisions (BB)(4)(a)	15111
to (c) of this section:	15112
(a) The fraction, calculated under section 5747.013, and	15113
applying section 5747.231 of the Revised Code, multiplied by the	15114
sum of the following amounts:	15115
(i) The trust's modified business income;	15116
(ii) The trust's qualifying investment income, as defined in	15117
section 5747.012 of the Revised Code, but only to the extent the	15118
qualifying investment income does not otherwise constitute	15119
modified business income and does not otherwise constitute a	15120
qualifying trust amount.	15121

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212



of the Revised Code without regard to division (A) of that 15154  
section. 15155

If the allocation and apportionment of a trust's income under 15156  
divisions (BB)(4)(a) and (c) of this section do not fairly 15157  
represent the modified Ohio taxable income of the trust in this 15158  
state, the alternative methods described in division (C) of 15159  
section 5747.21 of the Revised Code may be applied in the manner 15160  
and to the same extent provided in that section. 15161

(5)(a) Except as set forth in division (BB)(5)(b) of this 15162  
section, "qualifying investee" means a person in which a trust has 15163  
an equity or ownership interest, or a person or unit of government 15164  
the debt obligations of either of which are owned by a trust. For 15165  
the purposes of division (BB)(2)(a) of this section and for the 15166  
purpose of computing the fraction described in division (BB)(4)(b) 15167  
of this section, all of the following apply: 15168

(i) If the qualifying investee is a member of a qualifying 15169  
controlled group on the last day of the qualifying investee's 15170  
fiscal or calendar year ending immediately prior to the date on 15171  
which the trust recognizes the gain or loss, then "qualifying 15172  
investee" includes all persons in the qualifying controlled group 15173  
on such last day. 15174

(ii) If the qualifying investee, or if the qualifying 15175  
investee and any members of the qualifying controlled group of 15176  
which the qualifying investee is a member on the last day of the 15177  
qualifying investee's fiscal or calendar year ending immediately 15178  
prior to the date on which the trust recognizes the gain or loss, 15179  
separately or cumulatively own, directly or indirectly, on the 15180  
last day of the qualifying investee's fiscal or calendar year 15181  
ending immediately prior to the date on which the trust recognizes 15182  
the qualifying trust amount, more than fifty per cent of the 15183  
equity of a pass-through entity, then the qualifying investee and 15184  
the other members are deemed to own the proportionate share of the 15185

pass-through entity's physical assets which the pass-through 15186  
entity directly or indirectly owns on the last day of the 15187  
pass-through entity's calendar or fiscal year ending within or 15188  
with the last day of the qualifying investee's fiscal or calendar 15189  
year ending immediately prior to the date on which the trust 15190  
recognizes the qualifying trust amount. 15191

(iii) For the purposes of division (BB)(5)(a)(iii) of this 15192  
section, "upper level pass-through entity" means a pass-through 15193  
entity directly or indirectly owning any equity of another 15194  
pass-through entity, and "lower level pass-through entity" means 15195  
that other pass-through entity. 15196

An upper level pass-through entity, whether or not it is also 15197  
a qualifying investee, is deemed to own, on the last day of the 15198  
upper level pass-through entity's calendar or fiscal year, the 15199  
proportionate share of the lower level pass-through entity's 15200  
physical assets that the lower level pass-through entity directly 15201  
or indirectly owns on the last day of the lower level pass-through 15202  
entity's calendar or fiscal year ending within or with the last 15203  
day of the upper level pass-through entity's fiscal or calendar 15204  
year. If the upper level pass-through entity directly and 15205  
indirectly owns less than fifty per cent of the equity of the 15206  
lower level pass-through entity on each day of the upper level 15207  
pass-through entity's calendar or fiscal year in which or with 15208  
which ends the calendar or fiscal year of the lower level 15209  
pass-through entity and if, based upon clear and convincing 15210  
evidence, complete information about the location and cost of the 15211  
physical assets of the lower pass-through entity is not available 15212  
to the upper level pass-through entity, then solely for purposes 15213  
of ascertaining if a gain or loss constitutes a qualifying trust 15214  
amount, the upper level pass-through entity shall be deemed as 15215  
owning no equity of the lower level pass-through entity for each 15216  
day during the upper level pass-through entity's calendar or 15217

fiscal year in which or with which ends the lower level 15218  
pass-through entity's calendar or fiscal year. Nothing in division 15219  
(BB)(5)(a)(iii) of this section shall be construed to provide for 15220  
any deduction or exclusion in computing any trust's Ohio taxable 15221  
income. 15222

(b) With respect to a trust that is not a resident for the 15223  
taxable year and with respect to a part of a trust that is not a 15224  
resident for the taxable year, "qualifying investee" for that 15225  
taxable year does not include a C corporation if both of the 15226  
following apply: 15227

(i) During the taxable year the trust or part of the trust 15228  
recognizes a gain or loss from the sale, exchange, or other 15229  
disposition of equity or ownership interests in, or debt 15230  
obligations of, the C corporation. 15231

(ii) Such gain or loss constitutes nonbusiness income. 15232

(6) "Available" means information is such that a person is 15233  
able to learn of the information by the due date plus extensions, 15234  
if any, for filing the return for the taxable year in which the 15235  
trust recognizes the gain or loss. 15236

(CC) "Qualifying controlled group" has the same meaning as in 15237  
section 5733.04 of the Revised Code. 15238

(DD) "Related member" has the same meaning as in section 15239  
5733.042 of the Revised Code. 15240

(EE)(1) For the purposes of division (EE) of this section: 15241

(a) "Qualifying person" means any person other than a 15242  
qualifying corporation. 15243

(b) "Qualifying corporation" means any person classified for 15244  
federal income tax purposes as an association taxable as a 15245  
corporation, except either of the following: 15246

(i) A corporation that has made an election under subchapter 15247

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;

(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.

(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.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(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.

(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 election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;	15278 15279
(b) The trust became irrevocable upon the creation of the trust; and	15280 15281
(c) The grantor was domiciled in this state at the time the trust was created.	15282 15283
<b>Sec. 5751.01.</b> As used in this chapter:	15284
(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.	15285 15286 15287 15288 15289 15290 15291 15292 15293
(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.	15294 15295 15296 15297
(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.	15298 15299 15300
(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.	15301 15302 15303 15304
(E) "Excluded person" means any of the following:	15305
(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year.	15306 15307

Division (E)(1) of this section does not apply to a person that is 15308  
a member of a consolidated elected taxpayer; 15309

(2) A public utility that paid the excise tax imposed by 15310  
section 5727.24 or 5727.30 of the Revised Code based on one or 15311  
more measurement periods that include the entire tax period under 15312  
this chapter, except that a public utility that is a combined 15313  
company is a taxpayer with regard to the following gross receipts: 15314

(a) Taxable gross receipts directly attributed to a public 15315  
utility activity, but not directly attributed to an activity that 15316  
is subject to the excise tax imposed by section 5727.24 or 5727.30 15317  
of the Revised Code; 15318

(b) Taxable gross receipts that cannot be directly attributed 15319  
to any activity, multiplied by a fraction whose numerator is the 15320  
taxable gross receipts described in division (E)(2)(a) of this 15321  
section and whose denominator is the total taxable gross receipts 15322  
that can be directly attributed to any activity; 15323

(c) Except for any differences resulting from the use of an 15324  
accrual basis method of accounting for purposes of determining 15325  
gross receipts under this chapter and the use of the cash basis 15326  
method of accounting for purposes of determining gross receipts 15327  
under section 5727.24 of the Revised Code, the gross receipts 15328  
directly attributed to the activity of a natural gas company shall 15329  
be determined in a manner consistent with division (D) of section 15330  
5727.03 of the Revised Code. 15331

As used in division (E)(2) of this section, "combined 15332  
company" and "public utility" have the same meanings as in section 15333  
5727.01 of the Revised Code. 15334

(3) A financial institution, as defined in section 5726.01 of 15335  
the Revised Code, that paid the tax imposed by section 5726.02 of 15336  
the Revised Code based on one or more taxable years that include 15337  
the entire tax period under this chapter; 15338

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

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

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

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

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

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

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other



disposition of the taxpayer's property to or with another;	15401
(b) Amounts realized from the taxpayer's performance of services for another;	15402 15403
(c) Amounts realized from another's use or possession of the taxpayer's property or capital;	15404 15405
(d) Any combination of the foregoing amounts.	15406
(2) "Gross receipts" excludes the following amounts:	15407
(a) Interest income except interest on credit sales;	15408
(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;	15409 15410 15411 15412
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.	15413 15414 15415 15416 15417 15418 15419 15420 15421 15422 15423 15424 15425 15426 15427 15428 15429 15430

(d) Proceeds received attributable to the repayment,	15431
maturity, or redemption of the principal of a loan, bond, mutual	15432
fund, certificate of deposit, or marketable instrument;	15433
(e) The principal amount received under a repurchase	15434
agreement or on account of any transaction properly characterized	15435
as a loan to the person;	15436
(f) Contributions received by a trust, plan, or other	15437
arrangement, any of which is described in section 501(a) of the	15438
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter	15439
1, Subchapter (D) of the Internal Revenue Code applies;	15440
(g) Compensation, whether current or deferred, and whether in	15441
cash or in kind, received or to be received by an employee, former	15442
employee, or the employee's legal successor for services rendered	15443
to or for an employer, including reimbursements received by or for	15444
an individual for medical or education expenses, health insurance	15445
premiums, or employee expenses, or on account of a dependent care	15446
spending account, legal services plan, any cafeteria plan	15447
described in section 125 of the Internal Revenue Code, or any	15448
similar employee reimbursement;	15449
(h) Proceeds received from the issuance of the taxpayer's own	15450
stock, options, warrants, puts, or calls, or from the sale of the	15451
taxpayer's treasury stock;	15452
(i) Proceeds received on the account of payments from	15453
insurance policies, except those proceeds received for the loss of	15454
business revenue;	15455
(j) Gifts or charitable contributions received; membership	15456
dues received by trade, professional, homeowners', or condominium	15457
associations; and payments received for educational courses,	15458
meetings, meals, or similar payments to a trade, professional, or	15459
other similar association; and fundraising receipts received by	15460
any person when any excess receipts are donated or used	15461

exclusively for charitable purposes;	15462
(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;	15463 15464 15465
(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;	15466 15467 15468
(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;	15469 15470 15471 15472 15473 15474 15475 15476 15477 15478
(n) Pension reversions;	15479
(o) Contributions to capital;	15480
(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;	15481 15482 15483 15484 15485
(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;	15486 15487 15488 15489 15490 15491 15492

(r) In the case of receipts from the sale of motor fuel by a licensed motor fuel dealer, licensed retail dealer, or licensed permissive motor fuel dealer, all as defined in section 5735.01 of the Revised Code, an amount equal to federal and state excise taxes paid by any person on such motor fuel under section 4081 of the Internal Revenue Code or Chapter 5735. of the Revised Code;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

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

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

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

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

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

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

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to

that qualified distribution center solely for further shipping by 15556  
the qualified distribution center to another location in this 15557  
state or elsewhere or, in the case of gold, silver, platinum, or 15558  
palladium delivered to a refining facility solely for refining to 15559  
a grade and fineness acceptable for delivery to a registered 15560  
commodities exchange. "Further shipping" includes storing and 15561  
repackaging property into smaller or larger bundles, so long as 15562  
the property is not subject to further manufacturing or 15563  
processing. "Refining" is limited to extracting impurities from 15564  
gold, silver, platinum, or palladium through smelting or some 15565  
other process at a refining facility. 15566

(III) "Qualified distribution center" means a warehouse, a 15567  
facility similar to a warehouse, or a refining facility in this 15568  
state that, for the qualifying year, is operated by a person that 15569  
is not part of a combined taxpayer group and that has a qualifying 15570  
certificate. All warehouses or facilities similar to warehouses 15571  
that are operated by persons in the same taxpayer group and that 15572  
are located within one mile of each other shall be treated as one 15573  
qualified distribution center. All refining facilities that are 15574  
operated by persons in the same taxpayer group and that are 15575  
located in the same or adjacent counties may be treated as one 15576  
qualified distribution center. 15577

(IV) "Qualifying year" means the calendar year to which the 15578  
qualifying certificate applies. 15579

(V) "Qualifying period" means the period of the first day of 15580  
July of the second year preceding the qualifying year through the 15581  
thirtieth day of June of the year preceding the qualifying year. 15582

(VI) "Qualifying certificate" means the certificate issued by 15583  
the tax commissioner after the operator of a distribution center 15584  
files an annual application with the commissioner. The application 15585  
and annual fee shall be filed and paid for each qualified 15586  
distribution center on or before the first day of September before 15587

the qualifying year or within forty-five days after the 15588  
distribution center opens, whichever is later. 15589

The applicant must substantiate to the commissioner's 15590  
satisfaction that, for the qualifying period, all persons 15591  
operating the distribution center have more than fifty per cent of 15592  
the cost of the qualified property shipped to a location such that 15593  
it would be situated outside this state under the provisions of 15594  
division (E) of section 5751.033 of the Revised Code. The 15595  
applicant must also substantiate that the distribution center 15596  
cumulatively had costs from its suppliers equal to or exceeding 15597  
five hundred million dollars during the qualifying period. (For 15598  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 15599  
excludes any person that is part of the consolidated elected 15600  
taxpayer group, if applicable, of the operator of the qualified 15601  
distribution center.) The commissioner may require the applicant 15602  
to have an independent certified public accountant certify that 15603  
the calculation of the minimum thresholds required for a qualified 15604  
distribution center by the operator of a distribution center has 15605  
been made in accordance with generally accepted accounting 15606  
principles. The commissioner shall issue or deny the issuance of a 15607  
certificate within sixty days after the receipt of the 15608  
application. A denial is subject to appeal under section 5717.02 15609  
of the Revised Code. If the operator files a timely appeal under 15610  
section 5717.02 of the Revised Code, the operator shall be granted 15611  
a qualifying certificate, provided that the operator is liable for 15612  
any tax, interest, or penalty upon amounts claimed as qualifying 15613  
distribution center receipts, other than those receipts exempt 15614  
under division (C)(1) of section 5751.011 of the Revised Code, 15615  
that would have otherwise not been owed by its suppliers if the 15616  
qualifying certificate was valid. 15617

(VII) "Ohio delivery percentage" means the proportion of the 15618  
total property delivered to a destination inside Ohio from the 15619

qualified distribution center during the qualifying period 15620  
compared with total deliveries from such distribution center 15621  
everywhere during the qualifying period. 15622

(VIII) "Refining facility" means one or more buildings 15623  
located in a county in the Appalachian region of this state as 15624  
defined by section 107.21 of the Revised Code and utilized for 15625  
refining or smelting gold, silver, platinum, or palladium to a 15626  
grade and fineness acceptable for delivery to a registered 15627  
commodities exchange. 15628

(IX) "Registered commodities exchange" means a board of 15629  
trade, such as New York mercantile exchange, inc. or commodity 15630  
exchange, inc., designated as a contract market by the commodity 15631  
futures trading commission under the "Commodity Exchange Act," 7 15632  
U.S.C. 1 et seq., as amended. 15633

(ii) If the distribution center is new and was not open for 15634  
the entire qualifying period, the operator of the distribution 15635  
center may request that the commissioner grant a qualifying 15636  
certificate. If the certificate is granted and it is later 15637  
determined that more than fifty per cent of the qualified property 15638  
during that year was not shipped to a location such that it would 15639  
be situated outside of this state under the provisions of division 15640  
(E) of section 5751.033 of the Revised Code or if it is later 15641  
determined that the person that operates the distribution center 15642  
had average monthly costs from its suppliers of less than forty 15643  
million dollars during that year, then the operator of the 15644  
distribution center shall be liable for any tax, interest, or 15645  
penalty upon amounts claimed as qualifying distribution center 15646  
receipts, other than those receipts exempt under division (C)(1) 15647  
of section 5751.011 of the Revised Code, that would have not 15648  
otherwise been owed by its suppliers during the qualifying year if 15649  
the qualifying certificate was valid. (For purposes of division 15650  
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 15651



is part of the consolidated elected taxpayer group, if applicable, 15652  
of the operator of the qualified distribution center.) 15653

(iii) When filing an application for a qualifying certificate 15654  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 15655  
qualified distribution center also shall provide documentation, as 15656  
the commissioner requires, for the commissioner to ascertain the 15657  
Ohio delivery percentage. The commissioner, upon issuing the 15658  
qualifying certificate, also shall certify the Ohio delivery 15659  
percentage. The operator of the qualified distribution center may 15660  
appeal the commissioner's certification of the Ohio delivery 15661  
percentage in the same manner as an appeal is taken from the 15662  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 15663  
of this section. 15664

Within thirty days after all appeals have been exhausted, the 15665  
operator of the qualified distribution center shall notify the 15666  
affected suppliers of qualified property that such suppliers are 15667  
required to file, within sixty days after receiving notice from 15668  
the operator of the qualified distribution center, amended reports 15669  
for the impacted calendar quarter or quarters or calendar year, 15670  
whichever the case may be. Any additional tax liability or tax 15671  
overpayment shall be subject to interest but shall not be subject 15672  
to the imposition of any penalty so long as the amended returns 15673  
are timely filed. The supplier of tangible personal property 15674  
delivered to the qualified distribution center shall include in 15675  
its report of taxable gross receipts the receipts from the total 15676  
sales of property delivered to the qualified distribution center 15677  
for the calendar quarter or calendar year, whichever the case may 15678  
be, multiplied by the Ohio delivery percentage for the qualifying 15679  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 15680  
construed as imposing liability on the operator of a qualified 15681  
distribution center for the tax imposed by this chapter arising 15682  
from any change to the Ohio delivery percentage. 15683

(iv) In the case where the distribution center is new and not 15684  
open for the entire qualifying period, the operator shall make a 15685  
good faith estimate of an Ohio delivery percentage for use by 15686  
suppliers in their reports of taxable gross receipts for the 15687  
remainder of the qualifying period. The operator of the facility 15688  
shall disclose to the suppliers that such Ohio delivery percentage 15689  
is an estimate and is subject to recalculation. By the due date of 15690  
the next application for a qualifying certificate, the operator 15691  
shall determine the actual Ohio delivery percentage for the 15692  
estimated qualifying period and proceed as provided in division 15693  
(F)(2)(z)(iii) of this section with respect to the calculation and 15694  
recalculation of the Ohio delivery percentage. The supplier is 15695  
required to file, within sixty days after receiving notice from 15696  
the operator of the qualified distribution center, amended reports 15697  
for the impacted calendar quarter or quarters or calendar year, 15698  
whichever the case may be. Any additional tax liability or tax 15699  
overpayment shall be subject to interest but shall not be subject 15700  
to the imposition of any penalty so long as the amended returns 15701  
are timely filed. 15702

(v) Qualifying certificates and Ohio delivery percentages 15703  
issued by the commissioner shall be open to public inspection and 15704  
shall be timely published by the commissioner. A supplier relying 15705  
in good faith on a certificate issued under this division shall 15706  
not be subject to tax on the qualifying distribution center 15707  
receipts under division (F)(2)(z) of this section. A person 15708  
receiving a qualifying certificate is responsible for paying the 15709  
tax, interest, and penalty upon amounts claimed as qualifying 15710  
distribution center receipts that would not otherwise have been 15711  
owed by the supplier if the qualifying certificate were available 15712  
when it is later determined that the qualifying certificate should 15713  
not have been issued because the statutory requirements were in 15714  
fact not met. 15715

(vi) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (F)(2)(z)(i)(VI) of this section. The fee imposed under this division may be assessed in the same manner as the tax imposed under this chapter. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

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

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

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis.

"Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed ~~to providing public services pursuant to sections 126.60 to 126.605 of the Revised Code, or any receipts directly attributed~~ to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or tangible personal property constituting or located within a uranium enrichment zone may apply to the tax commissioner to have

the uranium enrichment zone certified for the purpose of excluding 15778  
qualified uranium receipts under division (F)(2)(gg) of this 15779  
section. The application shall include such information that the 15780  
tax commissioner prescribes. Within sixty days after receiving the 15781  
application, the tax commissioner shall certify the zone for that 15782  
purpose if the commissioner determines that the property qualifies 15783  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 15784  
this section, or, if the tax commissioner determines that the 15785  
property does not qualify, the commissioner shall deny the 15786  
application or request additional information from the applicant. 15787  
If the tax commissioner denies an application, the commissioner 15788  
shall state the reasons for the denial. The applicant may appeal 15789  
the denial of an application to the board of tax appeals pursuant 15790  
to section 5717.02 of the Revised Code. If the applicant files a 15791  
timely appeal, the tax commissioner shall conditionally certify 15792  
the applicant's property. The conditional certification shall 15793  
expire when all of the applicant's appeals are exhausted. Until 15794  
final resolution of the appeal, the applicant shall retain the 15795  
applicant's records in accordance with section 5751.12 of the 15796  
Revised Code, notwithstanding any time limit on the preservation 15797  
of records under that section. 15798

(hh) Amounts realized by licensed motor fuel dealers or 15799  
licensed permissive motor fuel dealers from the exchange of 15800  
petroleum products, including motor fuel, between such dealers, 15801  
provided that delivery of the petroleum products occurs at a 15802  
refinery, terminal, pipeline, or marine vessel and that the 15803  
exchanging dealers agree neither dealer shall require monetary 15804  
compensation from the other for the value of the exchanged 15805  
petroleum products other than such compensation for differences in 15806  
product location or grade. Division (F)(2)(hh) of this section 15807  
does not apply to amounts realized as a result of differences in 15808  
location or grade of exchanged petroleum products or from 15809  
handling, lubricity, dye, or other additive injections fees, 15810

pipeline security fees, or similar fees. As used in this division, 15811  
"motor fuel," "licensed motor fuel dealer," "licensed permissive 15812  
motor fuel dealer," and "terminal" have the same meanings as in 15813  
section 5735.01 of the Revised Code. 15814

(ii) In the case of amounts collected by a licensed casino 15815  
operator from casino gaming, amounts in excess of the casino 15816  
operator's gross casino revenue. In this division, "casino 15817  
operator" and "casino gaming" have the meanings defined in section 15818  
3772.01 of the Revised Code, and "gross casino revenue" has the 15819  
meaning defined in section 5753.01 of the Revised Code. 15820

(jj) Any receipts for which the tax imposed by this chapter 15821  
is prohibited by the constitution or laws of the United States or 15822  
the constitution of this state. 15823

(3) In the case of a taxpayer when acting as a real estate 15824  
broker, "gross receipts" includes only the portion of any fee for 15825  
the service of a real estate broker, or service of a real estate 15826  
salesperson associated with that broker, that is retained by the 15827  
broker and not paid to an associated real estate salesperson or 15828  
another real estate broker. For the purposes of this division, 15829  
"real estate broker" and "real estate salesperson" have the same 15830  
meanings as in section 4735.01 of the Revised Code. 15831

(4) A taxpayer's method of accounting for gross receipts for 15832  
a tax period shall be the same as the taxpayer's method of 15833  
accounting for federal income tax purposes for the taxpayer's 15834  
federal taxable year that includes the tax period. If a taxpayer's 15835  
method of accounting for federal income tax purposes changes, its 15836  
method of accounting for gross receipts under this chapter shall 15837  
be changed accordingly. 15838

(G) "Taxable gross receipts" means gross receipts sitused to 15839  
this state under section 5751.033 of the Revised Code. 15840

(H) A person has "substantial nexus with this state" if any 15841

of the following applies. The person:	15842
(1) Owns or uses a part or all of its capital in this state;	15843
(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;	15844 15845
(3) Has bright-line presence in this state;	15846
(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.	15847 15848 15849
(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:	15850 15851 15852
(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.	15853 15854 15855 15856 15857
(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:	15858 15859 15860
(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;	15861 15862
(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	15863 15864 15865
(c) Any amount the person pays for services performed in this state on its behalf by another.	15866 15867
(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.	15868 15869
(4) Has at any time during the calendar year within this	15870

state at least twenty-five per cent of the person's total	15871
property, total payroll, or total gross receipts.	15872
(5) Is domiciled in this state as an individual or for	15873
corporate, commercial, or other business purposes.	15874
(J) "Tangible personal property" has the same meaning as in	15875
section 5739.01 of the Revised Code.	15876
(K) "Internal Revenue Code" means the Internal Revenue Code	15877
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in	15878
this chapter that is not otherwise defined has the same meaning as	15879
when used in a comparable context in the laws of the United States	15880
relating to federal income taxes unless a different meaning is	15881
clearly required. Any reference in this chapter to the Internal	15882
Revenue Code includes other laws of the United States relating to	15883
federal income taxes.	15884
(L) "Calendar quarter" means a three-month period ending on	15885
the thirty-first day of March, the thirtieth day of June, the	15886
thirtieth day of September, or the thirty-first day of December.	15887
(M) "Tax period" means the calendar quarter or calendar year	15888
on the basis of which a taxpayer is required to pay the tax	15889
imposed under this chapter.	15890
(N) "Calendar year taxpayer" means a taxpayer for which the	15891
tax period is a calendar year.	15892
(O) "Calendar quarter taxpayer" means a taxpayer for which	15893
the tax period is a calendar quarter.	15894
(P) "Agent" means a person authorized by another person to	15895
act on its behalf to undertake a transaction for the other,	15896
including any of the following:	15897
(1) A person receiving a fee to sell financial instruments;	15898
(2) A person retaining only a commission from a transaction	15899
with the other proceeds from the transaction being remitted to	15900



another person; 15901

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code; 15902  
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(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 15904  
15905

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 15906  
15907

(Q) "Received" includes amounts accrued under the accrual method of accounting. 15908  
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(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. 15910  
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**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~~ and providing revenue to the commercial activity tax motor fuel receipts fund, 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~~ a 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

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tax imposed under this section is in addition to any other taxes 15931  
or fees imposed under the Revised Code. The tax levied under this 15932  
section is imposed on the person receiving the gross receipts and 15933  
is not a tax imposed directly on a purchaser. The tax imposed by 15934  
this section is an annual privilege tax for the calendar year 15935  
that, in the case of calendar year taxpayers, is the annual tax 15936  
period and, in the case of calendar quarter taxpayers, contains 15937  
all quarterly tax periods in the calendar year. A taxpayer is 15938  
subject to the annual privilege tax for doing business during any 15939  
portion of such calendar year. 15940

(B) The tax imposed by this section is a tax on the taxpayer 15941  
and shall not be billed or invoiced to another person. Even if the 15942  
tax or any portion thereof is billed or invoiced and separately 15943  
stated, such amounts remain part of the price for purposes of the 15944  
sales and use taxes levied under Chapters 5739. and 5741. of the 15945  
Revised Code. Nothing in division (B) of this section prohibits: 15946

(1) A person from including in the price charged for a good 15947  
or service an amount sufficient to recover the tax imposed by this 15948  
section; or 15949

(2) A lessor from including an amount sufficient to recover 15950  
the tax imposed by this section in a lease payment charged, or 15951  
from including such an amount on a billing or invoice pursuant to 15952  
the terms of a written lease agreement providing for the recovery 15953  
of the lessor's tax costs. The recovery of such costs shall be 15954  
based on an estimate of the total tax cost of the lessor during 15955  
the tax period, as the tax liability of the lessor cannot be 15956  
calculated until the end of that period. 15957

**Sec. 5751.051.** (A)(1) Not later than the tenth day of the 15958  
second month after the end of each calendar quarter, every 15959  
taxpayer other than a calendar year taxpayer shall file with the 15960

tax commissioner a tax return in such form as the commissioner 15961  
prescribes. The return shall include, but is not limited to, the 15962  
amount of the taxpayer's taxable gross receipts for the calendar 15963  
quarter and shall indicate the amount of tax due under section 15964  
5751.03 of the Revised Code for the calendar quarter. The taxpayer 15965  
shall indicate on the return the portion of the taxpayer's 15966  
receipts attributable to motor fuel used for propelling vehicles 15967  
on public highways. 15968

(2)(a) Subject to division (C) of section 5751.05 of the 15969  
Revised Code, a calendar quarter taxpayer shall report the taxable 15970  
gross receipts for that calendar quarter. 15971

(b) With respect to taxable gross receipts incorrectly 15972  
reported in a calendar quarter that has a lower tax rate, the tax 15973  
shall be computed at the tax rate in effect for the quarterly 15974  
return in which such receipts should have been reported. Nothing 15975  
in division (A)(2)(b) of this section prohibits a taxpayer from 15976  
filing an application for refund under section 5751.08 of the 15977  
Revised Code with regard to the incorrect reporting of taxable 15978  
gross receipts discovered after filing the annual return described 15979  
in division (A)(3) of this section. 15980

A tax return shall not be deemed to be an incorrect reporting 15981  
of taxable gross receipts for the purposes of division (A)(2)(b) 15982  
of this section if the return reflects between ninety-five and one 15983  
hundred five per cent of the actual taxable gross receipts for the 15984  
calendar quarter. 15985

(3) For the purposes of division (A)(2)(b) of this section, 15986  
the tax return filed for the fourth calendar quarter of a calendar 15987  
year is the annual return for the privilege tax imposed by this 15988  
chapter. Such return shall report any additional taxable gross 15989  
receipts not previously reported in the calendar year and shall 15990  
adjust for any over-reported taxable gross receipts in the 15991

calendar year. If the taxpayer ceases to be a taxpayer before the 15992  
end of the calendar year, the last return the taxpayer is required 15993  
to file shall be the annual return for the taxpayer and the 15994  
taxpayer shall report any additional taxable gross receipts not 15995  
previously reported in the calendar year and shall adjust for any 15996  
over-reported taxable gross receipts in the calendar year. 15997

Taxpayers reporting taxable gross receipts attributable to motor 15998  
fuel used for propelling vehicles on public highways may not 15999  
utilize the statutory estimation procedure provided in divisions 16000  
(A)(2) and (3) of this section. 16001

(4) Because the tax imposed by this chapter is a privilege 16002  
tax, the tax rate with respect to taxable gross receipts for a 16003  
calendar quarter is not fixed until the end of the measurement 16004  
period for each calendar quarter. Subject to division (A)(2)(b) of 16005  
this section, the total amount of taxable gross receipts reported 16006  
for a given calendar quarter shall be subject to the tax rate in 16007  
effect in that quarter. 16008

(5) Not later than the tenth day of May following the end of 16009  
each calendar year, every calendar year taxpayer shall file with 16010  
the tax commissioner a tax return in such form as the commissioner 16011  
prescribes. The return shall include, but is not limited to, the 16012  
amount of the taxpayer's taxable gross receipts for the calendar 16013  
year and shall indicate the amount of tax due under section 16014  
5751.03 of the Revised Code for the calendar year. The taxpayer 16015  
shall indicate on the return the portion of the taxpayer's 16016  
receipts attributable to motor fuel used for propelling vehicles 16017  
on public highways. 16018

(B)(1) A person that first becomes subject to the tax imposed 16019  
under this chapter shall pay the minimum tax imposed under 16020  
division (B) of section 5751.03 of the Revised Code on or before 16021  
the day the return is required to be filed for that quarter under 16022  
division (A)(1) of this section, regardless of whether the person 16023

registers as a calendar year taxpayer under section 5751.05 of the Revised Code. 16024  
16025

(2) The amount of the minimum tax for a person subject to division (B)(1) of this section shall be reduced to seventy-five dollars if the registration is timely filed after the first day of May and before the first day of January of the following calendar year. 16026  
16027  
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16030

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of the Revised Code: 16031  
16032

(1) "School district," "joint vocational school district," "local taxing unit," "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code. 16033  
16034  
16035  
16036

(2) "State education aid" for a school district means the following: 16037  
16038

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year: 16039  
16040  
16041  
16042  
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16052  
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that section subsequently may be amended shall be included. 16055

(b) For fiscal years 2010 and 2011, the sum of the amounts 16056  
computed under former sections 3306.052, 3306.12, 3306.13, 16057  
3306.19, 3306.191, and 3306.192 of the Revised Code; 16058

(c) For fiscal years 2012 and 2013, the sum of the amounts 16059  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 16060  
153 of the 129th general assembly. 16061

(3) "State education aid" for a joint vocational school 16062  
district means the following: 16063

(a) For fiscal years prior to fiscal year 2010, the sum of 16064  
the state aid computed for the district under division (N) of 16065  
section 3317.024 and section 3317.16 of the Revised Code, except 16066  
that, for fiscal years 2008 and 2009, the amount computed under 16067  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 16068  
that section subsequently may be amended shall be included. 16069

(b) For fiscal years 2010 and 2011, the amount paid in 16070  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 16071  
assembly. 16072

(c) For fiscal years 2012 and 2013, the amount paid in 16073  
accordance with Section 267.30.60 of H.B. 153 of the 129th general 16074  
assembly. 16075

(4) "State education aid offset" means the amount determined 16076  
for each school district or joint vocational school district under 16077  
division (A)(1) of section 5751.21 of the Revised Code. 16078

(5) "Machinery and equipment property tax value loss" means 16079  
the amount determined under division (C)(1) of this section. 16080

(6) "Inventory property tax value loss" means the amount 16081  
determined under division (C)(2) of this section. 16082

(7) "Furniture and fixtures property tax value loss" means 16083  
the amount determined under division (C)(3) of this section. 16084

- (8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 16085  
16086
- (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 16087  
16088
- (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 16089  
16090
- (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. 16091  
16092  
16093  
16094
- (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 16095  
16096
- (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. 16097  
16098  
16099
- (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. 16100  
16101  
16102
- (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. 16103  
16104  
16105
- (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. 16106  
16107  
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- (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 16112  
16113  
16114

5727.111 of the Revised Code in tax year 2004.	16115
(18) "Telephone property tax value loss" means the amount	16116
determined under division (C)(4) of this section.	16117
(19) "Telephone property fixed-rate levy loss" means the	16118
amount determined under division (D)(4) of this section.	16119
(20) "Taxes charged and payable" means taxes charged and	16120
payable after the reduction required by section 319.301 of the	16121
Revised Code but before the reductions required by sections	16122
319.302 and 323.152 of the Revised Code.	16123
(21) "Median estate tax collections" means, in the case of a	16124
municipal corporation to which revenue from the taxes levied in	16125
Chapter 5731. of the Revised Code was distributed in each of	16126
calendar years 2006, 2007, 2008, and 2009, the median of those	16127
distributions. In the case of a municipal corporation to which no	16128
distributions were made in one or more of those years, "median	16129
estate tax collections" means zero.	16130
(22) "Total resources," in the case of a school district,	16131
means the sum of the amounts in divisions (A)(22)(a) to (h) of	16132
this section less any reduction required under division (A)(32) or	16133
(33) of this section.	16134
(a) The state education aid for fiscal year 2010;	16135
(b) The sum of the payments received by the school district	16136
in fiscal year 2010 for current expense levy losses pursuant to	16137
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of	16138
section 5751.21 of the Revised Code, excluding the portion of such	16139
payments attributable to levies for joint vocational school	16140
district purposes;	16141
(c) The sum of fixed-sum levy loss payments received by the	16142
school district in fiscal year 2010 pursuant to division (E)(1) of	16143
section 5727.85 and division (E)(1) of section 5751.21 of the	16144



Revised Code for fixed-sum levies charged and payable for a purpose other than paying debt charges;	16145 16146
(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies charged and payable under section 5709.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;	16147 16148 16149 16150 16151 16152 16153
(e) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes;	16154 16155 16156 16157 16158
(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;	16159 16160 16161 16162
(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;	16163 16164
(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.	16165 16166
(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.	16167 16168 16169 16170
(a) The state education aid for fiscal year 2010;	16171
(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and	16172 16173 16174

divisions (C)(8) and (9) of section 5751.21 of the Revised Code; 16175

(c) Fifty per cent of the joint vocational school district's 16176  
taxes charged and payable against all property on the tax list of 16177  
real and public utility property for current expense purposes for 16178  
tax year 2008; 16179

(d) Fifty per cent of the joint vocational school district's 16180  
taxes charged and payable against all property on the tax list of 16181  
real and public utility property for current expenses for tax year 16182  
2009; 16183

(e) Fifty per cent of a city, local, or exempted village 16184  
school district's taxes charged and payable against all property 16185  
on the tax list of real and public utility property for current 16186  
expenses of the joint vocational school district for tax year 16187  
2008; 16188

(f) Fifty per cent of a city, local, or exempted village 16189  
school district's taxes charged and payable against all property 16190  
on the tax list of real and public utility property for current 16191  
expenses of the joint vocational school district for tax year 16192  
2009; 16193

(g) The joint vocational school district's taxes charged and 16194  
payable against all property on the general tax list of personal 16195  
property for current expenses for tax year 2009. 16196

(24) "Total resources," in the case of county mental health 16197  
and disability related functions, means the sum of the amounts in 16198  
divisions (A)(24)(a) and (b) of this section less any reduction 16199  
required under division (A)(32) of this section. 16200

(a) The sum of the payments received by the county for mental 16201  
health and developmental disability related functions in calendar 16202  
year 2010 under division (A)(1) of section 5727.86 and divisions 16203  
(A)(1) and (2) of section 5751.22 of the Revised Code as they 16204  
existed at that time; 16205

(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.	16206 16207 16208 16209
(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.	16210 16211 16212 16213
(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;	16214 16215 16216 16217
(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.	16218 16219 16220 16221
(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.	16222 16223 16224 16225
(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;	16226 16227 16228 16229
(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.	16230 16231 16232 16233
(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required	16234 16235 16236

under division (A)(32) of this section. 16237

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 16238  
16239  
16240  
16241

(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. 16242  
16243  
16244  
16245

(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. 16246  
16247  
16248  
16249  
16250

(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; 16251  
16252  
16253  
16254

(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; 16255  
16256  
16257  
16258  
16259  
16260  
16261

(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; 16262  
16263  
16264  
16265  
16266

(d) The sum of the amounts distributed to the county in 16267

calendar year 2010 for the taxes levied pursuant to sections	16268
5739.021 and 5741.021 of the Revised Code.	16269
(29) "Total resources," in the case of a municipal	16270
corporation, means the sum of the amounts in divisions (A)(29)(a)	16271
to (g) of this section less any reduction required under division	16272
(A)(32) or (33) of this section.	16273
(a) The sum of the payments received by the municipal	16274
corporation in calendar year 2010 for current expense levy losses	16275
under division (A)(1) of section 5727.86 and divisions (A)(1) and	16276
(2) of section 5751.22 of the Revised Code as they existed at that	16277
time;	16278
(b) The municipal corporation's percentage share of county	16279
undivided local government fund allocations as certified to the	16280
tax commissioner for calendar year 2010 by the county auditor	16281
under division (J) of section 5747.51 of the Revised Code or	16282
division (F) of section 5747.53 of the Revised Code multiplied by	16283
the total amount actually distributed in calendar year 2010 from	16284
the county undivided local government fund;	16285
(c) The sum of the amounts distributed to the municipal	16286
corporation in calendar year 2010 pursuant to section 5747.50 of	16287
the Revised Code;	16288
(d) With respect to taxes levied by the municipal	16289
corporation, the taxes charged and payable against all property on	16290
the tax list of real and public utility property for current	16291
expenses, defined in division (A)(35) of this section, for tax	16292
year 2009;	16293
(e) The amount of admissions tax collected by the municipal	16294
corporation in calendar year 2008, or if such information has not	16295
yet been reported to the tax commissioner, in the most recent year	16296
before 2008 for which the municipal corporation has reported data	16297
to the commissioner;	16298

(f) The amount of income taxes collected by the municipal corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner; 16299  
16300  
16301  
16302  
16303

(g) The municipal corporation's median estate tax collections. 16304  
16305

(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. 16306  
16307  
16308  
16309

(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; 16310  
16311  
16312  
16313  
16314

(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; 16315  
16316  
16317  
16318  
16319  
16320  
16321

(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. 16322  
16323  
16324  
16325

(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 16326  
16327  
16328  
16329

section. 16330

(a) The sum of the payments received by the local taxing unit 16331  
in calendar year 2010 pursuant to division (A)(1) of section 16332  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 16333  
section 5751.22 of the Revised Code as they existed at that time; 16334

(b) The local taxing unit's percentage share of county 16335  
undivided local government fund allocations as certified to the 16336  
tax commissioner for calendar year 2010 by the county auditor 16337  
under division (J) of section 5747.51 of the Revised Code or 16338  
division (F) of section 5747.53 of the Revised Code multiplied by 16339  
the total amount actually distributed in calendar year 2010 from 16340  
the county undivided local government fund; 16341

(c) With respect to taxes levied by the local taxing unit, 16342  
the taxes charged and payable against all property on the tax list 16343  
of real and public utility property for tax year 2009 excluding 16344  
taxes charged and payable for the purpose of paying debt charges; 16345

(d) The amount received from the tax commissioner during 16346  
calendar year 2010 for sales or use taxes authorized under 16347  
sections 5739.023 and 5741.022 of the Revised Code; 16348

(e) For institutions of higher education receiving tax 16349  
revenue from a local levy, as identified in section 3358.02 of the 16350  
Revised Code, the final state share of instruction allocation for 16351  
fiscal year 2010 as calculated by the board of regents and 16352  
reported to the state controlling board. 16353

(32) If a fixed-rate levy that is a qualifying levy is not 16354  
charged and payable in any year after tax year 2010, "total 16355  
resources" used to compute payments to be made under division 16356  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 16357  
5751.22 of the Revised Code in the tax years following the last 16358  
year the levy is charged and payable shall be reduced to the 16359  
extent that the payments are attributable to the fixed-rate levy 16360

loss of that levy as would be computed under division (C)(2) of 16361  
section 5727.85, division (A)(1) of section 5727.85, divisions 16362  
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 16363  
5751.22 of the Revised Code. 16364

(33) In the case of a county, municipal corporation, school 16365  
district, or township with fixed-rate levy losses attributable to 16366  
a tax levied under section 5705.23 of the Revised Code, "total 16367  
resources" used to compute payments to be made under division 16368  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 16369  
division (C)(12) of section 5751.21, or division (A)(1)(c) of 16370  
section 5751.22 of the Revised Code shall be reduced by the 16371  
amounts described in divisions (A)(34)(a) to (c) of this section 16372  
to the extent that those amounts were included in calculating the 16373  
"total resources" of the school district or local taxing unit 16374  
under division (A)(22), (28), (29), or (30) of this section. 16375

(34) "Total library resources," in the case of a county, 16376  
municipal corporation, school district, or township public library 16377  
that receives the proceeds of a tax levied under section 5705.23 16378  
of the Revised Code, means the sum of the amounts in divisions 16379  
(A)(34)(a) to (c) of this section less any reduction required 16380  
under division (A)(32) of this section. 16381

(a) The sum of the payments received by the county, municipal 16382  
corporation, school district, or township public library in 16383  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 16384  
Revised Code, as they existed at that time, for fixed-rate levy 16385  
losses attributable to a tax levied under section 5705.23 of the 16386  
Revised Code for the benefit of the public library; 16387

(b) The public library's percentage share of county undivided 16388  
local government fund allocations as certified to the tax 16389  
commissioner for calendar year 2010 by the county auditor under 16390  
division (J) of section 5747.51 of the Revised Code or division 16391  
(F) of section 5747.53 of the Revised Code multiplied by the total 16392



amount actually distributed in calendar year 2010 from the county 16393  
undivided local government fund; 16394

(c) With respect to a tax levied pursuant to section 5705.23 16395  
of the Revised Code for the benefit of the public library, the 16396  
amount of such tax that is charged and payable against all 16397  
property on the tax list of real and public utility property for 16398  
tax year 2009 excluding any tax that is charged and payable for 16399  
the purpose of paying debt charges. 16400

(35) "Municipal current expense property tax levies" means 16401  
all property tax levies of a municipality, except those with the 16402  
following levy names: airport resurfacing; bond or any levy name 16403  
including the word "bond"; capital improvement or any levy name 16404  
including the word "capital"; debt or any levy name including the 16405  
word "debt"; equipment or any levy name including the word 16406  
"equipment," unless the levy is for combined operating and 16407  
equipment; employee termination fund; fire pension or any levy 16408  
containing the word "pension," including police pensions; 16409  
fireman's fund or any practically similar name; sinking fund; road 16410  
improvements or any levy containing the word "road"; fire truck or 16411  
apparatus; flood or any levy containing the word "flood"; 16412  
conservancy district; county health; note retirement; sewage, or 16413  
any levy containing the words "sewage" or "sewer"; park 16414  
improvement; parkland acquisition; storm drain; street or any levy 16415  
name containing the word "street"; lighting, or any levy name 16416  
containing the word "lighting"; and water. 16417

(36) "Current expense TPP allocation" means, in the case of a 16418  
school district or joint vocational school district, the sum of 16419  
the payments received by the school district in fiscal year 2011 16420  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 16421  
Revised Code to the extent paid for current expense levies. In the 16422  
case of a municipal corporation, "current expense TPP allocation" 16423  
means the sum of the payments received by the municipal 16424

corporation in calendar year 2010 pursuant to divisions (A)(1) and 16425  
(2) of section 5751.22 of the Revised Code to the extent paid for 16426  
municipal current expense property tax levies as defined in 16427  
division (A)(35) of this section, excluding any such payments 16428  
received for current expense levy losses attributable to a tax 16429  
levied under section 5705.23 of the Revised Code. If a fixed-rate 16430  
levy that is a qualifying levy is not charged and payable in any 16431  
year after tax year 2010, "current expense TPP allocation" used to 16432  
compute payments to be made under division (C)(12) of section 16433  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 16434  
Revised Code in the tax years following the last year the levy is 16435  
charged and payable shall be reduced to the extent that the 16436  
payments are attributable to the fixed-rate levy loss of that levy 16437  
as would be computed under divisions (C)(10) and (11) of section 16438  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 16439

(37) "TPP allocation" means the sum of payments received by a 16440  
local taxing unit in calendar year 2010 pursuant to divisions 16441  
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 16442  
any such payments received for fixed-rate levy losses attributable 16443  
to a tax levied under section 5705.23 of the Revised Code. If a 16444  
fixed-rate levy that is a qualifying levy is not charged and 16445  
payable in any year after tax year 2010, "TPP allocation" used to 16446  
compute payments to be made under division (A)(1)(b) or (c) of 16447  
section 5751.22 of the Revised Code in the tax years following the 16448  
last year the levy is charged and payable shall be reduced to the 16449  
extent that the payments are attributable to the fixed-rate levy 16450  
loss of that levy as would be computed under division (A)(1) of 16451  
that section. 16452

(38) "Total TPP allocation" means, in the case of a school 16453  
district or joint vocational school district, the sum of the 16454  
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 16455  
and (11) and (D) of section 5751.21 of the Revised Code. In the 16456

case of a local taxing unit, "total TPP allocation" means the sum 16457  
of payments received by the unit in calendar year 2010 pursuant to 16458  
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 16459  
Code. If a fixed-rate levy that is a qualifying levy is not 16460  
charged and payable in any year after tax year 2010, "total TPP 16461  
allocation" used to compute payments to be made under division 16462  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 16463  
5751.22 of the Revised Code in the tax years following the last 16464  
year the levy is charged and payable shall be reduced to the 16465  
extent that the payments are attributable to the fixed-rate levy 16466  
loss of that levy as would be computed under divisions (C)(10) and 16467  
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 16468  
the Revised Code. 16469

(39) "Non-current expense TPP allocation" means the 16470  
difference of total TPP allocation minus the sum of current 16471  
expense TPP allocation and the portion of total TPP allocation 16472  
constituting reimbursement for debt levies, pursuant to division 16473  
(D) of section 5751.21 of the Revised Code in the case of a school 16474  
district or joint vocational school district and pursuant to 16475  
division (A)(3) of section 5751.22 of the Revised Code in the case 16476  
of a municipal corporation. 16477

(40) "TPP allocation for library purposes" means the sum of 16478  
payments received by a county, municipal corporation, school 16479  
district, or township public library in calendar year 2010 16480  
pursuant to section 5751.22 of the Revised Code for fixed-rate 16481  
levy losses attributable to a tax levied under section 5705.23 of 16482  
the Revised Code. If a fixed-rate levy authorized under section 16483  
5705.23 of the Revised Code that is a qualifying levy is not 16484  
charged and payable in any year after tax year 2010, "TPP 16485  
allocation for library purposes" used to compute payments to be 16486  
made under division (A)(1)(d) of section 5751.22 of the Revised 16487  
Code in the tax years following the last year the levy is charged 16488

and payable shall be reduced to the extent that the payments are 16489  
attributable to the fixed-rate levy loss of that levy as would be 16490  
computed under division (A)(1) of section 5751.22 of the Revised 16491  
Code. 16492

(41) "Threshold per cent" means, in the case of a school 16493  
district or joint vocational school district, two per cent for 16494  
fiscal year 2012 and four per cent for fiscal years 2013 and 16495  
thereafter. In the case of a local taxing unit or public library 16496  
that receives the proceeds of a tax levied under section 5705.23 16497  
of the Revised Code, "threshold per cent" means two per cent for 16498  
tax year 2011, four per cent for tax year 2012, and six per cent 16499  
for tax years 2013 and thereafter. 16500

(B)(1) The commercial activities tax receipts fund is hereby 16501  
created in the state treasury and shall consist of money arising 16502  
from the tax imposed under this chapter. Eighty-five 16503  
one-hundredths of one per cent of the money credited to that fund 16504  
shall be credited to the revenue enhancement fund and shall be 16505  
used to defray the costs incurred by the department of taxation in 16506  
administering the tax imposed by this chapter and in implementing 16507  
tax reform measures. The remainder of the money in the commercial 16508  
activities tax receipts fund shall first be credited ~~for each~~ 16509  
fiscal year to the commercial activity tax motor fuel receipts 16510  
fund, pursuant to division (B)(2) of this section, and the 16511  
remainder shall be credited in the following percentages each 16512  
fiscal year to the general revenue fund, to the school district 16513  
tangible property tax replacement fund, which is hereby created in 16514  
the state treasury for the purpose of making the payments 16515  
described in section 5751.21 of the Revised Code, and to the local 16516  
government tangible property tax replacement fund, which is hereby 16517  
created in the state treasury for the purpose of making the 16518  
payments described in section 5751.22 of the Revised Code, in the 16519  
following percentages: 16520

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%	16522
2007	0%	70.0%	30.0%	16523
2008	0%	70.0%	30.0%	16524
2009	0%	70.0%	30.0%	16525
2010	0%	70.0%	30.0%	16526
2011	0%	70.0%	30.0%	16527
2012	25.0%	52.5%	22.5%	16528
2013 and thereafter	50.0%	35.0%	15.0%	16529

(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	16549
taxpayers for tax year 2004 multiplied by:	16550
(a) For tax year 2006, thirty-three and eight-tenths per	16551
cent;	16552
(b) For tax year 2007, sixty-one and three-tenths per cent;	16553
(c) For tax year 2008, eighty-three per cent;	16554
(d) For tax year 2009 and thereafter, one hundred per cent.	16555
(2) Inventory property tax value loss is the taxable value of	16556
inventory property as reported by taxpayers for tax year 2004	16557
multiplied by:	16558
(a) For tax year 2006, a fraction, the numerator of which is	16559
five and three-fourths and the denominator of which is	16560
twenty-three;	16561
(b) For tax year 2007, a fraction, the numerator of which is	16562
nine and one-half and the denominator of which is twenty-three;	16563
(c) For tax year 2008, a fraction, the numerator of which is	16564
thirteen and one-fourth and the denominator of which is	16565
twenty-three;	16566
(d) For tax year 2009 and thereafter a fraction, the	16567
numerator of which is seventeen and the denominator of which is	16568
twenty-three.	16569
(3) Furniture and fixtures property tax value loss is the	16570
taxable value of furniture and fixture property as reported by	16571
taxpayers for tax year 2004 multiplied by:	16572
(a) For tax year 2006, twenty-five per cent;	16573
(b) For tax year 2007, fifty per cent;	16574
(c) For tax year 2008, seventy-five per cent;	16575
(d) For tax year 2009 and thereafter, one hundred per cent.	16576

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.

(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 16607  
for tax year 2000 shall be substituted for the taxable value of 16608  
such property as reported by taxpayers for tax year 2004, in the 16609  
taxing district containing the uranium facility, if the taxable 16610  
value listed for tax year 2000 is greater than the taxable value 16611  
reported by taxpayers for tax year 2004. For the purpose of making 16612  
the computations under divisions (D)(1), (2), and (3) of this 16613  
section, the tax year 2000 valuation is to be allocated to 16614  
machinery and equipment, inventory, and furniture and fixtures 16615  
property in the same proportions as the tax year 2004 values. For 16616  
the purpose of the calculations in division (A) of section 5751.21 16617  
of the Revised Code, the tax year 2004 taxable values shall be 16618  
used. 16619

To facilitate the calculations required under division (C) of 16620  
this section, the county auditor, upon request from the tax 16621  
commissioner, shall provide by August 1, 2005, the values of 16622  
machinery and equipment, inventory, and furniture and fixtures for 16623  
all single-county personal property taxpayers for tax year 2004. 16624

(D) Not later than September 15, 2005, the tax commissioner 16625  
shall determine for each tax year from 2006 through 2009 for each 16626  
school district, joint vocational school district, and local 16627  
taxing unit its machinery and equipment, inventory, and furniture 16628  
and fixtures fixed-rate levy losses, and for each tax year from 16629  
2006 through 2011 its telephone property fixed-rate levy loss. 16630  
Except as provided in division (F) of this section, such losses 16631  
are the applicable amounts described in divisions (D)(1), (2), 16632  
(3), and (4) of this section: 16633

(1) The machinery and equipment fixed-rate levy loss is the 16634  
machinery and equipment property tax value loss multiplied by the 16635  
sum of the tax rates of fixed-rate qualifying levies. 16636

(2) The inventory fixed-rate loss is the inventory property 16637  
tax value loss multiplied by the sum of the tax rates of 16638



fixed-rate qualifying levies. 16639

(3) The furniture and fixtures fixed-rate levy loss is the 16640  
furniture and fixture property tax value loss multiplied by the 16641  
sum of the tax rates of fixed-rate qualifying levies. 16642

(4) The telephone property fixed-rate levy loss is the 16643  
telephone property tax value loss multiplied by the sum of the tax 16644  
rates of fixed-rate qualifying levies. 16645

(E) Not later than September 15, 2005, the tax commissioner 16646  
shall determine for each school district, joint vocational school 16647  
district, and local taxing unit its fixed-sum levy loss. The 16648  
fixed-sum levy loss is the amount obtained by subtracting the 16649  
amount described in division (E)(2) of this section from the 16650  
amount described in division (E)(1) of this section: 16651

(1) The sum of the machinery and equipment property tax value 16652  
loss, the inventory property tax value loss, and the furniture and 16653  
fixtures property tax value loss, and, for 2008 through 2010, the 16654  
telephone property tax value loss of the district or unit 16655  
multiplied by the sum of the fixed-sum tax rates of qualifying 16656  
levies. For 2006 through 2010, this computation shall include all 16657  
qualifying levies remaining in effect for the current tax year and 16658  
any school district levies charged and payable under section 16659  
5705.194 or 5705.213 of the Revised Code that are qualifying 16660  
levies not remaining in effect for the current year. For 2011 16661  
through 2017 in the case of school district levies charged and 16662  
payable under section 5705.194 or 5705.213 of the Revised Code and 16663  
for all years after 2010 in the case of other fixed-sum levies, 16664  
this computation shall include only qualifying levies remaining in 16665  
effect for the current year. For purposes of this computation, a 16666  
qualifying school district levy charged and payable under section 16667  
5705.194 or 5705.213 of the Revised Code remains in effect in a 16668  
year after 2010 only if, for that year, the board of education 16669  
levies a school district levy charged and payable under section 16670

5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 16671  
an annual sum at least equal to the annual sum levied by the board 16672  
in tax year 2004 less the amount of the payment certified under 16673  
this division for 2006. 16674

(2) The total taxable value in tax year 2004 less the sum of 16675  
the machinery and equipment, inventory, furniture and fixtures, 16676  
and telephone property tax value losses in each school district, 16677  
joint vocational school district, and local taxing unit multiplied 16678  
by one-half of one mill per dollar. 16679

(3) For the calculations in divisions (E)(1) and (2) of this 16680  
section, the tax value losses are those that would be calculated 16681  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 16682  
section and for tax year 2011 under division (C)(4) of this 16683  
section. 16684

(4) To facilitate the calculation under divisions (D) and (E) 16685  
of this section, not later than September 1, 2005, any school 16686  
district, joint vocational school district, or local taxing unit 16687  
that has a qualifying levy that was approved at an election 16688  
conducted during 2005 before September 1, 2005, shall certify to 16689  
the tax commissioner a copy of the county auditor's certificate of 16690  
estimated property tax millage for such levy as required under 16691  
division (B) of section 5705.03 of the Revised Code, which is the 16692  
rate that shall be used in the calculations under such divisions. 16693

If the amount determined under division (E) of this section 16694  
for any school district, joint vocational school district, or 16695  
local taxing unit is greater than zero, that amount shall equal 16696  
the reimbursement to be paid pursuant to division (E) of section 16697  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 16698  
and the one-half of one mill that is subtracted under division 16699  
(E)(2) of this section shall be apportioned among all contributing 16700  
fixed-sum levies in the proportion that each levy bears to the sum 16701  
of all fixed-sum levies within each school district, joint 16702

vocational school district, or local taxing unit. 16703

(F) If a school district levies a tax under section 5705.219 16704  
of the Revised Code, the fixed-rate levy loss for qualifying 16705  
levies, to the extent repealed under that section, shall equal the 16706  
sum of the following amounts in lieu of the amounts computed for 16707  
such levies under division (D) of this section: 16708

(1) The sum of the rates of qualifying levies to the extent 16709  
so repealed multiplied by the sum of the machinery and equipment, 16710  
inventory, and furniture and fixtures tax value losses for 2009 as 16711  
determined under that division; 16712

(2) The sum of the rates of qualifying levies to the extent 16713  
so repealed multiplied by the telephone property tax value loss 16714  
for 2011 as determined under that division. 16715

The fixed-rate levy losses for qualifying levies to the 16716  
extent not repealed under section 5705.219 of the Revised Code 16717  
shall be as determined under division (D) of this section. The 16718  
revised fixed-rate levy losses determined under this division and 16719  
division (D) of this section first apply in the year following the 16720  
first year the district levies the tax under section 5705.219 of 16721  
the Revised Code. 16722

(G) Not later than October 1, 2005, the tax commissioner 16723  
shall certify to the department of education for every school 16724  
district and joint vocational school district the machinery and 16725  
equipment, inventory, furniture and fixtures, and telephone 16726  
property tax value losses determined under division (C) of this 16727  
section, the machinery and equipment, inventory, furniture and 16728  
fixtures, and telephone fixed-rate levy losses determined under 16729  
division (D) of this section, and the fixed-sum levy losses 16730  
calculated under division (E) of this section. The calculations 16731  
under divisions (D) and (E) of this section shall separately 16732  
display the levy loss for each levy eligible for reimbursement. 16733

(H) Not later than October 1, 2005, the tax commissioner 16734  
shall certify the amount of the fixed-sum levy losses to the 16735  
county auditor of each county in which a school district, joint 16736  
vocational school district, or local taxing unit with a fixed-sum 16737  
levy loss reimbursement has territory. 16738

(I) Not later than the twenty-eighth day of February each 16739  
year beginning in 2011 and ending in 2014, the tax commissioner 16740  
shall certify to the department of education for each school 16741  
district first levying a tax under section 5705.219 of the Revised 16742  
Code in the preceding year the revised fixed-rate levy losses 16743  
determined under divisions (D) and (F) of this section. 16744

(J) There is hereby created in the state treasury the 16745  
commercial activity tax motor fuel receipts fund. 16746

**Section 101.02.** That existing sections 9.33, 126.06, 126.503, 16747  
127.14, 153.01, 153.65, 164.05, 307.05, 307.051, 307.055, 505.37, 16748  
505.375, 505.44, 505.72, 718.01, 2913.01, 2913.02, 2913.51, 16749  
2937.221, 3354.13, 3355.10, 3357.12, 3705.242, 3791.12, 3791.13, 16750  
3791.99, 4501.01, 4501.03, 4501.04, 4501.041, 4501.042, 4501.043, 16751  
4501.06, 4503.03, 4503.04, 4503.042, 4503.07, 4503.103, 4503.11, 16752  
4503.19, 4503.191, 4503.22, 4503.42, 4503.45, 4503.49, 4504.19, 16753  
4504.21, 4505.11, 4506.08, 4506.09, 4507.011, 4507.05, 4507.23, 16754  
4511.01, 4511.13, 4511.21, 4511.61, 4513.263, 4513.34, 4513.53, 16755  
4513.66, 4517.021, 4561.01, 4561.06, 4561.07, 4561.08, 4561.09, 16756  
4561.12, 4561.21, 4582.06, 4737.04, 4737.99, 4743.05, 4765.02, 16757  
4765.03, 4765.04, 4765.05, 4765.06, 4765.07, 4765.08, 4765.09, 16758  
4765.10, 4765.101, 4765.102, 4765.11, 4765.111, 4765.112, 16759  
4765.113, 4765.114, 4765.115, 4765.116, 4765.12, 4765.15, 4765.16, 16760  
4765.17, 4765.18, 4765.22, 4765.23, 4765.28, 4765.29, 4765.30, 16761  
4765.31, 4765.32, 4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 16762  
4765.42, 4765.48, 4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 16763  
4766.04, 4766.05, 4766.07, 4766.08, 4766.09, 4766.10, 4766.11, 16764

4766.12, 4766.13, 4766.15, 4766.22, 5501.03, 5501.17, 5501.31, 16765  
5501.51 5501.73, 5501.77, 5502.01, 5503.01, 5503.03, 5503.04, 16766  
5503.31, 5503.32, 5513.01, 5517.02, 5525.01, 5525.16, 5526.01, 16767  
5533.121, 5533.31, 5537.01, 5537.02, 5537.03, 5537.04, 5537.05, 16768  
5537.051, 5537.06, 5537.07, 5537.08, 5537.09, 5537.11, 5537.12, 16769  
5537.13, 5537.14, 5537.15, 5537.16, 5537.17, 5537.19, 5537.20, 16770  
5537.21, 5537.22, 5537.24, 5537.25, 5537.26, 5537.27, 5537.28, 16771  
5537.30, 5577.05, 5728.01, 5735.05, 5735.23, 5739.02, 5747.01, 16772  
5751.01, 5751.02, 5751.051, and 5751.20 and sections 126.60, 16773  
126.601, 126.602, 126.603, 126.604, 126.605, 3791.11, 4766.02, 16774  
4766.20, 4981.36, 4981.361, and 5540.151 of the Revised Code are 16775  
hereby repealed. 16776

**Section 110.10.** That the versions of sections 4501.01, 16777  
4503.04, 4503.22, 4507.05, and 4511.01 of the Revised Code that 16778  
are scheduled to take effect January 1, 2017, be amended to read 16779  
as follows: 16780

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 16781  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 16782  
Revised Code, and in the penal laws, except as otherwise provided: 16783

(A) "Vehicles" means everything on wheels or runners, 16784  
including motorized bicycles, but does not mean electric personal 16785  
assistive mobility devices, vehicles that are operated exclusively 16786  
on rails or tracks or from overhead electric trolley wires, and 16787  
vehicles that belong to any police department, municipal fire 16788  
department, or volunteer fire department, or that are used by such 16789  
a department in the discharge of its functions. 16790

(B) "Motor vehicle" means any vehicle, including mobile homes 16791  
and recreational vehicles, that is propelled or drawn by power 16792  
other than muscular power or power collected from overhead 16793  
electric trolley wires. "Motor vehicle" does not include utility 16794

vehicles as defined in division (VV) of this section, under-speed 16795  
vehicles as defined in division (XX) of this section, mini-trucks 16796  
as defined in division (BBB) of this section, motorized bicycles, 16797  
road rollers, traction engines, power shovels, power cranes, and 16798  
other equipment used in construction work and not designed for or 16799  
employed in general highway transportation, well-drilling 16800  
machinery, ditch-digging machinery, farm machinery, and trailers 16801  
that are designed and used exclusively to transport a boat between 16802  
a place of storage and a marina, or in and around a marina, when 16803  
drawn or towed on a public road or highway for a distance of no 16804  
more than ten miles and at a speed of twenty-five miles per hour 16805  
or less. 16806

(C) "Agricultural tractor" and "traction engine" mean any 16807  
self-propelling vehicle that is designed or used for drawing other 16808  
vehicles or wheeled machinery, but has no provisions for carrying 16809  
loads independently of such other vehicles, and that is used 16810  
principally for agricultural purposes. 16811

(D) "Commercial tractor," except as defined in division (C) 16812  
of this section, means any motor vehicle that has motive power and 16813  
either is designed or used for drawing other motor vehicles, or is 16814  
designed or used for drawing another motor vehicle while carrying 16815  
a portion of the other motor vehicle or its load, or both. 16816

(E) "Passenger car" means any motor vehicle that is designed 16817  
and used for carrying not more than nine persons and includes any 16818  
motor vehicle that is designed and used for carrying not more than 16819  
fifteen persons in a ridesharing arrangement. 16820

(F) "Collector's vehicle" means any motor vehicle or 16821  
agricultural tractor or traction engine that is of special 16822  
interest, that has a fair market value of one hundred dollars or 16823  
more, whether operable or not, and that is owned, operated, 16824  
collected, preserved, restored, maintained, or used essentially as 16825  
a collector's item, leisure pursuit, or investment, but not as the 16826

owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

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

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

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

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

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

(L) "Motorized bicycle" or "moped" means any vehicle that 16858  
either has two tandem wheels or one wheel in the front and two 16859  
wheels in the rear, that may be pedaled, and that is equipped with 16860  
a helper motor of not more than fifty cubic centimeters piston 16861  
displacement that produces no more than one brake horsepower and 16862  
is capable of propelling the vehicle at a speed of no greater than 16863  
twenty miles per hour on a level surface. 16864

(M) "Trailer" means any vehicle without motive power that is 16865  
designed or used for carrying property or persons wholly on its 16866  
own structure and for being drawn by a motor vehicle, and includes 16867  
any such vehicle that is formed by or operated as a combination of 16868  
a semitrailer and a vehicle of the dolly type such as that 16869  
commonly known as a trailer dolly, a vehicle used to transport 16870  
agricultural produce or agricultural production materials between 16871  
a local place of storage or supply and the farm when drawn or 16872  
towed on a public road or highway at a speed greater than 16873  
twenty-five miles per hour, and a vehicle that is designed and 16874  
used exclusively to transport a boat between a place of storage 16875  
and a marina, or in and around a marina, when drawn or towed on a 16876  
public road or highway for a distance of more than ten miles or at 16877  
a speed of more than twenty-five miles per hour. "Trailer" does 16878  
not include a manufactured home or travel trailer. 16879

(N) "Noncommercial trailer" means any trailer, except a 16880  
travel trailer or trailer that is used to transport a boat as 16881  
described in division (B) of this section, but, where applicable, 16882  
includes a vehicle that is used to transport a boat as described 16883  
in division (M) of this section, that has a gross weight of no 16884  
more than ten thousand pounds, and that is used exclusively for 16885  
purposes other than engaging in business for a profit, such as the 16886  
transportation of personal items for personal or recreational 16887  
purposes. 16888

(O) "Mobile home" means a building unit or assembly of closed 16889



construction that is fabricated in an off-site facility, is more 16890  
than thirty-five body feet in length or, when erected on site, is 16891  
three hundred twenty or more square feet, is built on a permanent 16892  
chassis, is transportable in one or more sections, and does not 16893  
qualify as a manufactured home as defined in division (C)(4) of 16894  
section 3781.06 of the Revised Code or as an industrialized unit 16895  
as defined in division (C)(3) of section 3781.06 of the Revised 16896  
Code. 16897

(P) "Semitrailer" means any vehicle of the trailer type that 16898  
does not have motive power and is so designed or used with another 16899  
and separate motor vehicle that in operation a part of its own 16900  
weight or that of its load, or both, rests upon and is carried by 16901  
the other vehicle furnishing the motive power for propelling 16902  
itself and the vehicle referred to in this division, and includes, 16903  
for the purpose only of registration and taxation under those 16904  
chapters, any vehicle of the dolly type, such as a trailer dolly, 16905  
that is designed or used for the conversion of a semitrailer into 16906  
a trailer. 16907

(Q) "Recreational vehicle" means a vehicular portable 16908  
structure that meets all of the following conditions: 16909

(1) It is designed for the sole purpose of recreational 16910  
travel. 16911

(2) It is not used for the purpose of engaging in business 16912  
for profit. 16913

(3) It is not used for the purpose of engaging in intrastate 16914  
commerce. 16915

(4) It is not used for the purpose of commerce as defined in 16916  
49 C.F.R. 383.5, as amended. 16917

(5) It is not regulated by the public utilities commission 16918  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 16919

(6) It is classed as one of the following: 16920

(a) "Travel trailer" or "house vehicle" means a 16921  
nonselved-propelled recreational vehicle that does not exceed an 16922  
overall length of forty feet, exclusive of bumper and tongue or 16923  
coupling. "Travel trailer" includes a tent-type fold-out camping 16924  
trailer as defined in section 4517.01 of the Revised Code. 16925

(b) "Motor home" means a self-propelled recreational vehicle 16926  
that has no fifth wheel and is constructed with permanently 16927  
installed facilities for cold storage, cooking and consuming of 16928  
food, and for sleeping. 16929

(c) "Truck camper" means aonselved-propelled recreational 16930  
vehicle that does not have wheels for road use and is designed to 16931  
be placed upon and attached to a motor vehicle. "Truck camper" 16932  
does not include truck covers that consist of walls and a roof, 16933  
but do not have floors and facilities enabling them to be used as 16934  
a dwelling. 16935

(d) "Fifth wheel trailer" means a vehicle that is of such 16936  
size and weight as to be movable without a special highway permit, 16937  
that is constructed with a raised forward section that allows a 16938  
bi-level floor plan, and that is designed to be towed by a vehicle 16939  
equipped with a fifth-wheel hitch ordinarily installed in the bed 16940  
of a truck. 16941

(e) "Park trailer" means a vehicle that is commonly known as 16942  
a park model recreational vehicle, meets the American national 16943  
standard institute standard A119.5 (1988) for park trailers, is 16944  
built on a single chassis, has a gross trailer area of four 16945  
hundred square feet or less when set up, is designed for seasonal 16946  
or temporary living quarters, and may be connected to utilities 16947  
necessary for the operation of installed features and appliances. 16948

(R) "Pneumatic tires" means tires of rubber and fabric or 16949  
tires of similar material, that are inflated with air. 16950

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 16951  
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(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 16954  
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(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. 16956  
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(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 16964  
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(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of 16968  
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business is used to dismantle, salvage, or rebuild motor vehicles 16983  
by means of used parts, if such departments are operated for the 16984  
purpose of furthering and assisting in the business of 16985  
manufacturing, selling, displaying, offering for sale, or dealing 16986  
in motor vehicles. Places of business or departments in a place of 16987  
business used to dismantle, salvage, or rebuild motor vehicles by 16988  
means of using used parts are not considered as being maintained 16989  
for the purpose of assisting or furthering the manufacturing, 16990  
selling, displaying, and offering for sale or dealing in motor 16991  
vehicles. 16992

(X) "Operator" includes any person who drives or operates a 16993  
motor vehicle upon the public highways. 16994

(Y) "Chauffeur" means any operator who operates a motor 16995  
vehicle, other than a taxicab, as an employee for hire; or any 16996  
operator whether or not the owner of a motor vehicle, other than a 16997  
taxicab, who operates such vehicle for transporting, for gain, 16998  
compensation, or profit, either persons or property owned by 16999  
another. Any operator of a motor vehicle who is voluntarily 17000  
involved in a ridesharing arrangement is not considered an 17001  
employee for hire or operating such vehicle for gain, 17002  
compensation, or profit. 17003

(Z) "State" includes the territories and federal districts of 17004  
the United States, and the provinces of Canada. 17005

(AA) "Public roads and highways" for vehicles includes all 17006  
public thoroughfares, bridges, and culverts. 17007

(BB) "Manufacturer's number" means the manufacturer's 17008  
original serial number that is affixed to or imprinted upon the 17009  
chassis or other part of the motor vehicle. 17010

(CC) "Motor number" means the manufacturer's original number 17011  
that is affixed to or imprinted upon the engine or motor of the 17012  
vehicle. 17013

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

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

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

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

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

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

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

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

motor vehicle at a fixed charge for the vehicle in accordance with 17045  
the carrier's tariff, lawfully on file with the United States 17046  
department of transportation, for the purpose of group travel to a 17047  
specified destination or for a particular itinerary, either agreed 17048  
upon in advance or modified by the chartered group after having 17049  
left the place of origin. 17050

(HH) "International registration plan" means a reciprocal 17051  
agreement of member jurisdictions that is endorsed by the American 17052  
association of motor vehicle administrators, and that promotes and 17053  
encourages the fullest possible use of the highway system by 17054  
authorizing apportioned registration of fleets of vehicles and 17055  
recognizing registration of vehicles apportioned in member 17056  
jurisdictions. 17057

(II) "Restricted plate" means a license plate that has a 17058  
restriction of time, geographic area, mileage, or commodity, and 17059  
includes license plates issued to farm trucks under division (J) 17060  
of section 4503.04 of the Revised Code. 17061

(JJ) "Gross vehicle weight," with regard to any commercial 17062  
car, trailer, semitrailer, or bus that is taxed at the rates 17063  
established under section 4503.042 or 4503.65 of the Revised Code, 17064  
means the unladen weight of the vehicle fully equipped plus the 17065  
maximum weight of the load to be carried on the vehicle. 17066

(KK) "Combined gross vehicle weight" with regard to any 17067  
combination of a commercial car, trailer, and semitrailer, that is 17068  
taxed at the rates established under section 4503.042 or 4503.65 17069  
of the Revised Code, means the total unladen weight of the 17070  
combination of vehicles fully equipped plus the maximum weight of 17071  
the load to be carried on that combination of vehicles. 17072

(LL) "Chauffeured limousine" means a motor vehicle that is 17073  
designed to carry nine or fewer passengers and is operated for 17074  
hire on an hourly basis pursuant to a prearranged contract for the 17075

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

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

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

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

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

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

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

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

designated in section 4503.035 of the Revised Code for electronic 171107  
motor vehicle dealers and designates as an electronic motor 171108  
vehicle dealer under that section. 171109

(TT) "Electric personal assistive mobility device" means a 171110  
self-balancing two non-tandem wheeled device that is designed to 171111  
transport only one person, has an electric propulsion system of an 171112  
average of seven hundred fifty watts, and when ridden on a paved 171113  
level surface by an operator who weighs one hundred seventy pounds 171114  
has a maximum speed of less than twenty miles per hour. 171115

(UU) "Limited driving privileges" means the privilege to 171116  
operate a motor vehicle that a court grants under section 4510.021 171117  
of the Revised Code to a person whose driver's or commercial 171118  
driver's license or permit or nonresident operating privilege has 171119  
been suspended. 171120

(VV) "Utility vehicle" means a self-propelled vehicle 171121  
designed with a bed, principally for the purpose of transporting 171122  
material or cargo in connection with construction, agricultural, 171123  
forestry, grounds maintenance, lawn and garden, materials 171124  
handling, or similar activities. 171125

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 171126  
vehicle with an attainable speed in one mile on a paved level 171127  
surface of more than twenty miles per hour but not more than 171128  
twenty-five miles per hour and with a gross vehicle weight rating 171129  
less than three thousand pounds. 171130

(XX) "Under-speed vehicle" means a three- or four-wheeled 171131  
vehicle, including a vehicle commonly known as a golf cart, with 171132  
an attainable speed on a paved level surface of not more than 171133  
twenty miles per hour and with a gross vehicle weight rating less 171134  
than three thousand pounds. 171135

(YY) "Motor-driven cycle or motor scooter" means any vehicle 171136  
designed to travel on not more than three wheels in contact with 171137



the ground, with a seat for the driver and floor pad for the 17138  
driver's feet, and is equipped with a motor with a piston 17139  
displacement between fifty and one hundred fifty cubic centimeters 17140  
piston displacement that produces not more than five brake 17141  
horsepower and is capable of propelling the vehicle at a speed 17142  
greater than twenty miles per hour on a level surface. 17143

(ZZ) "Motorcycle" means a motor vehicle with motive power 17144  
having a seat or saddle for the use of the operator, designed to 17145  
travel on not more than three wheels in contact with the ground, 17146  
and having no occupant compartment top or occupant compartment top 17147  
that can be installed or removed by the user. 17148

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 17149  
motive power having a seat or saddle for the use of the operator, 17150  
designed to travel on not more than three wheels in contact with 17151  
the ground, and having an occupant compartment top or an occupant 17152  
compartment top that can be installed or removed by the user. 17153

(BBB) "Mini-truck" means a vehicle that has four wheels, is 17154  
propelled by an electric motor with a rated power of seven 17155  
thousand five hundred watts or less or an internal combustion 17156  
engine with a piston displacement capacity of six hundred sixty 17157  
cubic centimeters or less, has a total dry weight of nine hundred 17158  
to two thousand two hundred pounds, contains an enclosed cabin and 17159  
a seat for the vehicle operator, resembles a pickup truck or van 17160  
with a cargo area or bed located at the rear of the vehicle, and 17161  
was not originally manufactured to meet federal motor vehicle 17162  
safety standards. 17163

**Sec. 4503.04.** Except as provided in sections 4503.042 and 17164  
4503.65 of the Revised Code for the registration of commercial 17165  
cars, trailers, semitrailers, and certain buses, the rates of the 17166  
taxes imposed by section 4503.02 of the Revised Code shall be as 17167  
follows: 17168

(A)(1) For motor vehicles having three wheels or less, the license tax is:	17169 17170
(a) For each motorized bicycle or moped, ten dollars;	17171
(b) For each motorcycle, cab-enclosed motorcycle, motor-driven cycle, or motor scooter, fourteen dollars.	17172 17173
(2) For each low-speed, under-speed, and utility vehicle, and each mini-truck, ten dollars.	17174 17175
(B) For each passenger car, twenty dollars;	17176
(C) For each manufactured home, each mobile home, and each travel trailer or house vehicle, ten dollars;	17177 17178
(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;	17179 17180 17181 17182 17183 17184
(E) For each noncommercial trailer, the license tax is:	17185
(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;	17186 17187 17188
(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.	17189 17190 17191
(F) Notwithstanding its weight, twelve dollars for any:	17192
(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;	17193 17194 17195
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with	17196 17197

adaptive equipment to facilitate the movement of such persons into 17198  
and out of the van; 17199

(3) Bus used principally for the transportation of 17200  
handicapped persons or persons sixty-five years of age or older. 17201

(G) Notwithstanding its weight, twenty dollars for any bus 17202  
used principally for the transportation of persons in a 17203  
ridesharing arrangement. 17204

(H) For each transit bus having motor power the license tax 17205  
is twelve dollars. 17206

"Transit bus" means either a motor vehicle having a seating 17207  
capacity of more than seven persons which is operated and used by 17208  
any person in the rendition of a public mass transportation 17209  
service primarily in a municipal corporation or municipal 17210  
corporations and provided at least seventy-five per cent of the 17211  
annual mileage of such service and use is within such municipal 17212  
corporation or municipal corporations or a motor vehicle having a 17213  
seating capacity of more than seven persons which is operated 17214  
solely for the transportation of persons associated with a 17215  
charitable or nonprofit corporation, but does not mean any motor 17216  
vehicle having a seating capacity of more than seven persons when 17217  
such vehicle is used in a ridesharing capacity or any bus 17218  
described by division (F)(3) of this section. 17219

The application for registration of such transit bus shall be 17220  
accompanied by an affidavit prescribed by the registrar of motor 17221  
vehicles and signed by the person or an agent of the firm or 17222  
corporation operating such bus stating that the bus has a seating 17223  
capacity of more than seven persons, and that it is either to be 17224  
operated and used in the rendition of a public mass transportation 17225  
service and that at least seventy-five per cent of the annual 17226  
mileage of such operation and use shall be within one or more 17227  
municipal corporations or that it is to be operated solely for the 17228

transportation of persons associated with a charitable or 17229  
nonprofit corporation. 17230

The form of the license plate, and the manner of its 17231  
attachment to the vehicle, shall be prescribed by the registrar of 17232  
motor vehicles. 17233

(I) Except as otherwise provided in division (A) or (J) of 17234  
this section, the minimum tax for any vehicle having motor power 17235  
is ten dollars and eighty cents, and for each noncommercial 17236  
trailer, five dollars. 17237

(J)(1) Except as otherwise provided in division (J) of this 17238  
section, for each farm truck, except a noncommercial motor 17239  
vehicle, that is owned, controlled, or operated by one or more 17240  
farmers exclusively in farm use as defined in this section, and 17241  
not for commercial purposes, and provided that at least 17242  
seventy-five per cent of such farm use is by or for the one or 17243  
more owners, controllers, or operators of the farm in the 17244  
operation of which a farm truck is used, the license tax is five 17245  
dollars plus: 17246

(a) Fifty cents per one hundred pounds or part thereof for 17247  
the first three thousand pounds; 17248

(b) Seventy cents per one hundred pounds or part thereof in 17249  
excess of three thousand pounds up to and including four thousand 17250  
pounds; 17251

(c) Ninety cents per one hundred pounds or part thereof in 17252  
excess of four thousand pounds up to and including six thousand 17253  
pounds; 17254

(d) Two dollars for each one hundred pounds or part thereof 17255  
in excess of six thousand pounds up to and including ten thousand 17256  
pounds; 17257

(e) Two dollars and twenty-five cents for each one hundred 17258

pounds or part thereof in excess of ten thousand pounds; 17259

(f) The minimum license tax for any farm truck shall be 17260  
twelve dollars. 17261

(2) The owner of a farm truck may register the truck for a 17262  
period of one-half year by paying one-half the registration tax 17263  
imposed on the truck under this chapter and one-half the amount of 17264  
any tax imposed on the truck under Chapter 4504. of the Revised 17265  
Code. 17266

(3) A farm bus may be registered for a period of ~~ninety two~~ 17267  
hundred ten days from the date of issue of the license plates for 17268  
the bus, for a fee of ten dollars, provided such license plates 17269  
shall not be issued for more than ~~any two ninety day periods~~ one 17270  
such period in any calendar year. Such use does not include the 17271  
operation of trucks by commercial processors of agricultural 17272  
products. 17273

(4) License plates for farm trucks and for farm buses shall 17274  
have some distinguishing marks, letters, colors, or other 17275  
characteristics to be determined by the director of public safety. 17276

(5) Every person registering a farm truck or bus under this 17277  
section shall furnish an affidavit certifying that the truck or 17278  
bus licensed to that person is to be so used as to meet the 17279  
requirements necessary for the farm truck or farm bus 17280  
classification. 17281

Any farmer may use a truck owned by the farmer for commercial 17282  
purposes by paying the difference between the commercial truck 17283  
registration fee and the farm truck registration fee for the 17284  
remaining part of the registration period for which the truck is 17285  
registered. Such remainder shall be calculated from the beginning 17286  
of the semiannual period in which application for such commercial 17287  
license is made. 17288

Taxes at the rates provided in this section are in lieu of 17289

all taxes on or with respect to the ownership of such motor 17290  
vehicles, except as provided in section 4503.042 and section 17291  
4503.06 of the Revised Code. 17292

(K) Other than trucks registered under the international 17293  
registration plan in another jurisdiction and for which this state 17294  
has received an apportioned registration fee, the license tax for 17295  
each truck which is owned, controlled, or operated by a 17296  
nonresident, and licensed in another state, and which is used 17297  
exclusively for the transportation of nonprocessed agricultural 17298  
products intrastate, from the place of production to the place of 17299  
processing, is twenty-four dollars. 17300

"Truck," as used in this division, means any pickup truck, 17301  
straight truck, semitrailer, or trailer other than a travel 17302  
trailer. Nonprocessed agricultural products, as used in this 17303  
division, does not include livestock or grain. 17304

A license issued under this division shall be issued for a 17305  
period of one hundred thirty days in the same manner in which all 17306  
other licenses are issued under this section, provided that no 17307  
truck shall be so licensed for more than one 17308  
one-hundred-thirty-day period during any calendar year. 17309

The license issued pursuant to this division shall consist of 17310  
a windshield decal to be designed by the director of public 17311  
safety. 17312

Every person registering a truck under this division shall 17313  
furnish an affidavit certifying that the truck licensed to the 17314  
person is to be used exclusively for the purposes specified in 17315  
this division. 17316

(L) Every person registering a motor vehicle as a 17317  
noncommercial motor vehicle as defined in section 4501.01 of the 17318  
Revised Code, or registering a trailer as a noncommercial trailer 17319  
as defined in that section, shall furnish an affidavit certifying 17320

that the motor vehicle or trailer so licensed to the person is to 17321  
be so used as to meet the requirements necessary for the 17322  
noncommercial vehicle classification. 17323

(M) Every person registering a van or bus as provided in 17324  
divisions (F)(2) and (3) of this section shall furnish a notarized 17325  
statement certifying that the van or bus licensed to the person is 17326  
to be used for the purposes specified in those divisions. The form 17327  
of the license plate issued for such motor vehicles shall be 17328  
prescribed by the registrar. 17329

(N) Every person registering as a passenger car a motor 17330  
vehicle designed and used for carrying more than nine but not more 17331  
than fifteen passengers, and every person registering a bus as 17332  
provided in division (G) of this section, shall furnish an 17333  
affidavit certifying that the vehicle so licensed to the person is 17334  
to be used in a ridesharing arrangement and that the person will 17335  
have in effect whenever the vehicle is used in a ridesharing 17336  
arrangement a policy of liability insurance with respect to the 17337  
motor vehicle in amounts and coverages no less than those required 17338  
by section 4509.79 of the Revised Code. The form of the license 17339  
plate issued for such a motor vehicle shall be prescribed by the 17340  
registrar. 17341

(O)(1) Commencing on October 1, 2009, if an application for 17342  
registration renewal is not applied for prior to the expiration 17343  
date of the registration or within ~~seven~~ thirty days after that 17344  
date, the registrar or deputy registrar shall collect a fee of 17345  
~~twenty~~ ten dollars for the issuance of the vehicle registration. 17346  
For any motor vehicle that is used on a seasonal basis, whether 17347  
used for general transportation or not, and that has not been used 17348  
on the public roads or highways since the expiration of the 17349  
registration, the registrar or deputy registrar shall waive the 17350  
fee established under this division if the application is 17351  
accompanied by supporting evidence of seasonal use as the 17352

registrar may require. The registrar or deputy registrar may waive 17353  
the fee for other good cause shown if the application is 17354  
accompanied by supporting evidence as the registrar may require. 17355  
The fee shall be in addition to all other fees established by this 17356  
section. A deputy registrar shall retain fifty cents of the fee 17357  
and shall transmit the remaining amount to the registrar at the 17358  
time and in the manner provided by section 4503.10 of the Revised 17359  
Code. The registrar shall deposit all moneys received under this 17360  
division into the state highway safety fund established in section 17361  
4501.06 of the Revised Code. 17362

(2) Division (O)(1) of this section does not apply to a farm 17363  
truck or farm bus registered under division (J) of this section. 17364

(P) As used in this section: 17365

(1) "Van" means any motor vehicle having a single rear axle 17366  
and an enclosed body without a second seat. 17367

(2) "Handicapped person" means any person who has lost the 17368  
use of one or both legs, or one or both arms, or is blind, deaf, 17369  
or so severely disabled as to be unable to move about without the 17370  
aid of crutches or a wheelchair. 17371

(3) "Farm truck" means a truck used in the transportation 17372  
from the farm of products of the farm, including livestock and its 17373  
products, poultry and its products, floricultural and 17374  
horticultural products, and in the transportation to the farm of 17375  
supplies for the farm, including tile, fence, and every other 17376  
thing or commodity used in agricultural, floricultural, 17377  
horticultural, livestock, and poultry production and livestock, 17378  
poultry, and other animals and things used for breeding, feeding, 17379  
or other purposes connected with the operation of the farm. 17380

(4) "Farm bus" means a bus used only for the transportation 17381  
of agricultural employees and used only in the transportation of 17382  
such employees as are necessary in the operation of the farm. 17383



(5) "Farm supplies" includes fuel used exclusively in the 17384  
operation of a farm, including one or more homes located on and 17385  
used in the operation of one or more farms, and furniture and 17386  
other things used in and around such homes. 17387

**Sec. 4503.22.** The identification license plate shall consist 17388  
of a placard upon the face of which shall appear the distinctive 17389  
number assigned to the motor vehicle as provided in section 17390  
4503.19 of the Revised Code, in Arabic numerals or letters, or 17391  
both. The dimensions of the numerals or letters and of each stroke 17392  
shall be determined by the director of public safety. The license 17393  
placard also shall contain the name of this state and the slogan 17394  
"BIRTHPLACE OF AVIATION." The placard ~~shall~~ may be made of steel, 17395  
aluminum, plastic, or any other suitable material, and the 17396  
background shall be treated with a reflective material that shall 17397  
provide effective and dependable reflective brightness during the 17398  
service period required of the placard. Specifications for the 17399  
reflective and other materials and the design of the placard, the 17400  
county identification stickers as provided by section 4503.19 of 17401  
the Revised Code, and validation stickers as provided by section 17402  
4503.191 of the Revised Code, shall be adopted by the director as 17403  
rules under sections 119.01 to 119.13 of the Revised Code. The 17404  
identification license plate of motorized bicycles or mopeds, 17405  
motor-driven cycles or motor scooters, cab-enclosed motorcycles, 17406  
and motorcycles shall consist of a single placard, the size of 17407  
which shall be prescribed by the director. The identification 17408  
plate of a vehicle registered in accordance with the international 17409  
registration plan shall contain the word "apportioned." The 17410  
director may prescribe the type of placard, or means of fastening 17411  
the placard, or both; the placard or means of fastening may be so 17412  
designed and constructed as to render difficult the removal of the 17413  
placard after it has been fastened to a motor vehicle. 17414

Sec. 4507.05. (A) The registrar of motor vehicles, or a 17415  
deputy registrar, upon receiving an application for a temporary 17416  
instruction permit and a temporary instruction permit 17417  
identification card for a driver's license from any person who is 17418  
at least fifteen years six months of age, may issue such a permit 17419  
and identification card entitling the applicant to drive a motor 17420  
vehicle, other than a commercial motor vehicle, upon the highways 17421  
under the following conditions: 17422

(1) If the permit is issued to a person who is at least 17423  
fifteen years six months of age, but less than sixteen years of 17424  
age: 17425

(a) The permit and identification card are in the holder's 17426  
immediate possession; 17427

(b) The holder is accompanied by an eligible adult who 17428  
actually occupies the seat beside the permit holder and does not 17429  
have a prohibited concentration of alcohol in the whole blood, 17430  
blood serum or plasma, breath, or urine as provided in division 17431  
(A) of section 4511.19 of the Revised Code; 17432

(c) The total number of occupants of the vehicle does not 17433  
exceed the total number of occupant restraining devices originally 17434  
installed in the motor vehicle by its manufacturer, and each 17435  
occupant of the vehicle is wearing all of the available elements 17436  
of a properly adjusted occupant restraining device. 17437

(2) If the permit is issued to a person who is at least 17438  
sixteen years of age: 17439

(a) The permit and identification card are in the holder's 17440  
immediate possession; 17441

(b) The holder is accompanied by a licensed operator who is 17442  
at least twenty-one years of age, is actually occupying a seat 17443  
beside the driver, and does not have a prohibited concentration of 17444

alcohol in the whole blood, blood serum or plasma, breath, or 17445  
urine as provided in division (A) of section 4511.19 of the 17446  
Revised Code; 17447

(c) The total number of occupants of the vehicle does not 17448  
exceed the total number of occupant restraining devices originally 17449  
installed in the motor vehicle by its manufacturer, and each 17450  
occupant of the vehicle is wearing all of the available elements 17451  
of a properly adjusted occupant restraining device. 17452

(B) The registrar or a deputy registrar, upon receiving from 17453  
any person an application for a temporary instruction permit and 17454  
temporary instruction permit identification card to operate a 17455  
motorcycle, motor-driven cycle or motor scooter, or motorized 17456  
bicycle, may issue such a permit and identification card entitling 17457  
the applicant, while having the permit and identification card in 17458  
the applicant's immediate possession, to drive a motorcycle or 17459  
motor-driven cycle or motor scooter, under the restrictions 17460  
prescribed in section 4511.53 of the Revised Code, or to drive a 17461  
motorized bicycle under restrictions determined by the registrar. 17462  
A temporary instruction permit and temporary instruction permit 17463  
identification card to operate a motorized bicycle may be issued 17464  
to a person fourteen or fifteen years old. 17465

(C) Any permit and identification card issued under this 17466  
section shall be issued in the same manner as a driver's license, 17467  
upon a form to be furnished by the registrar. A temporary 17468  
instruction permit to drive a motor vehicle other than a 17469  
commercial motor vehicle shall be valid for a period of one year. 17470

(D) Any person having in the person's possession a valid and 17471  
current driver's license or motorcycle operator's license or 17472  
endorsement issued to the person by another jurisdiction 17473  
recognized by this state is exempt from obtaining a temporary 17474  
instruction permit for a driver's license, ~~but shall submit and~~ 17475  
from submitting to the examination for a temporary instruction 17476

permit and the regular examination ~~in~~ for obtaining a driver's 17477  
license or motorcycle operator's endorsement in this state if the 17478  
person does all of the following: 17479

(1) Submits to and passes vision screening as provided in 17480  
section 4507.12 of the Revised Code; 17481

(2) Surrenders to the registrar or deputy registrar the 17482  
person's driver's license issued by the other jurisdiction; and 17483

(3) Complies with all other applicable requirements for 17484  
issuance by this state of a driver's license, driver's license 17485  
with a motorcycle operator's endorsement, or restricted license to 17486  
operate a motorcycle. 17487

If the person does not comply with all the requirements of 17488  
this division, the person shall submit to the regular examination 17489  
for obtaining a driver's license or motorcycle operator's 17490  
endorsement in this state in order to obtain such a license or 17491  
endorsement. 17492

(E) The registrar may adopt rules governing the use of 17493  
temporary instruction permits and temporary instruction permit 17494  
identification cards. 17495

(F)(1) No holder of a permit issued under division (A) of 17496  
this section shall operate a motor vehicle upon a highway or any 17497  
public or private property used by the public for purposes of 17498  
vehicular travel or parking in violation of the conditions 17499  
established under division (A) of this section. 17500

(2) Except as provided in division (F)(2) of this section, no 17501  
holder of a permit that is issued under division (A) of this 17502  
section and that is issued on or after July 1, 1998, and who has 17503  
not attained the age of eighteen years, shall operate a motor 17504  
vehicle upon a highway or any public or private property used by 17505  
the public for purposes of vehicular travel or parking between the 17506  
hours of midnight and six a.m. 17507

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

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

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

(H) As used in this section:	17540
(1) "Eligible adult" means any of the following:	17541
(a) An instructor of a driver training course approved by the department of public safety;	17542 17543
(b) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this state:	17544 17545
(i) A parent, guardian, or custodian of the permit holder;	17546
(ii) A person twenty-one years of age or older who acts in loco parentis of the permit holder.	17547 17548
(2) "Occupant restraining device" has the same meaning as in section 4513.263 of the Revised Code.	17549 17550
(I) Whoever violates division (F)(1) or (2) of this section is guilty of a minor misdemeanor.	17551 17552
<b>Sec. 4511.01.</b> As used in this chapter and in Chapter 4513. of the Revised Code:	17553 17554
(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.	17555 17556 17557 17558 17559 17560 17561 17562
(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,	17563 17564 17565 17566 17567 17568

well-drilling machinery, ditch-digging machinery, farm machinery, 17569  
and trailers designed and used exclusively to transport a boat 17570  
between a place of storage and a marina, or in and around a 17571  
marina, when drawn or towed on a street or highway for a distance 17572  
of no more than ten miles and at a speed of twenty-five miles per 17573  
hour or less. 17574

(C) "Motorcycle" means every motor vehicle, other than a 17575  
tractor, having a seat or saddle for the use of the operator and 17576  
designed to travel on not more than three wheels in contact with 17577  
the ground, including, but not limited to, motor vehicles known as 17578  
"motor-driven cycle," "motor scooter," "cab-enclosed motorcycle," 17579  
or "motorcycle" without regard to weight or brake horsepower. 17580

(D) "Emergency vehicle" means emergency vehicles of 17581  
municipal, township, or county departments or public utility 17582  
corporations when identified as such as required by law, the 17583  
director of public safety, or local authorities, and motor 17584  
vehicles when commandeered by a police officer. 17585

(E) "Public safety vehicle" means any of the following: 17586

(1) Ambulances, including private ambulance companies under 17587  
contract to a municipal corporation, township, or county, and 17588  
private ambulances and nontransport vehicles bearing license 17589  
plates issued under section 4503.49 of the Revised Code; 17590

(2) Motor vehicles used by public law enforcement officers or 17591  
other persons sworn to enforce the criminal and traffic laws of 17592  
the state; 17593

(3) Any motor vehicle when properly identified as required by 17594  
the director of public safety, when used in response to fire 17595  
emergency calls or to provide emergency medical service to ill or 17596  
injured persons, and when operated by a duly qualified person who 17597  
is a member of a volunteer rescue service or a volunteer fire 17598  
department, and who is on duty pursuant to the rules or directives 17599

of that service. The state fire marshal shall be designated by the 17600  
director of public safety as the certifying agency for all public 17601  
safety vehicles described in division (E)(3) of this section. 17602

(4) Vehicles used by fire departments, including motor 17603  
vehicles when used by volunteer fire fighters responding to 17604  
emergency calls in the fire department service when identified as 17605  
required by the director of public safety. 17606

Any vehicle used to transport or provide emergency medical 17607  
service to an ill or injured person, when certified as a public 17608  
safety vehicle, shall be considered a public safety vehicle when 17609  
transporting an ill or injured person to a hospital regardless of 17610  
whether such vehicle has already passed a hospital. 17611

(5) Vehicles used by the motor carrier enforcement unit for 17612  
the enforcement of orders and rules of the public utilities 17613  
commission as specified in section 5503.34 of the Revised Code. 17614

(F) "School bus" means every bus designed for carrying more 17615  
than nine passengers that is owned by a public, private, or 17616  
governmental agency or institution of learning and operated for 17617  
the transportation of children to or from a school session or a 17618  
school function, or owned by a private person and operated for 17619  
compensation for the transportation of children to or from a 17620  
school session or a school function, provided "school bus" does 17621  
not include a bus operated by a municipally owned transportation 17622  
system, a mass transit company operating exclusively within the 17623  
territorial limits of a municipal corporation, or within such 17624  
limits and the territorial limits of municipal corporations 17625  
immediately contiguous to such municipal corporation, nor a common 17626  
passenger carrier certified by the public utilities commission 17627  
unless such bus is devoted exclusively to the transportation of 17628  
children to and from a school session or a school function, and 17629  
"school bus" does not include a van or bus used by a licensed 17630  
child day-care center or type A family day-care home to transport 17631



children from the child day-care center or type A family day-care 17632  
home to a school if the van or bus does not have more than fifteen 17633  
children in the van or bus at any time. 17634

(G) "Bicycle" means every device, other than a ~~tricycle~~ 17635  
device that is designed solely for use as a play vehicle by a 17636  
child, that is propelled solely by human power upon which ~~any a~~ 17637  
person may ride having, and that has two ~~tandem or more~~ wheels, ~~or~~ 17638  
~~one wheel in the front and two wheels in the rear, or two wheels~~ 17639  
~~in the front and one wheel in the rear,~~ any of which is more than 17640  
fourteen inches in diameter. 17641

(H) "Motorized bicycle" or "moped" means any vehicle having 17642  
either two tandem wheels or one wheel in the front and two wheels 17643  
in the rear, that may be pedaled, and that is equipped with a 17644  
helper motor of not more than fifty cubic centimeters piston 17645  
displacement that produces no more than one brake horsepower and 17646  
is capable of propelling the vehicle at a speed of no greater than 17647  
twenty miles per hour on a level surface. 17648

(I) "Commercial tractor" means every motor vehicle having 17649  
motive power designed or used for drawing other vehicles and not 17650  
so constructed as to carry any load thereon, or designed or used 17651  
for drawing other vehicles while carrying a portion of such other 17652  
vehicles, or load thereon, or both. 17653

(J) "Agricultural tractor" means every self-propelling 17654  
vehicle designed or used for drawing other vehicles or wheeled 17655  
machinery but having no provision for carrying loads independently 17656  
of such other vehicles, and used principally for agricultural 17657  
purposes. 17658

(K) "Truck" means every motor vehicle, except trailers and 17659  
semitrailers, designed and used to carry property. 17660

(L) "Bus" means every motor vehicle designed for carrying 17661  
more than nine passengers and used for the transportation of 17662

persons other than in a ridesharing arrangement, and every motor 17663  
vehicle, automobile for hire, or funeral car, other than a taxicab 17664  
or motor vehicle used in a ridesharing arrangement, designed and 17665  
used for the transportation of persons for compensation. 17666

(M) "Trailer" means every vehicle designed or used for 17667  
carrying persons or property wholly on its own structure and for 17668  
being drawn by a motor vehicle, including any such vehicle when 17669  
formed by or operated as a combination of a "semitrailer" and a 17670  
vehicle of the dolly type, such as that commonly known as a 17671  
"trailer dolly," a vehicle used to transport agricultural produce 17672  
or agricultural production materials between a local place of 17673  
storage or supply and the farm when drawn or towed on a street or 17674  
highway at a speed greater than twenty-five miles per hour, and a 17675  
vehicle designed and used exclusively to transport a boat between 17676  
a place of storage and a marina, or in and around a marina, when 17677  
drawn or towed on a street or highway for a distance of more than 17678  
ten miles or at a speed of more than twenty-five miles per hour. 17679

(N) "Semitrailer" means every vehicle designed or used for 17680  
carrying persons or property with another and separate motor 17681  
vehicle so that in operation a part of its own weight or that of 17682  
its load, or both, rests upon and is carried by another vehicle. 17683

(O) "Pole trailer" means every trailer or semitrailer 17684  
attached to the towing vehicle by means of a reach, pole, or by 17685  
being boomed or otherwise secured to the towing vehicle, and 17686  
ordinarily used for transporting long or irregular shaped loads 17687  
such as poles, pipes, or structural members capable, generally, of 17688  
sustaining themselves as beams between the supporting connections. 17689

(P) "Railroad" means a carrier of persons or property 17690  
operating upon rails placed principally on a private right-of-way. 17691

(Q) "Railroad train" means a steam engine or an electric or 17692  
other motor, with or without cars coupled thereto, operated by a 17693

railroad.	17694
(R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.	17695 17696 17697
(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.	17698 17699 17700
(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.	17701 17702 17703 17704 17705 17706 17707 17708 17709 17710 17711 17712 17713 17714 17715 17716
(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.	17717 17718 17719
(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	17720 17721
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	17722 17723
(X) "Pedestrian" means any natural person afoot.	17724

(Y) "Driver or operator" means every person who drives or is 17725  
in actual physical control of a vehicle, trackless trolley, or 17726  
streetcar. 17727

(Z) "Police officer" means every officer authorized to direct 17728  
or regulate traffic, or to make arrests for violations of traffic 17729  
regulations. 17730

(AA) "Local authorities" means every county, municipal, and 17731  
other local board or body having authority to adopt police 17732  
regulations under the constitution and laws of this state. 17733

(BB) "Street" or "highway" means the entire width between the 17734  
boundary lines of every way open to the use of the public as a 17735  
thoroughfare for purposes of vehicular travel. 17736

(CC) "Controlled-access highway" means every street or 17737  
highway in respect to which owners or occupants of abutting lands 17738  
and other persons have no legal right of access to or from the 17739  
same except at such points only and in such manner as may be 17740  
determined by the public authority having jurisdiction over such 17741  
street or highway. 17742

(DD) "Private road or driveway" means every way or place in 17743  
private ownership used for vehicular travel by the owner and those 17744  
having express or implied permission from the owner but not by 17745  
other persons. 17746

(EE) "Roadway" means that portion of a highway improved, 17747  
designed, or ordinarily used for vehicular travel, except the berm 17748  
or shoulder. If a highway includes two or more separate roadways 17749  
the term "roadway" means any such roadway separately but not all 17750  
such roadways collectively. 17751

(FF) "Sidewalk" means that portion of a street between the 17752  
curb lines, or the lateral lines of a roadway, and the adjacent 17753  
property lines, intended for the use of pedestrians. 17754

(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. 17755  
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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code. 17758  
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(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. 17760  
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(JJ) "State route" means every highway that is designated with an official state route number and so marked. 17767  
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(KK) "Intersection" means: 17769

(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. 17770  
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(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. 17779  
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(3) At a location controlled by a traffic control signal, 17785

regardless of the distance between the separate intersections as 17786  
described in division (KK)(2) of this section: 17787

(a) If a stop line, yield line, or crosswalk has not been 17788  
designated on the roadway within the median between the separate 17789  
intersections, the two intersections and the roadway and median 17790  
constitute one intersection. 17791

(b) Where a stop line, yield line, or crosswalk line is 17792  
designated on the roadway on the intersection approach, the area 17793  
within the crosswalk and any area beyond the designated stop line 17794  
or yield line constitute part of the intersection. 17795

(c) Where a crosswalk is designated on a roadway on the 17796  
departure from the intersection, the intersection includes the 17797  
area that extends to the far side of the crosswalk. 17798

(LL) "Crosswalk" means: 17799

(1) That part of a roadway at intersections ordinarily 17800  
included within the real or projected prolongation of property 17801  
lines and curb lines or, in the absence of curbs, the edges of the 17802  
traversable roadway; 17803

(2) Any portion of a roadway at an intersection or elsewhere, 17804  
distinctly indicated for pedestrian crossing by lines or other 17805  
markings on the surface; 17806

(3) Notwithstanding divisions (LL)(1) and (2) of this 17807  
section, there shall not be a crosswalk where local authorities 17808  
have placed signs indicating no crossing. 17809

(MM) "Safety zone" means the area or space officially set 17810  
apart within a roadway for the exclusive use of pedestrians and 17811  
protected or marked or indicated by adequate signs as to be 17812  
plainly visible at all times. 17813

(NN) "Business district" means the territory fronting upon a 17814  
street or highway, including the street or highway, between 17815

successive intersections within municipal corporations where fifty 17816  
per cent or more of the frontage between such successive 17817  
intersections is occupied by buildings in use for business, or 17818  
within or outside municipal corporations where fifty per cent or 17819  
more of the frontage for a distance of three hundred feet or more 17820  
is occupied by buildings in use for business, and the character of 17821  
such territory is indicated by official traffic control devices. 17822

(OO) "Residence district" means the territory, not comprising 17823  
a business district, fronting on a street or highway, including 17824  
the street or highway, where, for a distance of three hundred feet 17825  
or more, the frontage is improved with residences or residences 17826  
and buildings in use for business. 17827

(PP) "Urban district" means the territory contiguous to and 17828  
including any street or highway which is built up with structures 17829  
devoted to business, industry, or dwelling houses situated at 17830  
intervals of less than one hundred feet for a distance of a 17831  
quarter of a mile or more, and the character of such territory is 17832  
indicated by official traffic control devices. 17833

(QQ) "Traffic control device" means a flagger, sign, signal, 17834  
marking, or other device used to regulate, warn, or guide traffic, 17835  
placed on, over, or adjacent to a street, highway, private road 17836  
open to public travel, pedestrian facility, or shared-use path by 17837  
authority of a public agency or official having jurisdiction, or, 17838  
in the case of a private road open to public travel, by authority 17839  
of the private owner or private official having jurisdiction. 17840

(RR) "Traffic control signal" means any highway traffic 17841  
signal by which traffic is alternately directed to stop and 17842  
permitted to proceed. 17843

(SS) "Railroad sign or signal" means any sign, signal, or 17844  
device erected by authority of a public body or official or by a 17845  
railroad and intended to give notice of the presence of railroad 17846

tracks or the approach of a railroad train. 17847

(TT) "Traffic" means pedestrians, ridden or herded animals, 17848  
vehicles, streetcars, trackless trolleys, and other devices, 17849  
either singly or together, while using for purposes of travel any 17850  
highway or private road open to public travel. 17851

(UU) "Right-of-way" means either of the following, as the 17852  
context requires: 17853

(1) The right of a vehicle, streetcar, trackless trolley, or 17854  
pedestrian to proceed uninterruptedly in a lawful manner in the 17855  
direction in which it or the individual is moving in preference to 17856  
another vehicle, streetcar, trackless trolley, or pedestrian 17857  
approaching from a different direction into its or the 17858  
individual's path; 17859

(2) A general term denoting land, property, or the interest 17860  
therein, usually in the configuration of a strip, acquired for or 17861  
devoted to transportation purposes. When used in this context, 17862  
right-of-way includes the roadway, shoulders or berm, ditch, and 17863  
slopes extending to the right-of-way limits under the control of 17864  
the state or local authority. 17865

(VV) "Rural mail delivery vehicle" means every vehicle used 17866  
to deliver United States mail on a rural mail delivery route. 17867

(WW) "Funeral escort vehicle" means any motor vehicle, 17868  
including a funeral hearse, while used to facilitate the movement 17869  
of a funeral procession. 17870

(XX) "Alley" means a street or highway intended to provide 17871  
access to the rear or side of lots or buildings in urban districts 17872  
and not intended for the purpose of through vehicular traffic, and 17873  
includes any street or highway that has been declared an "alley" 17874  
by the legislative authority of the municipal corporation in which 17875  
such street or highway is located. 17876



(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.	17877 17878 17879
(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.	17880 17881 17882
(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.	17883 17884 17885
(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.	17886 17887
(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.	17888 17889 17890 17891 17892
(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.	17893 17894 17895 17896
(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.	17897 17898 17899
(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.	17900 17901 17902
(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	17903 17904 17905 17906

for carrying loads independently of the drawn vehicles or 17907  
machinery, and is used principally for agricultural purposes. 17908

(HHH) "Operate" means to cause or have caused movement of a 17909  
vehicle, streetcar, or trackless trolley. 17910

(III) "Predicate motor vehicle or traffic offense" means any 17911  
of the following: 17912

(1) A violation of section 4511.03, 4511.051, 4511.12, 17913  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 17914  
4511.214, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 17915  
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 17916  
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 17917  
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 17918  
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 17919  
4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 17920  
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 17921  
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 17922  
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 17923  
Code; 17924

(2) A violation of division (A)(2) of section 4511.17, 17925  
divisions (A) to (D) of section 4511.51, or division (A) of 17926  
section 4511.74 of the Revised Code; 17927

(3) A violation of any provision of sections 4511.01 to 17928  
4511.76 of the Revised Code for which no penalty otherwise is 17929  
provided in the section that contains the provision violated; 17930

(4) A violation of a municipal ordinance that is 17931  
substantially similar to any section or provision set forth or 17932  
described in division (III)(1), (2), or (3) of this section. 17933

(JJJ) "Road service vehicle" means wreckers, utility repair 17934  
vehicles, and state, county, and municipal service vehicles 17935  
equipped with visual signals by means of flashing, rotating, or 17936  
oscillating lights. 17937

(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. 17938  
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(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. 17940  
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(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. 17945  
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(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. 17950  
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(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. 17955  
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(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 17965  
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also may be used by pedestrians, including skaters, joggers, users 17969  
of manual and motorized wheelchairs, and other authorized 17970  
motorized and non-motorized users. 17971

**Section 110.11.** That the existing versions of sections 17972  
4501.01, 4503.04, 4503.22, 4507.05, and 4511.01 of the Revised 17973  
Code that are scheduled to take effect January 1, 2017, are hereby 17974  
repealed. 17975

**Section 110.12.** Sections 110.10 and 110.11 of this act take 17976  
effect January 1, 2017. 17977

**Section 201.10.** Except as otherwise provided in this act, all 17978  
appropriation items in this act are appropriated out of any moneys 17979  
in the state treasury to the credit of the designated fund that 17980  
are not otherwise appropriated. For all appropriations made in 17981  
this act, the amounts in the first column are for fiscal year 2014 17982  
and the amounts in the second column are for fiscal year 2015. 17983  
17984

**Section 203.10.** DOT DEPARTMENT OF TRANSPORTATION 17985

FUND	TITLE		FY 2014	FY 2015	
	Highway Operating Fund Group				17987
2120 772426	Highway	\$	5,000,000	\$ 5,000,000	17988
	Infrastructure Bank -				
	Federal				
2120 772427	Highway	\$	10,350,000	\$ 10,350,000	17989
	Infrastructure Bank -				
	State				
2120 772430	Infrastructure Debt	\$	525,000	\$ 525,000	17990
	Reserve Title 23-49				
2130 772431	Roadway	\$	2,475,000	\$ 2,475,000	17991
	Infrastructure Bank -				

		State				
2130	772433	Infrastructure Debt	\$	650,000	\$	650,000 17992
		Reserve - State				
2130	777477	Aviation	\$	1,000,000	\$	1,000,000 17993
		Infrastructure Bank -				
		State				
7002	771411	Planning and Research	\$	21,144,581	\$	21,738,277 17994
		- State				
7002	771412	Planning and Research	\$	28,835,906	\$	28,959,514 17995
		- Federal				
7002	772421	Highway Construction	\$	603,246,763	\$	605,240,020 17996
		- State				
7002	772422	Highway Construction	\$	1,065,253,182	\$	1,063,145,274 17997
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 17998
		- Other				
7002	772425	Highway Construction	\$	200,000,000	\$	300,000,000 17999
		- Turnpike				
7002	772437	GARVEE Debt Service -	\$	31,139,500	\$	31,635,300 18000
		State				
7002	772438	GARVEE Debt Service -	\$	136,039,500	\$	138,027,800 18001
		Federal				
7002	773431	Highway Maintenance -	\$	457,665,521	\$	470,006,152 18002
		State				
7002	775452	Public Transportation	\$	27,590,748	\$	27,590,748 18003
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 18004
		- Other				
7002	775459	Elderly and Disabled	\$	4,730,000	\$	4,730,000 18005
		Special Equipment				
7002	776462	Grade Crossings -	\$	14,136,500	\$	14,129,500 18006
		Federal				
7002	776669	Grade Crossings -	\$	7,500,000	\$	7,500,000 18007

	Maintenance				
7002 777472	Airport Improvements	\$	405,000	\$	405,000
	- Federal				
7002 777475	Aviation	\$	4,875,000	\$	4,935,000
	Administration				
7002 779491	Administration -	\$	91,218,054	\$	92,543,982
	State				
TOTAL HOF Highway Operating					18011
Fund Group		\$	2,795,280,255	\$	2,912,086,567
State Special Revenue Fund Group					18013
4N40 776664	Rail Transportation -	\$	2,875,800	\$	2,875,800
	Other				
5W90 777615	County Airport	\$	620,000	\$	620,000
	Maintenance				
TOTAL SSR State Special Revenue					18016
Fund Group		\$	3,495,800	\$	3,495,800
Infrastructure Bank Obligations Fund Group					18018
7045 772428	Highway	\$	96,092,215	\$	97,000,000
	Infrastructure Bank -				
	Bonds				
TOTAL 045 Infrastructure Bank					18020
Obligations Fund Group		\$	96,092,215	\$	97,000,000
Highway Capital Improvement Fund Group					18022
7042 772723	Highway Construction	\$	100,294,652	\$	119,617,631
	- Bonds				
TOTAL 042 Highway Capital					18024
Improvement Fund Group		\$	100,294,652	\$	119,617,631
TOTAL ALL BUDGET FUND GROUPS		\$	2,995,162,922	\$	3,132,199,998

**Section 203.20.** PUBLIC ACCESS ROADS FOR DNR FACILITIES 18028

Of the foregoing appropriation item 772421, Highway 18029

Construction - State, \$5,000,000 shall be used in each fiscal year 18030

for the construction, reconstruction, or maintenance of public 18031  
access roads, including support features, to and within state 18032  
facilities owned or operated by the Department of Natural 18033  
Resources. 18034

**Section 203.30.** PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 18035  
COMMISSION, AND OHIO HISTORICAL SOCIETY FACILITIES 18036

Notwithstanding section 5511.06 of the Revised Code, of the 18037  
foregoing appropriation item 772421, Highway Construction - State, 18038  
\$2,228,000 in each fiscal year shall be used for the construction, 18039  
reconstruction, or maintenance of park drives or park roads within 18040  
the boundaries of metropolitan parks. 18041

The Department of Transportation may use the foregoing 18042  
appropriation item 772421, Highway Construction - State, to 18043  
perform related road work on behalf of the Ohio Expositions 18044  
Commission at the state fairgrounds, including reconstruction or 18045  
maintenance of public access roads and support features to and 18046  
within fairgrounds facilities, as requested by the Commission and 18047  
approved by the Director of Transportation. 18048

The Department of Transportation may use the foregoing 18049  
appropriation item 772421, Highway Construction - State, to 18050  
perform related road work on behalf of the Ohio Historical 18051  
Society, including reconstruction or maintenance of public access 18052  
roads and support features to and within Historical Society 18053  
facilities, as requested by the Society and approved by the 18054  
Director of Transportation. 18055

**Section 203.40.** TRANSPORTATION IMPROVEMENT DISTRICTS 18056

(A) Of the foregoing appropriation item 772421, Highway 18057  
Construction - State, \$3,500,000 in each fiscal year shall be made 18058  
available for distribution by the Director of Transportation to 18059  
Transportation Improvement Districts that have facilitated funding 18060

for the cost of a project or projects in conjunction with and 18061  
through other governmental agencies. 18062

(B) A Transportation Improvement District shall submit 18063  
requests for project funding to the Ohio Department of 18064  
Transportation not later than the first day of September in each 18065  
fiscal year. The Ohio Department of Transportation shall notify 18066  
the Transportation Improvement District whether the Department has 18067  
approved or disapproved the project funding request within 90 days 18068  
after the day the request was submitted by the Transportation 18069  
Improvement District. 18070

(C) Any funding provided to a Transportation Improvement 18071  
District specified in this section shall not be used for the 18072  
purposes of administrative costs or administrative staffing and 18073  
must be used to fund a specific project or projects within that 18074  
District's area. The total amount of a specific project's cost 18075  
shall not be fully funded by the amount of funds provided under 18076  
this section. The total amount of funding provided for each 18077  
project is limited to 10% of total project costs or \$250,000 per 18078  
fiscal year, whichever is greater. Transportation Improvement 18079  
Districts that are co-sponsoring a specific project may 18080  
individually apply for up to \$250,000 for that project. However, 18081  
not more than 10% of a project's total costs per biennium shall be 18082  
funded through moneys provided under this section. 18083

(D) Funds provided under this section may be used for 18084  
preliminary engineering, detailed design, right-of-way 18085  
acquisition, and construction of the specific project and such 18086  
other project costs that are defined in section 5540.01 of the 18087  
Revised Code and approved by the Director of Transportation. Upon 18088  
receipt of a copy of an invoice for work performed on the specific 18089  
project, the Director of Transportation shall reimburse a 18090  
Transportation Improvement District for the expenditures described 18091  
above, subject to the requirements of this section. 18092



(E) Any Transportation Improvement District that is 18093  
requesting funds under this section shall register with the 18094  
Director of Transportation. The Director of Transportation shall 18095  
register a Transportation Improvement District only if the 18096  
district has a specific, eligible project and may cancel the 18097  
registration of a Transportation Improvement District that is not 18098  
eligible to receive funds under this section. The Director shall 18099  
not provide funds to any Transportation Improvement District under 18100  
this section if the district is not registered. The Director of 18101  
Transportation shall not register a Transportation Improvement 18102  
District and shall cancel the registration of a currently 18103  
registered Transportation Improvement District unless at least one 18104  
of the following applies: 18105

(1) The Transportation Improvement District, by a resolution 18106  
or resolutions, designated a project or program of projects and 18107  
facilitated, including in conjunction with and through other 18108  
governmental agencies, funding for costs of a project or program 18109  
of projects in an aggregate amount of not less than \$10,000,000 18110  
within the eight-year period commencing January 1, 2005. 18111

(2) The Transportation Improvement District, by a resolution 18112  
or resolutions, designated a project or program of projects and 18113  
facilitated, including in conjunction with and through other 18114  
governmental agencies, funding for costs of a project or program 18115  
of projects in an aggregate amount of not less than \$15,000,000 18116  
from the commencement date of the project or program of projects. 18117

(3) The Transportation Improvement District has designated, 18118  
by a resolution or resolutions, a project or program of projects 18119  
that has estimated aggregate costs in excess of \$10,000,000 and 18120  
the County Engineer of the county in which the Transportation 18121  
Improvement District is located has attested by a sworn affidavit 18122  
that the costs of the project or program of projects exceeds 18123  
\$10,000,000 and that the Transportation Improvement District is 18124

facilitating a portion of funding for that project or program of projects. 18125  
18126

(F) For purposes of this section: 18127

(1) "Project" shall have the same meaning as in division (D) of section 5540.01 of the Revised Code. 18128  
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(2) "Governmental agency" shall have the same meaning as in division (B) of section 5540.01 of the Revised Code. 18130  
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(3) "Cost" shall have the same meaning as in division (C) of section 5540.01 of the Revised Code. 18132  
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**Section 203.40.10. GRADE CROSSINGS - MAINTENANCE** 18134

The foregoing appropriation item 776669, Grade Crossings - Maintenance, shall be used for the maintenance of at-grade railroad highway crossings. Funds shall be used to reimburse operating railroads for grade crossing maintenance expenses in proportion to their share of at-grade railroad highway crossings in Ohio based on the Railroad Information System maintained by the Public Utilities Commission. Prior to making any expenditures from the appropriation item, the Director of Transportation, in conjunction with the Ohio Rail Development Commission, shall adopt rules under Chapter 119. of the Revised Code governing the use of moneys in the appropriation item. 18135  
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**Section 203.50. ISSUANCE OF BONDS** 18146

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, in the aggregate amount of \$220,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly. 18147  
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The obligations shall be issued and sold from time to time in 18154  
amounts necessary to provide sufficient moneys to the credit of 18155  
the Highway Capital Improvement Fund (Fund 7042) created by 18156  
section 5528.53 of the Revised Code to pay costs charged to the 18157  
fund when due as estimated by the Director of Transportation, 18158  
provided, however, that such obligations shall be issued and sold 18159  
at such time or times so that not more than \$220,000,000 original 18160  
principal amount of obligations, plus the principal amount of 18161  
obligations that in prior fiscal years could have been, but were 18162  
not, issued within the \$220,000,000 limit, may be issued in any 18163  
fiscal year, and not more than \$1,200,000,000 original principal 18164  
amount of such obligations are outstanding at any one time. 18165

**Section 203.60.** TRANSFER OF HIGHWAY OPERATING FUND (FUND 18166  
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 18167  
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 18168  
ADMINISTRATION 18169

The Director of Budget and Management may approve requests 18170  
from the Director of Transportation for transfer of Highway 18171  
Operating Fund (Fund 7002) appropriations for planning and 18172  
research (appropriation items 771411 and 771412), highway 18173  
construction and debt service (appropriation items 772421, 772422, 18174  
772424, 772425, 772437, and 772438), highway maintenance 18175  
(appropriation item 773431), public transportation - federal 18176  
(appropriation item 775452), elderly and disabled special 18177  
equipment (appropriation item 775459), rail grade crossings 18178  
(appropriation item 776462), aviation (appropriation item 777475), 18179  
and administration (appropriation item 779491). The Director of 18180  
Budget and Management may not make transfers out of debt service 18181  
appropriation items unless the Director determines that the 18182  
appropriated amounts exceed the actual and projected debt service 18183  
requirements. Transfers of appropriations may be made upon the 18184  
written request of the Director of Transportation and with the 18185

approval of the Director of Budget and Management. The transfers 18186  
shall be reported to the Controlling Board at the next regularly 18187  
scheduled meeting of the board. 18188

This transfer authority is intended to provide for emergency 18189  
situations and flexibility to meet unforeseen conditions that 18190  
could arise during the budget period. It also is intended to allow 18191  
the department to optimize the use of available resources and 18192  
adjust to circumstances affecting the obligation and expenditure 18193  
of federal funds. 18194

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 18195  
AVIATION, AND RAIL AND LOCAL TRANSIT 18196

The Director of Budget and Management may approve written 18197  
requests from the Director of Transportation for the transfer of 18198  
appropriations between appropriation items 772422, Highway 18199  
Construction - Federal, 775452, Public Transportation - Federal, 18200  
775454, Public Transportation - Other, 775459, Elderly and 18201  
Disabled Special Equipment, 776475, Federal Rail Administration, 18202  
and 777472, Airport Improvements - Federal. The transfers shall be 18203  
reported to the Controlling Board at its next regularly scheduled 18204  
meeting. 18205

TRANSFER OF APPROPRIATIONS - ARRA 18206

The Director of Budget and Management may approve written 18207  
requests from the Director of Transportation for the transfer of 18208  
appropriations between appropriation items 771412, Planning and 18209  
Research - Federal, 772422, Highway Construction - Federal, 18210  
772424, Highway Construction - Other, 775452, Public 18211  
Transportation - Federal, 776462, Grade Crossing - Federal, and 18212  
777472, Airport Improvements - Federal, based upon the 18213  
requirements of the American Recovery and Reinvestment Act of 2009 18214  
that apply to the money appropriated. The transfers shall be 18215  
reported to the Controlling Board at its next regularly scheduled 18216

meeting.	18217
TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE	18218
BANK	18219
The Director of Budget and Management may approve requests	18220
from the Director of Transportation for transfer of appropriations	18221
and cash of the Infrastructure Bank funds created in section	18222
5531.09 of the Revised Code, including transfers between fiscal	18223
years 2014 and 2015. The transfers shall be reported to the	18224
Controlling Board at its next regularly scheduled meeting.	18225
The Director of Budget and Management may approve requests	18226
from the Director of Transportation for transfer of appropriations	18227
and cash from the Highway Operating Fund (Fund 7002) to the	18228
Infrastructure Bank funds created in section 5531.09 of the	18229
Revised Code. The Director of Budget and Management may transfer	18230
from the Infrastructure Bank funds to the Highway Operating Fund	18231
up to the amounts originally transferred to the Infrastructure	18232
Bank funds under this section. However, the Director may not make	18233
transfers between modes or transfers between different funding	18234
sources. The transfers shall be reported to the Controlling Board	18235
at its next regularly scheduled meeting.	18236
TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS	18237
The Director of Budget and Management may approve requests	18238
from the Director of Transportation for transfer of appropriations	18239
and cash of the Ohio Toll Fund and any subaccounts created in	18240
section 5531.14 of the Revised Code, including transfers between	18241
fiscal years 2014 and 2015. The transfers shall be reported to the	18242
Controlling Board at its next regularly scheduled meeting.	18243
INCREASING APPROPRIATIONS: STATE FUNDS	18244
In the event that receipts or unexpended balances credited to	18245
the Highway Operating Fund (Fund 7002) exceed the estimates upon	18246
which the appropriations have been made in this act, upon the	18247

request of the Director of Transportation, the Controlling Board 18248  
may increase those appropriations in the manner prescribed in 18249  
section 131.35 of the Revised Code. 18250

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 18251

In the event that receipts or unexpended balances credited to 18252  
the Highway Operating Fund (Fund 7002) or apportionments or 18253  
allocations made available from the federal and local government 18254  
exceed the estimates upon which the appropriations have been made 18255  
in this act, upon the request of the Director of Transportation, 18256  
the Controlling Board may increase those appropriations in the 18257  
manner prescribed in section 131.35 of the Revised Code. 18258

REAPPROPRIATIONS 18259

In each fiscal year of the biennium ending June 30, 2015, the 18260  
Director of Transportation may request that the Director of Budget 18261  
and Management transfer any remaining unencumbered balances of 18262  
prior years' appropriations to the Highway Operating Fund (Fund 18263  
7002), the Highway Capital Improvement Fund (Fund 7042), and the 18264  
Infrastructure Bank funds created in section 5531.09 of the 18265  
Revised Code for the same purpose in the following fiscal year. In 18266  
the request, the Director of Transportation shall identify the 18267  
appropriate fund and appropriation item of the transfer, the 18268  
requested transfer amount. The Director of Budget and Management 18269  
may request additional information necessary for evaluating the 18270  
transfer request, and the Director of Transportation shall provide 18271  
the requested information to the Director of Budget and 18272  
Management. Based on the information provided by the Director of 18273  
Transportation, the Director of Budget and Management shall 18274  
determine the amount to be transferred by fund and appropriation 18275  
item, and those amounts are hereby reappropriated. The Director of 18276  
Transportation shall report the reappropriations to the 18277  
Controlling Board. 18278

Any balances of prior years' unencumbered appropriations to 18279  
the Highway Operating Fund (Fund 7002), the Highway Capital 18280  
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 18281  
created in section 5531.09 of the Revised Code for which the 18282  
Director of Transportation requests reappropriations, and for 18283  
which reappropriations are approved by the Director of Budget and 18284  
Management, are subject to the availability of revenue as 18285  
determined by the Director of Transportation. 18286

LIQUIDATION OF UNFORESEEN LIABILITIES 18287

Any appropriation made from the Highway Operating Fund (Fund 18288  
7002) not otherwise restricted by law is available to liquidate 18289  
unforeseen liabilities arising from contractual agreements of 18290  
prior years when the prior year encumbrance is insufficient. 18291

**Section 203.70.** MAINTENANCE OF INTERSTATE HIGHWAYS 18292

The Director of Transportation may remove snow and ice and 18293  
maintain, repair, improve, or provide lighting upon interstate 18294  
highways that are located within the boundaries of municipal 18295  
corporations, adequate to meet the requirements of federal law. 18296  
When agreed in writing by the Director of Transportation and the 18297  
legislative authority of a municipal corporation and 18298  
notwithstanding sections 125.01 and 125.11 of the Revised Code, 18299  
the Department of Transportation may reimburse a municipal 18300  
corporation for all or any part of the costs, as provided by such 18301  
agreement, incurred by the municipal corporation in maintaining, 18302  
repairing, lighting, and removing snow and ice from the interstate 18303  
system. 18304

**Section 203.80.** PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 18305

The Director of Transportation may use revenues from the 18306  
state motor vehicle fuel tax to match approved federal grants 18307  
awarded to the Department of Transportation, regional transit 18308

authorities, or eligible public transportation systems, for public 18309  
transportation highway purposes, or to support local or state 18310  
funded projects for public transportation highway purposes. Public 18311  
transportation highway purposes include: the construction or 18312  
repair of high-occupancy vehicle traffic lanes, the acquisition or 18313  
construction of park-and-ride facilities, the acquisition or 18314  
construction of public transportation vehicle loops, the 18315  
construction or repair of bridges used by public transportation 18316  
vehicles or that are the responsibility of a regional transit 18317  
authority or other public transportation system, or other similar 18318  
construction that is designated as an eligible public 18319  
transportation highway purpose. Motor vehicle fuel tax revenues 18320  
may not be used for operating assistance or for the purchase of 18321  
vehicles, equipment, or maintenance facilities. 18322

**Section 203.90.** The federal payments made to the state for 18323  
highway infrastructure or for transit agencies under Title XII of 18324  
Division A of the American Recovery and Reinvestment Act of 2009 18325  
shall be deposited to the credit of the Highway Operating Fund 18326  
(Fund 7002), which is created in section 5735.291 of the Revised 18327  
Code. 18328

**Section 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 18329

State Highway Safety Fund Group 18330

4W40	762321	Operating Expense -	\$	130,559,268	\$	130,418,957	18331
		BMV					
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000	18332
		Contribution					
7036	761321	Operating Expense -	\$	7,055,066	\$	6,999,331	18333
		Information and					
		Education					
7036	761401	Lease Rental Payments	\$	2,472,300	\$	2,473,100	18334



7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	18335
7036	764321	Operating Expense - Highway Patrol	\$	268,232,602	\$	270,232,602	18336
7036	764605	Motor Carrier Enforcement Expenses	\$	2,860,000	\$	2,860,000	18337
8300	761603	Salvage and Exchange - Administration	\$	20,053	\$	20,053	18338
8310	761610	Information and Education - Federal	\$	300,000	\$	300,000	18339
8310	764608	FARS Grant Federal	\$	175,000	\$	175,000	18340
8310	764610	Patrol - Federal	\$	2,250,000	\$	2,250,000	18341
8310	764659	Transportation Enforcement - Federal	\$	5,200,000	\$	5,200,000	18342
8310	765610	EMS - Federal	\$	225,000	\$	225,000	18343
8310	769610	Investigative Unit Federal Reimbursement	\$	1,400,000	\$	1,400,000	18344
8310	769631	Homeland Security - Federal	\$	750,000	\$	400,000	18345
8320	761612	Traffic Safety - Federal	\$	22,000,000	\$	22,000,000	18346
8350	762616	Financial Responsibility Compliance	\$	5,274,068	\$	5,274,068	18347
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	18348
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	18349
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000	18350
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927	18351
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	18352
83M0	765624	Operating - EMS	\$	3,056,069	\$	3,056,069	18353

83M0	765640	EMS - Grants	\$	3,300,000	\$	3,300,000	18354
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	18355
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	18356
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	18357
8400	764617	Security and Investigations	\$	8,793,865	\$	9,514,236	18358
8400	764626	State Fairgrounds Police Force	\$	1,047,560	\$	1,084,559	18359
8400	769632	Homeland Security - Operating	\$	650,000	\$	630,000	18360
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	18361
8460	761625	Motorcycle Safety Education	\$	3,280,563	\$	3,280,563	18362
8490	762627	Automated Title Processing Board	\$	16,675,513	\$	16,467,293	18363
TOTAL HSF	State Highway Safety Fund		\$	515,450,460	\$	517,434,364	18364
Group							
General Services Fund Group							18365
4P60	768601	Justice Program Services	\$	900,000	\$	875,000	18366
5ET0	768625	Drug Law Enforcement	\$	4,250,000	\$	4,250,000	18367
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	18368
TOTAL GSF	General Services Fund		\$	6,290,946	\$	6,265,946	18369
Group							
Federal Special Revenue Fund Group							18370
3290	763645	Federal Mitigation Program	\$	10,413,642	\$	10,413,642	18371

3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	18372
3390	763647	Emergency Management Assistance and Training	\$	70,934,765	\$	70,934,765	18373
3CE0	768611	Justice Assistance Grants - FFY09	\$	400,000	\$	100,000	18374
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,000,000	\$	300,000	18375
3DU0	762628	BMV Grants	\$	1,350,000	\$	1,325,000	18376
3EU0	768614	Justice Assistance Grants - FFY10	\$	830,000	\$	500,000	18377
3FK0	768615	Justice Assistance Grants - FFY11	\$	900,000	\$	900,000	18378
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	18379
3FY0	768616	Justice Assistance Grants - FFY12	\$	2,200,000	\$	1,500,000	18380
3FZ0	768617	Justice Assistance Grants - FFY13	\$	7,000,000	\$	2,000,000	18381
3GA0	768618	Justice Assistance Grants - FFY14	\$	0	\$	7,500,000	18382
3L50	768604	Justice Program	\$	10,500,000	\$	10,500,000	18383
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	18384
TOTAL FED	Federal Special Revenue Fund Group		\$	133,322,715	\$	133,767,715	18385
	State Special Revenue Fund Group						18386
4V30	763662	Storms/NOAA Maintenance	\$	4,950,000	\$	4,950,000	18387
5390	762614	Motor Vehicle Dealers	\$	150,000	\$	140,000	18388

		Board				
5B90	766632	Private Investigator and Security Guard Provider	\$	1,400,000	\$	1,400,000 18389
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000 18390
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000 18391
5BP0	764609	DPS Wireless 911 Administration	\$	290,000	\$	290,000 18392
5CM0	767691	Equitable Share Account	\$	300,000	\$	300,000 18393
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384 18394
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000 18395
5FL0	769634	Investigations	\$	899,300	\$	899,300 18396
5ML0	769635	Infrastructure Protection	\$	400,000	\$	400,000 18397
6220	767615	Investigative Contraband and Forfeiture	\$	325,000	\$	325,000 18398
6570	763652	Utility Radiological Safety	\$	1,415,945	\$	1,415,945 18399
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438 18400
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700 18401
TOTAL SSR		State Special Revenue	\$	15,049,767	\$	15,039,767 18402
		Fund Group				
		Agency Fund Group				18403
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 18404
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000 18405

Holding Account Redistribution Fund Group				18406
R024 762619 Unidentified Motor	\$	1,885,000	\$ 1,885,000	18407
Vehicle Receipts				
R052 762623 Security Deposits	\$	350,000	\$ 350,000	18408
TOTAL 090 Holding Account	\$	2,235,000	\$ 2,235,000	18409
Redistribution Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	673,558,888	\$ 675,952,792	18410
MOTOR VEHICLE REGISTRATION				18411
The Registrar of Motor Vehicles may deposit revenues to meet				18412
the cash needs of the State Bureau of Motor Vehicles Fund (Fund				18413
4W40) established in section 4501.25 of the Revised Code, obtained				18414
under sections 4503.02 and 4504.02 of the Revised Code, less all				18415
other available cash. Revenue deposited pursuant to this paragraph				18416
shall support, in part, appropriations for operating expenses and				18417
defray the cost of manufacturing and distributing license plates				18418
and license plate stickers and enforcing the law relative to the				18419
operation and registration of motor vehicles. Notwithstanding				18420
section 4501.03 of the Revised Code, the revenues shall be paid				18421
into Fund 4W40 before any revenues obtained pursuant to sections				18422
4503.02 and 4504.02 of the Revised Code are paid into any other				18423
fund. The deposit of revenues to meet the aforementioned cash				18424
needs shall be in approximately equal amounts on a monthly basis				18425
or as otherwise determined by the Director of Budget and				18426
Management pursuant to a plan submitted by the Registrar of Motor				18427
Vehicles.				18428
OPERATING EXPENSE - BMV				18429
Of the foregoing appropriation item 762321, Operating Expense				18430
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for				18431
costs associated with improvements to the program to accept				18432
applications for registration transactions of apportionable				18433
vehicles electronically over the internet.				18434

OPERATING EXPENSE - INFORMATION AND EDUCATION	18435
Of the foregoing appropriation item 761321, Operating Expense	18436
- Information and Education, up to \$250,000 in each fiscal year	18437
may be used to fund state employees to staff travel information	18438
centers on the border of the state.	18439
The Department of Public Safety shall conduct a study for	18440
partnering with local travel and tourism centers, as well as a	18441
study for the creation of the Ohio Ambassadors Volunteer Program	18442
at rest stops.	18443
LEASE RENTAL PAYMENTS	18444
The foregoing appropriation item 761401, Lease Rental	18445
Payments, shall be used for payments to the Treasurer of State for	18446
the period July 1, 2013, through June 30, 2015, under the primary	18447
leases and agreements for public safety related buildings. The	18448
appropriations are the source of funds pledged for bond service	18449
charges on obligations pursuant to Chapters 152. and 154. of the	18450
Revised Code.	18451
CASH TRANSFERS BETWEEN FUNDS	18452
Notwithstanding any provision of law to the contrary, the	18453
Director of Budget and Management, upon the written request of the	18454
Director of Public Safety, may transfer cash between the following	18455
six funds: the Trauma and Emergency Medical Services Fund (Fund	18456
83M0), the Homeland Security Fund (Fund 5DS0), the Investigations	18457
Fund (Fund 5FL0), the Emergency Management Agency Service and	18458
Reimbursement Fund (Fund 4V30), the Justice Program Services Fund	18459
(Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund	18460
4W40).	18461
CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE	18462
PLATE CONTRIBUTION FUND	18463
On July 1, 2013, or as soon as possible thereafter, the	18464

Director of Budget and Management may transfer the cash balance in 18465  
the Teen Driver Education Fund (Fund 5JS0) to the License Plate 18466  
Contribution Fund (Fund 5V10). Upon completion of the transfer, 18467  
Fund 5JS0 is hereby abolished. 18468

CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO 18469  
STATE HIGHWAY SAFETY FUND 18470

Not later than January 1, 2014, the Director of Budget and 18471  
Management may transfer the cash balance in the Hilltop Utility 18472  
Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund 18473  
(Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby 18474  
abolished. The Director shall cancel any existing encumbrances 18475  
against appropriation item 766661, Hilltop Utility Reimbursement, 18476  
and reestablish them against appropriation item 761321, Operating 18477  
Expense - Information and Education. The reestablished encumbrance 18478  
amounts are hereby appropriated. 18479

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 18480  
SAFETY FUND 18481

On July 1, 2013, or as soon as possible thereafter, the 18482  
Director of Budget and Management shall transfer the cash balance 18483  
in the Registrar Rental Fund (Fund 8380) to the State Bureau of 18484  
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 18485  
Fund 8380 is abolished. 18486

STATE DISASTER RELIEF 18487

The State Disaster Relief Fund (Fund 5330) may accept 18488  
transfers of cash and appropriations from Controlling Board 18489  
appropriation items for Ohio Emergency Management Agency disaster 18490  
response costs and disaster program management costs, and may also 18491  
be used for the following purposes: 18492

(A) To accept transfers of cash and appropriations from 18493  
Controlling Board appropriation items for Ohio Emergency 18494  
Management Agency public assistance and mitigation program match 18495

costs to reimburse eligible local governments and private	18496
nonprofit organizations for costs related to disasters;	18497
(B) To accept and transfer cash to reimburse the costs	18498
associated with Emergency Management Assistance Compact (EMAC)	18499
deployments;	18500
(C) To accept disaster related reimbursement from federal,	18501
state, and local governments. The Director of Budget and	18502
Management may transfer cash from reimbursements received by this	18503
fund to other funds of the state from which transfers were	18504
originally approved by the Controlling Board.	18505
(D) To accept transfers of cash and appropriations from	18506
Controlling Board appropriation items to fund the State Disaster	18507
Relief Program, for disasters that qualify for the program by	18508
written authorization of the Governor, and the State Individual	18509
Assistance Program for disasters that have been declared by the	18510
federal Small Business Administration and that qualify for the	18511
program by written authorization of the Governor. The Ohio	18512
Emergency Management Agency shall publish and make available	18513
application packets outlining procedures for the State Disaster	18514
Relief Program and the State Individual Assistance Program.	18515
JUSTICE ASSISTANCE GRANT FUND	18516
The federal payments made to the state for the Byrne Justice	18517
Assistance Grants Program under Title II of Division A of the	18518
American Recovery and Reinvestment Act of 2009 shall be deposited	18519
to the credit of the Justice Assistance Grant Fund (Fund 3DE0),	18520
which is hereby created in the state treasury. All investment	18521
earnings of the fund shall be credited to the fund.	18522
TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT	18523
AGENCY SERVICE AND REIMBURSEMENT FUND	18524
On July 1 of each fiscal year, or as soon as possible	18525
thereafter, the Director of Budget and Management shall transfer	18526



\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 18527  
Emergency Management Agency Service and Reimbursement Fund (Fund 18528  
4V30) to be distributed to the Ohio Task Force One - Urban Search 18529  
and Rescue Unit, other similar urban search and rescue units 18530  
around the state, and for the maintenance of the statewide fire 18531  
emergency response plan by an entity recognized by the Ohio 18532  
Emergency Management Agency. 18533

FAMILY VIOLENCE PREVENTION FUND 18534

Notwithstanding any provision of law to the contrary, in each 18535  
of fiscal years 2014 and 2015, the first \$750,000 received to the 18536  
credit of the Family Violence Prevention Fund (Fund 5BK0) is 18537  
appropriated to appropriation item 768689, Family Violence Shelter 18538  
Programs, and the next \$400,000 received to the credit of Fund 18539  
5BK0 in each of those fiscal years is appropriated to 18540  
appropriation item 768687, Criminal Justice Services - Operating. 18541  
Any moneys received to the credit of Fund 5BK0 in excess of the 18542  
aforementioned appropriated amounts in each fiscal year shall, 18543  
upon the approval of the Controlling Board, be used to provide 18544  
grants to family violence shelters in Ohio. 18545

SARA TITLE III HAZMAT PLANNING 18546

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 18547  
entitled to receive grant funds from the Emergency Response 18548  
Commission to implement the Emergency Management Agency's 18549  
responsibilities under Chapter 3750. of the Revised Code. 18550

COLLECTIVE BARGAINING INCREASES 18551

Notwithstanding division (D) of section 127.14 and division 18552  
(B) of section 131.35 of the Revised Code, except for the General 18553  
Revenue Fund, the Controlling Board may, upon the request of 18554  
either the Director of Budget and Management, or the Department of 18555  
Public Safety with the approval of the Director of Budget and 18556  
Management, authorize expenditures in excess of appropriations and 18557

transfer appropriations, as necessary, for any fund used by the 18558  
Department of Public Safety, to assist in paying the costs of 18559  
increases in employee compensation that have occurred pursuant to 18560  
collective bargaining agreements under Chapter 4117. of the 18561  
Revised Code and, for exempt employees, under section 124.152 of 18562  
the Revised Code. Any money approved for expenditure under this 18563  
paragraph is hereby appropriated. 18564

CASH BALANCE FUND REVIEW 18565

Not later than the first day of April in each fiscal year of 18566  
the biennium, the Director of Budget and Management shall review 18567  
the cash balances for each fund, except the State Highway Safety 18568  
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 18569  
4W40), in the State Highway Safety Fund Group, and shall recommend 18570  
to the Controlling Board an amount to be transferred to the credit 18571  
of Fund 7036 or Fund 4W40, as appropriate. 18572

AUTO REGISTRATION DISTRIBUTION FUND 18573

Notwithstanding the amendment by this act to section 4501.03 18574  
of the Revised Code and the enactment by this act of section 18575  
4501.031 of the Revised Code, any license tax assessed under 18576  
Chapters 4503. or 4504. of the Revised Code, and derived from 18577  
registrations processed on business days prior to July 1, 2013, 18578  
shall be deposited to the state treasury to the credit of the Auto 18579  
Registration Distribution Fund (Fund 7051) created by section 18580  
4501.03 of the Revised Code, even if such deposit does not occur 18581  
until on or after July 1, 2013. All license tax assessed on 18582  
registrations under Chapters 4503. or 4504. of the Revised Code 18583  
prior to July 1, 2013, shall be deposited, and distributed, in 18584  
accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 18585  
4501.043 of the Revised Code as they existed prior to the 18586  
amendments to those sections by this act. 18587

**Section 207.10.** DEV DEVELOPMENT SERVICES AGENCY 18588

State Special Revenue Fund Group				18589	
4W00 195629 Roadwork Development	\$	15,199,900	\$	15,199,900	18590
TOTAL SSR State Special Revenue				18591	
Fund Group	\$	15,199,900	\$	15,199,900	18592
TOTAL ALL BUDGET FUND GROUPS	\$	15,199,900	\$	15,199,900	18593

ROADWORK DEVELOPMENT FUND 18594

The Roadwork Development Fund shall be used for road 18595  
improvements associated with economic development opportunities 18596  
that will retain or attract businesses for Ohio. "Road 18597  
improvements" are improvements to public roadway facilities 18598  
located on, or serving or capable of serving, a project site. 18599

The Department of Transportation, under the direction of the 18600  
Development Services Agency, shall provide these funds in 18601  
accordance with all guidelines and requirements established for 18602  
Development Services Agency appropriation item 195623, Business 18603  
Incentive Grants, including Controlling Board review and approval 18604  
as well as the requirements for usage of gas tax revenue 18605  
prescribed in Section 5a of Article XII, Ohio Constitution. Should 18606  
the Development Services Agency require the assistance of the 18607  
Department of Transportation to bring a project to completion, the 18608  
Department of Transportation shall use its authority under Title 18609  
LV of the Revised Code to provide such assistance and may enter 18610  
into contracts on behalf of the Development Services Agency. In 18611  
addition, these funds may be used in conjunction with 18612  
appropriation item 195623, Business Incentive Grants, or any other 18613  
state funds appropriated for infrastructure improvements. 18614

The Director of Budget and Management, pursuant to a plan 18615  
submitted by the Director of Development Services or as otherwise 18616  
determined by the Director of Budget and Management, shall set a 18617  
cash transfer schedule to meet the cash needs of the Development 18618  
Services Agency Roadwork Development Fund (Fund 4W00), less any 18619  
other available cash. The Director shall transfer to the Roadwork 18620

Development Fund from the Highway Operating Fund (Fund 7002), 18621  
established in section 5735.291 of the Revised Code, such amounts 18622  
at such times as determined by the transfer schedule. 18623

**Section 209.10. PWC PUBLIC WORKS COMMISSION** 18624

Local Transportation Improvements Fund Group 18625

7052 150402 Local Transportation \$ 292,526 \$ 296,555 18626  
Improvement Program -  
Operating

7052 150701 Local Transportation \$ 52,000,000 \$ 52,000,000 18627  
Improvement Program

TOTAL 052 Local Transportation 18628

Improvements Fund Group \$ 52,292,526 \$ 52,296,555 18629

Local Infrastructure Improvements Fund Group 18630

7038 150321 State Capital \$ 902,579 \$ 909,665 18631  
Improvements Program  
- Operating Expenses

TOTAL LIF Local Infrastructure 18632

Improvements Fund Group \$ 902,579 \$ 909,665 18633

TOTAL ALL BUDGET FUND GROUPS \$ 53,195,105 \$ 53,206,220 18634

**PUBLIC WORKS OPERATING EXPENSES** 18635

The forgoing appropriation item 150321, State Capital 18636  
Improvements Program-Operating Expenses, shall be used by the Ohio 18637  
Public Works Commission to administer the State Capital 18638  
Improvement Program under sections 164.01 to 164.16 of the Revised 18639  
Code. 18640

**DISTRICT ADMINISTRATION COSTS** 18641

The Director of the Public Works Commission is authorized to 18642  
create a District Administration Costs Program from interest 18643  
earnings of the Capital Improvements Fund and Local Transportation 18644  
Improvement Program Fund proceeds. The program shall be used to 18645

provide for the direct costs of district administration of the 18646  
nineteen public works districts. Districts choosing to participate 18647  
in the program shall only expend State Capital Improvements Fund 18648  
moneys for State Capital Improvements Fund costs and Local 18649  
Transportation Improvement Program Fund moneys for Local 18650  
Transportation Improvement Program Fund costs. The account shall 18651  
not exceed \$1,235,000 per fiscal year. Each public works district 18652  
may be eligible for up to \$65,000 per fiscal year from its 18653  
district allocation as provided in sections 164.08 and 164.14 of 18654  
the Revised Code. 18655

The Director, by rule, shall define allowable and 18656  
nonallowable costs for the purpose of the District Administration 18657  
Costs Program. Nonallowable costs include indirect costs, elected 18658  
official salaries and benefits, and project-specific costs. No 18659  
district public works committee may participate in the District 18660  
Administration Costs Program without the approval of those costs 18661  
by the district public works committee under section 164.04 of the 18662  
Revised Code. 18663

REAPPROPRIATIONS 18664

All capital appropriations from the Local Transportation 18665  
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 18666  
129th General Assembly remaining unencumbered as of June 30, 2013, 18667  
are reappropriated for use during the period July 1, 2013, through 18668  
June 30, 2014, for the same purpose. 18669

Notwithstanding division (B) of section 127.14 of the Revised 18670  
Code, all capital appropriations and reappropriations from the 18671  
Local Transportation Improvement Program Fund (Fund 7052) in this 18672  
act remaining unencumbered as of June 30, 2014, are reappropriated 18673  
for use during the period July 1, 2014, through June 30, 2015, for 18674  
the same purposes, subject to the availability of revenue as 18675  
determined by the Director of the Public Works Commission. 18676

TEMPORARY TRANSFERS 18677

Notwithstanding section 127.14 of the Revised Code, the 18678  
Director of the Public Works Commission may request the Director 18679  
of Budget and Management to transfer moneys from the Local 18680  
Transportation Improvement Fund (Fund 7052) to the State Capital 18681  
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 18682  
(Fund 7056). The Director of Budget and Management may approve 18683  
temporary transfers if such transfers are needed for capital 18684  
outlays for which notes or bonds will be issued. Any transfers 18685  
executed under this section shall be reported to the Controlling 18686  
Board by June 30 of the fiscal year in which the transfer 18687  
occurred. 18688

**Section 503.10.** STATE AND LOCAL REBATE AUTHORIZATION 18689

There is hereby appropriated, from those funds designated by 18690  
or pursuant to the applicable proceedings authorizing the issuance 18691  
of state obligations, amounts computed at the time to represent 18692  
the portion of investment income to be rebated or amounts in lieu 18693  
of or in addition to any rebate amount to be paid to the federal 18694  
government in order to maintain the exclusion from gross income 18695  
for federal income tax purposes of interest on those state 18696  
obligations under section 148(f) of the Internal Revenue Code. 18697

Rebate payments shall be approved and vouchered by the Office 18698  
of Budget and Management. 18699

**Section 503.20.** DEPARTMENT OF NATURAL RESOURCES PARKS SPECIAL 18700  
PURPOSES 18701

Appropriation item 725509, Parks Special Purposes, is hereby 18702  
established in the General Revenue Fund with an appropriation of 18703  
\$14,000,000 in fiscal year 2013. The appropriation item shall be 18704  
used by the Department of Natural Resources to facilitate the 18705  
mutual termination of a lease agreement between the City of 18706

Cleveland and the Department of Natural Resources for Cleveland 18707  
Lakefront Parks and to operate and conduct necessary upgrades 18708  
solely and exclusively to (1) Edgewater Park; (2) East 55th/Gordon 18709  
Park North of Interstate 90 and including the East 55th Street 18710  
Department of Natural Resources Headquarters and the East 72nd 18711  
Street Maintenance Facility; (3) Euclid Beach Park; and (4) Villa 18712  
Angela/Wildwood Park. Any unexpended and unencumbered portion of 18713  
the foregoing appropriation item remaining at the end of fiscal 18714  
year 2013 shall be reappropriated for the same purposes in fiscal 18715  
year 2014. 18716

**Section 506.10.** Notwithstanding division (A)(3) of section 18717  
4501.044 and division (A)(1) of section 4501.045 of the Revised 18718  
Code, commencing July 1, 2013, and extending through June 30, 18719  
2014, the Director of Public Safety shall deposit the money 18720  
otherwise deposited and distributed in accordance with those 18721  
divisions into the State Highway Safety Fund (Fund 7036) created 18722  
by section 4501.06 of the Revised Code until such time as the 18723  
deposits equal a cumulative total of \$35,000,000. At that point, 18724  
the Director shall cease depositing any such money into Fund 7036 18725  
and shall deposit and distribute that money as prescribed in 18726  
division (A)(3) of section 4501.044 and division (A)(1) of section 18727  
4501.045 of the Revised Code. 18728

Notwithstanding division (A)(3) of section 4501.044 and 18729  
division (A)(1) of section 4501.045 of the Revised Code, 18730  
commencing July 1, 2014, and extending through June 30, 2015, the 18731  
Director of Public Safety shall deposit the money otherwise 18732  
deposited and distributed in accordance with those divisions into 18733  
the State Highway Safety Fund (Fund 7036) created by section 18734  
4501.06 of the Revised Code until such time as the deposits equal 18735  
a cumulative total of \$35,000,000. At that point, the Director 18736  
shall cease depositing any such money into Fund 7036 and shall 18737  
deposit and distribute that money as prescribed in division (A)(3) 18738

of section 4501.044 and division (A)(1) of section 4501.045 of the Revised Code. 18739  
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**Section 509.10.** AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 18741  
18742

The Director of Budget and Management shall initiate and process payments from lease rental payment appropriation items during the period from July 1, 2013, to June 30, 2015, pursuant to the lease agreements for bonds or notes issued under Section 2i of Article VIII of the Ohio Constitution and Chapters 152. and 154. of the Revised Code. Payments shall be made upon certification by the Treasurer of State of the dates and amounts due on those dates. 18743  
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**Section 509.20.** LEASE AND DEBT SERVICE PAYMENTS 18751

Certain appropriations are in this act for the purpose of lease rental and other payments under leases and agreements relating to bonds or notes issued under the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. 18752  
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**Section 512.10.** TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 18758  
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Upon the request of the Director of Transportation, the Director of Budget and Management may transfer cash from the Highway Operating Fund (Fund 7002) to the Highway Capital Improvement Fund (Fund 7042) created in section 5528.53 of the Revised Code. The Director of Budget and Management may transfer cash from Fund 7042 to Fund 7002 up to the amount of cash previously transferred to Fund 7042 under this section. 18760  
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**Section 512.20.** MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 18767

The Director of Budget and Management shall transfer cash in 18768  
equal monthly increments totaling \$171,724,944 in fiscal year 2014 18769  
and in equal monthly increments totaling \$173,884,776 in fiscal 18770  
year 2015 from the Highway Operating Fund (Fund 7002), created in 18771  
section 5735.291 of the Revised Code, to the Gasoline Excise Tax 18772  
Fund (Fund 7060) created in division (A) of section 5735.27 of the 18773  
Revised Code. The monthly amounts transferred under this section 18774  
shall be distributed as follows: 42.86 per cent shall be 18775  
distributed among the municipal corporations within the state 18776  
under division (A)(2) of section 5735.27 of the Revised Code; 18777  
37.14 per cent shall be distributed among the counties within the 18778  
state under division (A)(3) of section 5735.27 of the Revised 18779  
Code; and 20 per cent shall be distributed among the townships 18780  
within the state under division (A)(5)(b) of section 5735.27 of 18781  
the Revised Code. 18782

**Section 512.30.** DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 18783

On July 1, 2013, and on January 1, 2014, or as soon as 18784  
possible thereafter, respectively, the Director of Budget and 18785  
Management shall transfer \$200,000 in cash, for each period, from 18786  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 18787  
General for ODOT Fund (Fund 5FA0). 18788

On July 1, 2014, and on January 1, 2015, or as soon as 18789  
possible thereafter, respectively, the Director of Budget and 18790  
Management shall transfer \$200,000 in cash, for each period, from 18791  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 18792  
General for ODOT Fund (Fund 5FA0). 18793

Should additional amounts be necessary, the Inspector 18794  
General, with the consent of the Director of Budget and 18795  
Management, may seek Controlling Board approval for additional 18796

transfers of cash and to increase the amount appropriated from 18797  
appropriation item 965603, Deputy Inspector General for ODOT, in 18798  
the amount of the additional transfers. 18799

**Section 601.10.** That Section 10 of Am. Sub. H.B. 386 of the 18800  
129th General Assembly be amended to read as follows: 18801

**Sec. 10.** ~~The~~ To the extent that sufficient cash is available, 18802  
within three months after the receipt of moneys into the Casino 18803  
Operator Settlement Fund created in section 3772.34 of the Revised 18804  
Code, the Director of Budget and Management shall pay one million 18805  
dollars ~~by December 31, 2012,~~ to the municipal corporation or 18806  
township in which each commercial racetrack is located, including 18807  
a municipal corporation or township to which a racetrack is to 18808  
relocate as specified in the memorandum of understanding of 18809  
February 17, 2012, between the Office of the Governor, State of 18810  
Ohio, and Penn National Gaming, Inc., pertaining to racing permit 18811  
transfers, but excluding the previous municipal corporation or 18812  
township of each moved track and excluding a municipal corporation 18813  
or township in a county with a population between 1,100,000 and 18814  
1,200,000 in the most recent federal decennial census. ~~The~~ 18815  
~~Director shall transfer these payments, totaling six million~~ 18816  
~~dollars, from the Casino Operator Settlement Fund created in~~ 18817  
~~section 3772.34 of the Revised Code. The Director~~ Additionally, 18818  
within six months after the first payments made under this 18819  
section, the Director of Budget and Management shall pay an 18820  
additional one million dollars ~~by June 30, 2013,~~ to each of these 18821  
municipal corporations and townships, ~~and shall transfer these~~ 18822  
~~payments, totaling six million dollars, from the Casino Operator~~ 18823  
~~Settlement Fund. These expenditures are hereby appropriated.~~ Each 18824  
municipal corporation or township receiving such a payment shall 18825  
use at least fifty per cent of the funds received for 18826  
infrastructure or capital improvements. If after either of the 18827

payments referenced in this section, a municipal corporation or township loses a racetrack as a result of the racetrack permit holder's decision to relocate to another municipal corporation or township, the municipal corporation or township losing the racetrack becomes eligible for a payment from the Racetrack Facility Community Economic Redevelopment Fund provided for in Sections 7 and 8 of H.B. 386 of the 129th General Assembly after all of the communities that have already lost a racetrack permit holder's racetrack at the time the first payments referenced in this section are made have each been awarded up to \$3 million for the initial loss of such racetracks. Such a municipal corporation or township shall not receive more than the sum of \$3 million minus any payments made by the Director of Budget and Management in accordance with this section. The Director of Budget and Management is also authorized to establish any necessary appropriation items in the appropriate funds and agencies in order to make any payments required under this section. Any funds in such items are hereby appropriated.

**Section 601.11.** That existing Section 10 of Am. Sub. H.B. 386 of the 129th General Assembly is hereby repealed.

**Section 601.20.** That Sections 203.80 and 203.83 of Sub. H.B. 482 of the 129th General Assembly be amended to read as follows:

**Sec. 203.80.** The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Ohio Parks and Natural Resources Fund (Fund 7031) that are not otherwise appropriated.

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES  
C72549 ODNR Facilities Development \$ 500,000

C725B7	Underground Fuel Storage Tank Removal/Replacement - Department	\$	250,000	18856
C725E1	NatureWorks Local Park Grants	\$	4,790,000	18857
C725E5	Project Planning	\$	400,000	18858
C725M0	Dam Rehabilitation - Department	\$	<del>10,000,000</del> <u>40,000,000</u>	18859
C725N5	Wastewater/Water Systems Upgrade - Department	\$	8,000,000	18860
Total Department of Natural Resources		\$	<del>23,940,000</del> <u>53,940,000</u>	18861
TOTAL Ohio Parks and Natural Resources Fund		\$	<del>23,940,000</del> <u>53,940,000</u>	18862

**Sec. 203.83.** The Ohio Public Facilities Commission is hereby 18864  
authorized to issue and sell, in accordance with Section 21 of 18865  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 18866  
sections 151.01 and 151.05 of the Revised Code, original 18867  
obligations in an aggregate principal amount not to exceed 18868  
~~\$23,000,000~~ 53,000,000 in addition to the original issuance of 18869  
obligations heretofore authorized by prior acts of the General 18870  
Assembly. These authorized obligations shall be issued, subject to 18871  
applicable constitutional and statutory limitations, as needed to 18872  
provide sufficient moneys to the credit of the Ohio Parks and 18873  
Natural Resources Fund (Fund 7031) to pay costs of capital 18874  
facilities as defined in sections 151.01 and 151.05 of the Revised 18875  
Code. 18876

**Section 601.21.** That existing Sections 203.80 and 203.83 of 18877  
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 18878

**Section 701.20.** To the extent permitted by federal law, 18879  
federal money received by the state for fiscal stabilization and 18880  
recovery purposes shall be used in accordance with the preferences 18881

for products and services made or performed in the United States 18882  
and Ohio established in section 125.09 of the Revised Code. 18883

**Section 737.10.** Notwithstanding any provision of Chapter 18884  
3769. of the Revised Code and through December 31, 2013, the State 18885  
Racing Commission may issue a temporary permit to conduct live 18886  
horse-racing meetings at a location where other permits to conduct 18887  
live horse-racing meetings have been issued. Such permits shall be 18888  
issued to a permit holder for a period not to aggregate more than 18889  
one year from the first date of issuance. The Commission may adopt 18890  
rules under Chapter 119. of the Revised Code to effectuate this 18891  
section and to establish the procedures and conditions to apply 18892  
for a temporary permit under this section. 18893

A holder of a temporary permit issued under this section 18894  
during calendar year 2013 that is otherwise eligible to become a 18895  
video lottery sales agent may apply to the State Lottery 18896  
Commission for a video lottery sales agent license at the location 18897  
where the temporary permit holder was previously issued a permit 18898  
to conduct live horse racing meetings. A holder of a temporary 18899  
permit issued under this section during calendar year 2013 may 18900  
electronically televise simulcasts of horse races at the location 18901  
where the temporary permit holder was previously issued a permit 18902  
to conduct live horse racing meetings. 18903

**Section 747.10.** On the effective date of the amendments made 18904  
to section 4765.02 of the Revised Code by this act, the member of 18905  
the renamed State Board of Emergency Medical, Fire, and 18906  
Transportation Services who is an administrator of an adult or 18907  
pediatric trauma center shall cease to be a member of the Board. 18908  
On the effective date of the amendments made to section 4765.02 of 18909  
the Revised Code by this act, the member of the renamed State 18910  
Board of Emergency Medical, Fire, and Transportation Services who 18911

is a member of the Ohio Ambulance Association shall cease to be a 18912  
member of the Board. On the effective date of the amendments made 18913  
to section 4765.02 of the Revised Code by this act, the member of 18914  
the renamed State Board of Emergency Medical, Fire, and 18915  
Transportation Services who is a physician certified by the 18916  
American board of surgery, American board of osteopathic surgery, 18917  
American osteopathic board of emergency medicine, or American 18918  
board of emergency medicine, is chief medical officer of an air 18919  
medical agency, and is currently active in providing emergency 18920  
medical services shall cease to be a member of the Board. On the 18921  
effective date of the amendments made to section 4765.02 of the 18922  
Revised Code by this act, of the members of the renamed State 18923  
Board of Emergency Medical, Fire, and Transportation Services who 18924  
were EMTs, AEMTs, or paramedics and were appointed to the Board in 18925  
that capacity, only the members who are designated by the Governor 18926  
to continue to be members of the Board shall continue to be so; 18927  
the other persons shall cease to be members of the Board. On the 18928  
effective date of the amendments made to section 4765.02 of the 18929  
Revised Code by this act, the member of the renamed State Board of 18930  
Emergency Medical, Fire, and Transportation Services who is a 18931  
registered nurse and is in the active practice of emergency 18932  
nursing shall cease to be a member of the Board. Not later than 18933  
sixty days after the effective date of those amendments, the 18934  
Governor shall appoint to the renamed State Board of Emergency 18935  
Medical, Fire, and Transportation Services an adult or pediatric 18936  
trauma program manager or trauma program director who is involved 18937  
in the daily management of a verified trauma center. The Governor 18938  
shall appoint this member from among three persons nominated by 18939  
the Ohio Nurses Association, three persons nominated by the Ohio 18940  
Society of Trauma Nurse Leaders, and three persons nominated by 18941  
the Ohio State Council of the Emergency Nurses Association. 18942  
  
On the effective date of the amendments made to section 18943

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;

The person who is a member of the Ohio Association of Critical Care Transport and represents air-based services, term ends November 12, 2015;

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.

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.

On July 1, 2013, the Medical Transportation Board and all of 18975  
its functions are transferred to the Department of Public Safety. 18976  
As of such date, the Medical Transportation Board shall operate 18977  
under the Department of Public Safety, which shall assume all of 18978  
the Board's functions. All assets, liabilities, any capital 18979  
spending authority related thereto, and equipment and records, 18980  
regardless of form or medium, related to the Medical 18981  
Transportation Board's functions are transferred to the Department 18982  
of Public Safety on July 1, 2013. 18983

No validation, cure, right, privilege, remedy, obligation, or 18984  
liability is lost or impaired by reason of the transfer. All of 18985  
the Medical Transportation Board's rules, orders, and 18986  
determinations continue in effect as rules, orders, and 18987  
determinations of the Department of Public Safety until modified 18988  
or rescinded by the Department of Public Safety. 18989

No action or proceeding pending on July 1, 2013, is affected 18990  
by the transfer and any action or proceeding pending on July 1, 18991  
2013, shall be prosecuted or defended in the name of the 18992  
Department of Public Safety or its director. In all such actions 18993  
and proceedings, the Department of Public Safety or its director, 18994  
upon application to the court, shall be substituted as a party. 18995

On or after July 1, 2013, notwithstanding any provision of 18996  
law to the contrary, the Director of Budget and Management shall 18997  
take any action with respect to budget changes made necessary by 18998  
the transfer. The Director may transfer cash balances between 18999  
funds. The Director may cancel encumbrances in 915604, Operating 19000  
Expenses, and reestablish encumbrances or parts of encumbrances in 19001  
765624, Operating - EMS, as needed in the fiscal year in the 19002  
appropriate fund and appropriation item for the same purpose and 19003  
to the same vendor. As determined by the Director, encumbrances 19004  
reestablished in the fiscal year in a different fund or 19005  
appropriation item used by an agency or between agencies are 19006



appropriated. The Director shall reduce each year's appropriation 19007  
balances by the amount of the encumbrance canceled in their 19008  
respective funds and appropriation item. Any unencumbered or 19009  
unallocated appropriation balances from the previous fiscal year 19010  
may be transferred to the appropriate appropriation item to be 19011  
used for the same purposes, as determined by the Director. Any 19012  
such transfers are hereby appropriated. 19013

This section is exempt from the referendum under Ohio 19014  
Constitution, Article II, Section 1d and section 1.471 of the 19015  
Revised Code and therefore takes effect immediately when this act 19016  
becomes law. 19017

**Section 755.10.** The Director of Transportation may enter into 19018  
agreements as provided in this section with the United States or 19019  
any department or agency of the United States, including, but not 19020  
limited to, the United States Army Corps of Engineers, the United 19021  
States Forest Service, the United States Environmental Protection 19022  
Agency, and the United States Fish and Wildlife Service. An 19023  
agreement entered into pursuant to this section shall be solely 19024  
for the purpose of dedicating staff to the expeditious and timely 19025  
review of environmentally related documents submitted by the 19026  
Director of Transportation, as necessary for the approval of 19027  
federal permits. The agreements may include provisions for advance 19028  
payment by the Director of Transportation for labor and all other 19029  
identifiable costs of the United States or any department or 19030  
agency of the United States providing the services, as may be 19031  
estimated by the United States, or the department or agency of the 19032  
United States. The Director shall submit a request to the 19033  
Controlling Board indicating the amount of the agreement, the 19034  
services to be performed by the United States or the department or 19035  
agency of the United States, and the circumstances giving rise to 19036  
the agreement. 19037

**Section 755.20.** There is hereby created the Joint Legislative 19038  
Task Force on Department of Transportation Funding. The Task Force 19039  
shall consist of three members of the House Finance and 19040  
Appropriations Committee, two of whom shall be appointed by the 19041  
Speaker of the House of Representatives and one of whom shall be 19042  
appointed by the Minority Leader of the House of Representatives, 19043  
and three members of the Senate Transportation Committee, two of 19044  
whom shall be appointed by the President of the Senate and one of 19045  
whom shall be appointed by the Minority Leader of the Senate. 19046

The Task Force shall examine the funding needs of the Ohio 19047  
Department of Transportation. The Task Force also shall study 19048  
specifically the issue of the elimination of the Ohio motor fuel 19049  
tax. Not later than December 15, 2014, the Task Force shall issue 19050  
a report containing its findings and recommendations to the 19051  
President of the Senate, the Minority Leader of the Senate, the 19052  
Speaker of the House of Representatives, and the Minority Leader 19053  
of the House of Representatives. At that time, the Task Force 19054  
shall cease to exist. 19055

**Section 755.30.** On July 1, 2013, and on the first day of the 19056  
month for each month thereafter, the Treasurer of State, before 19057  
making any of the distributions specified in sections 5735.23, 19058  
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 19059  
the first two per cent of the amount of motor fuel tax received 19060  
for the preceding calendar month to the credit of the Highway 19061  
Operating Fund (Fund 7002). 19062

**Section 755.40.** It is the intent of the General Assembly that 19063  
the amendments to section 4511.21 of the Revised Code contained in 19064  
Section 101.01 of this act are not to result in any decrease of 19065  
any speed limit on any freeway that is in effect on the effective 19066  
date of those amendments. 19067

**Section 755.50.** Not later than July 1, 2013, the Director of Transportation shall establish a turnpike mitigation program to assist political subdivisions through which a portion of the Ohio Turnpike passes and address concerns resulting from the proximity of the Ohio Turnpike. The program may provide monetary and other resources, and shall address conditions including noise mitigation, bridge embankments, drainage, bridge repair, grade separations, and other related conditions.

The Director may consult with affected political subdivisions in assessing needs and in developing the program. Upon establishing the program, the Director shall notify affected subdivisions in an appropriate manner of the availability of the program.

As used in this section, "Ohio turnpike" has the same meaning as in section 5537.26 of the Revised Code.

**Section 755.60.** (A) The Energy Industry Infrastructure Task Force is hereby established to do both of the following:

(1) Study and make recommendations to the Director of Transportation on future infrastructure projects in districts established by the Department of Transportation that are affected by the energy industry;

(2) Make recommendations to the Director on infrastructure projects in those districts that support the economic development activities in the districts.

(B) The Governor, with the advice and consent of the Senate, shall appoint the following members to the Task Force not later than thirty days after the effective date of this section:

(1) Three representatives of the energy industry;

(2) One representative of the County Commissioners

Association of Ohio;	19097
(3) One representative of the Ohio Township Association;	19098
(4) One representative of the County Engineers Association of Ohio;	19099 19100
(5) One representative of the Department;	19101
(6) One representative of the public nominated by the Director;	19102 19103
(7) At least one representative of a district established by the Department.	19104 19105
(C) The Task Force shall submit its recommendations to the Director by January 31, 2015. After submitting its recommendations, the Task Force ceases to exist.	19106 19107 19108
<b>Section 757.10.</b> Notwithstanding Chapter 5735. of the Revised Code, the following shall apply for the period of July 1, 2013, through June 30, 2015:	19109 19110 19111
(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.	19112 19113 19114 19115 19116 19117 19118 19119 19120
(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.	19121 19122 19123 19124 19125

**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.

(2) Before the Director of Budget and Management completes the transfer required under division (B)(2) of section 5751.20 of the Revised Code on or before November 20, 2013, the Commissioner shall certify a reconciliation of the amount described in division (B)(1) of this section to the Director based on information the Commissioner receives from taxpayers affected by the amendment by this act of sections 5751.02, 5751.051, and 5751.20 of the Revised Code. The director shall use that certified, reconciled amount to offset or augment the transfer required to be made by the Director on or before November 20, 2013.

(C) The Tax Commissioner shall make the first calculation and payment required under division (B)(2) of section 5751.20 of the Revised Code, as amended by this act, on or before November 20,

2013, using, for the purpose of that calculation, taxable gross 19157  
receipts attributed to motor fuel used for propelling vehicles on 19158  
public highways as indicated by returns due by November 10, 2013. 19159

**Section 801.10.** PROVISIONS OF LAW GENERALLY APPLICABLE TO 19160  
APPROPRIATIONS 19161

Law contained in the main operating appropriations act of the 19162  
130th General Assembly that is generally applicable to the 19163  
appropriations made in the main operating appropriations act also 19164  
is generally applicable to the appropriations made in this act. 19165

**Section 801.20.** As used in the uncodified law of this act, 19166  
"American Recovery and Reinvestment Act of 2009" means the 19167  
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 19168  
111-5, 123 Stat. 115. 19169

**Section 803.10.** The repeal of section 3791.11 of the Revised 19170  
Code does not cancel or otherwise terminate a bond that is in 19171  
effect on the effective date of the repeal. Such a bond continues 19172  
in effect and expires according to its terms. Upon expiration of 19173  
the bond, the depositor is not required to renew the bond and any 19174  
amount posted shall be returned to the depositor. 19175

**Section 806.10.** The items of law contained in this act, and 19176  
their applications, are severable. If any item of law contained in 19177  
this act, or if any application of any item of law contained in 19178  
this act, is held invalid, the invalidity does not affect other 19179  
items of law contained in this act and their applications that can 19180  
be given effect without the invalid item or application. 19181

**Section 812.10.** Except as otherwise provided in this act, the 19182  
amendment, enactment, or repeal by this act of a section of law is 19183  
subject to the referendum under Ohio Constitution, Article II, 19184

Section 1c and therefore takes effect on the ninety-first day 19185  
after this act is filed with the Secretary of State or, if a later 19186  
effective date is specified below, on that date. 19187

**Section 812.20.** In this section, an "appropriation" includes 19188  
another provision of law in this act that relates to the subject 19189  
of the appropriation. 19190

An appropriation of money made in this act is not subject to 19191  
the referendum insofar as a contemplated expenditure authorized 19192  
thereby is wholly to meet a current expense within the meaning of 19193  
Ohio Constitution, Article II, Section 1d and section 1.471 of the 19194  
Revised Code. To that extent, the appropriation takes effect 19195  
immediately when this act becomes law. Conversely, the 19196  
appropriation is subject to the referendum insofar as a 19197  
contemplated expenditure authorized thereby is wholly or partly 19198  
not to meet a current expense within the meaning of Ohio 19199  
Constitution, Article II, Section 1d and section 1.471 of the 19200  
Revised Code. To that extent, the appropriation takes effect on 19201  
the ninety-first day after this act is filed with the Secretary of 19202  
State. 19203

**Section 812.20.10.** The amendment or enactment by this act of 19204  
division (A)(3) of section 5751.051 of the Revised Code, division 19205  
(J) of section 5751.20 of the Revised Code, and Section 757.20 of 19206  
this act is exempt from the referendum under Ohio Constitution, 19207  
Article II, Section 1d and section 1.471 of the Revised Code, and 19208  
therefore takes effect immediately when this act becomes law. 19209

**Section 812.20.20.** The amendment by this act of sections 19210  
5751.02, 5751.051, except for division (A)(3) of that section, and 19211  
5751.20 of the Revised Code, except for division (J) of that 19212  
section, take effect on July 1, 2013. 19213

**Section 812.30.** The amendment by this act of Section 10 of 19214  
Am. Sub. H.B. 386 of the 129th General Assembly goes into 19215  
immediate effect. 19216

**Section 815.10.** The General Assembly, applying the principle 19217  
stated in division (B) of section 1.52 of the Revised Code that 19218  
amendments are to be harmonized if reasonably capable of 19219  
simultaneous operation, finds that the following sections, 19220  
presented in this act as composites of the sections as amended by 19221  
the acts indicated, are the resulting versions of the sections in 19222  
effect prior to the effective date of the sections as presented in 19223  
this act: 19224

Section 5739.02 of the Revised Code as amended by both Am. 19225  
Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly. 19226

Section 5747.01 of the Revised Code as amended by Am. H.B. 19227  
167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th 19228  
General Assembly. 19229

Section 5751.01 of the Revised Code as amended by both Am. 19230  
Sub. H.B. 472 and Am. Sub. H.B. 510 of the 129th General Assembly. 19231

Section 5751.20 of the Revised Code as amended by both Am. 19232  
Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly. 19233