

As Introduced

131st General Assembly
Regular Session
2015-2016

H. B. No. 53

Representative Grossman

A BILL

To amend sections 125.834, 126.06, 126.11, 127.14, 1
163.06, 163.09, 163.15, 163.21, 166.25, 307.202, 2
505.69, 717.01, 4117.10, 4501.03, 4501.04, 3
4501.044, 4501.045, 4501.06, 4501.11, 4501.26, 4
4501.34, 4503.103, 4503.233, 4503.26, 4505.09, 5
4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 6
4506.07, 4506.071, 4506.08, 4506.09, 4506.10, 7
4506.12, 4506.13, 4506.15, 4506.16, 4506.17, 8
4506.20, 4506.21, 4507.071, 4507.11, 4507.21, 9
4508.01, 4508.02, 4508.03, 4508.04, 4508.05, 10
4508.06, 4508.10, 4509.05, 4509.101, 4509.81, 11
4511.043, 4513.263, 4519.59, 4519.63, 4749.07, 12
4981.01, 4981.02, 4981.03, 4981.031, 4981.032, 13
4981.033, 4981.04, 4981.05, 4981.06, 4981.07, 14
4981.08, 4981.09, 4981.091, 4981.10, 4981.11, 15
4981.12, 4981.13, 4981.131, 4981.14, 4981.15, 16
4981.16, 4981.17, 4981.18, 4981.19, 4981.22, 17
4981.24, 4981.25, 4981.26, 4981.28, 4981.29, 18
4981.30, 4981.31, 4981.32, 4981.33, 4981.34, 19
4981.40, 5501.03, 5501.55, 5501.56, 5502.03, 20
5502.39, 5502.67, 5512.02, 5512.03, 5512.04, 21
5512.05, 5512.06, 5519.01, 5528.31, 5528.40, 22
5531.08, 5705.19, 5728.08, 5735.23, 5735.26, 23
5735.291, and 5735.30; to amend, for the purpose 24

of adopting new sections numbers as indicated in 25
parentheses, sections 4981.01 (5501.57), 4981.02 26
(5501.58), 4981.03 (5501.581), 4981.031 (5501.59), 27
4981.032 (5501.591), 4981.033 (5501.592), 4981.04 28
(5501.60), 4981.05 (5501.593), 4981.06 (5501.61), 29
4981.07 (5501.611), 4981.08 (5501.612), 4981.09 30
(5501.66), 4981.091 (5501.661), 4981.10 31
(5501.613), 4981.11 (5501.64), 4981.12 (5501.641), 32
4981.13 (5501.642), 4981.131 (5501.643), 4981.14 33
(5501.582), 4981.15 (5501.644), 4981.16 34
(5501.645), 4981.17 (5501.646), 4981.18 35
(5501.647), 4981.19 (5501.648), 4981.22 36
(5501.649), 4981.24 (5501.614), 4981.25 (5501.62), 37
4981.26 (5501.63), 4981.28 (5501.65), 4981.29 38
(5501.651), 4981.30 (5501.652), 4981.31 39
(5501.653), 4981.32 (5501.654), 4981.33 40
(5501.655), 4981.34 (5501.656), 4981.35 41
(5501.601), and 4981.40 (5501.602); to enact 42
sections 4508.11, 4511.206, and 5531.30; and to 43
repeal sections 4501.19, 4501.28, 4981.20, 44
4981.21, 5502.131, 5528.19, 5528.32, 5528.33, 45
5528.35, 5528.36, 5528.38, and 5528.39 of the 46
Revised Code and to amend Section 227.10 of Am. 47
H.B. 497 of the 130th General Assembly to make 48
appropriations for programs related to 49
transportation and public safety for the biennium 50
beginning July 1, 2015, and ending June 30, 2017, 51
and to provide authorization and conditions for 52
the operation of those programs; and to amend the 53
version of section 4507.11 of the Revised Code 54
that is scheduled to take effect January 1, 2017, 55
to continue the provisions of this act on and 56
after that effective date. 57

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

Section 101.01. That sections 125.834, 126.06, 126.11, 58
127.14, 163.06, 163.09, 163.15, 163.21, 166.25, 307.202, 505.69, 59
717.01, 4117.10, 4501.03, 4501.04, 4501.044, 4501.045, 4501.06, 60
4501.11, 4501.26, 4501.34, 4503.103, 4503.233, 4503.26, 4505.09, 61
4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 4506.07, 4506.071, 62
4506.08, 4506.09, 4506.10, 4506.12, 4506.13, 4506.15, 4506.16, 63
4506.17, 4506.20, 4506.21, 4507.071, 4507.11, 4507.21, 4508.01, 64
4508.02, 4508.03, 4508.04, 4508.05, 4508.06, 4508.10, 4509.05, 65
4509.101, 4509.81, 4511.043, 4513.263, 4519.59, 4519.63, 4749.07, 66
4981.01, 4981.02, 4981.03, 4981.031, 4981.032, 4981.033, 4981.04, 67
4981.05, 4981.06, 4981.07, 4981.08, 4981.09, 4981.091, 4981.10, 68
4981.11, 4981.12, 4981.13, 4981.131, 4981.14, 4981.15, 4981.16, 69
4981.17, 4981.18, 4981.19, 4981.22, 4981.24, 4981.25, 4981.26, 70
4981.28, 4981.29, 4981.30, 4981.31, 4981.32, 4981.33, 4981.34, 71
4981.40, 5501.03, 5501.55, 5501.56, 5502.03, 5502.39, 5502.67, 72
5512.02, 5512.03, 5512.04, 5512.05, 5512.06, 5519.01, 5528.31, 73
5528.40, 5531.08, 5705.19, 5728.08, 5735.23, 5735.26, 5735.291, 74
and 5735.30 be amended; sections 4981.01 (5501.57), 4981.02 75
(5501.58), 4981.03 (5501.581), 4981.031 (5501.59), 4981.032 76
(5501.591), 4981.033 (5501.592), 4981.04 (5501.60), 4981.05 77
(5501.593), 4981.06 (5501.61), 4981.07 (5501.611), 4981.08 78
(5501.612), 4981.09 (5501.66), 4981.091 (5501.661), 4981.10 79
(5501.613), 4981.11 (5501.64), 4981.12 (5501.641), 4981.13 80
(5501.642), 4981.131 (5501.643), 4981.14 (5501.582), 4981.15 81
(5501.644), 4981.16 (5501.645), 4981.17 (5501.646), 4981.18 82
(5501.647), 4981.19 (5501.648), 4981.22 (5501.649), 4981.24 83
(5501.614), 4981.25 (5501.62), 4981.26 (5501.63), 4981.28 84
(5501.65), 4981.29 (5501.651), 4981.30 (5501.652), 4981.31 85
(5501.653), 4981.32 (5501.654), 4981.33 (5501.655), 4981.34 86
(5501.656), 4981.35 (5501.601), and 4981.40 (5501.602) be amended 87

for the purpose of adopting new section numbers as indicated in 88
parentheses; and sections 4508.11, 4511.206, and 5531.30 of the 89
Revised Code be enacted to read as follows: 90

Sec. 125.834. (A) The department of administrative services 91
shall ensure that all new motor vehicles acquired ~~on and after~~ 92
~~July 1, 2006,~~ by the state for use by state agencies under section 93
125.832 of the Revised Code are capable of using alternative 94
fuels. A state agency that is acquiring new motor vehicles under 95
division (G)(1) of section 125.832 of the Revised Code shall 96
report annually, in a manner prescribed by the director of 97
administrative services, the number of new motor vehicles acquired 98
by the state agency and the number of those motor vehicles that 99
are capable of using alternative fuel. 100

(B) The department shall not purchase or lease, or authorize 101
the purchase or lease by a state agency of, any motor vehicles 102
that are incapable of using alternative fuels, unless one or more 103
of the following apply: 104

(1) The department or state agency is unable to acquire or 105
operate motor vehicles within the cost limitations described in 106
rules adopted under division (D) of this section. 107

(2) The use of alternative fuels would not meet the energy 108
conservation and exhaust emissions criteria described in rules 109
adopted under division (D) of this section. 110

(3) An emergency exists or exigent circumstances exist, as 111
determined by the department of administrative services. 112

(C) ~~Not later than ninety days after October 12, 2006, all~~ 113
All motor vehicles owned or leased by the state that are capable 114
of using an alternative fuel shall use an alternative fuel if the 115
fuel is reasonably available at a reasonable price. ~~Subject to~~ 116
~~division (D) of this section, motor vehicles owned or leased by~~ 117

~~the state shall use at least sixty thousand gallons of E85 blend 118
fuel per calendar year by January 1, 2007, with an increase of 119
five thousand gallons per calendar year each calendar year 120
thereafter, and at least one million gallons of blended biodiesel 121
per calendar year by January 1, 2007, with an increase of one 122
hundred thousand gallons per calendar year each calendar year 123
thereafter.~~ The director of administrative services, under Chapter 124
119. of the Revised Code, shall adopt rules to implement the fuel 125
use requirement of this division, and the directors and heads of 126
all state departments and agencies shall issue a directive to all 127
state employees who use state motor vehicles informing them of the 128
fuel use requirement. The directive shall instruct state employees 129
to purchase alternative fuels at retail fuel facilities whenever 130
possible. 131

As used in this division, "motor vehicle" has the same 132
meaning as in section 125.831 of the Revised Code and also 133
includes all on-road and off-road vehicles powered by diesel fuel, 134
regardless of gross vehicle weight. 135

(D) The director of administrative services shall adopt and 136
may amend, under Chapter 119. of the Revised Code, rules that 137
include both of the following: 138

(1) Requirements for state agencies in the procurement of 139
alternative fuels and motor vehicles capable of using alternative 140
fuels, and cost limitations for the acquisition and operation of 141
such vehicles; 142

(2) Energy conservation and exhaust emissions criteria for 143
motor vehicles capable of using alternative fuels. 144

Sec. 126.06. The total operating fund consists of all funds 145
in the state treasury except the auto registration distribution 146
fund, local motor vehicle license tax fund, development bond 147
retirement fund, facilities establishment fund, gasoline excise 148

tax fund, higher education improvement fund, highway improvement 149
bond retirement fund, ~~highway obligations bond retirement fund,~~ 150
highway capital improvement fund, improvements bond retirement 151
fund, mental health facilities improvement fund, parks and 152
recreation improvement fund, public improvements bond retirement 153
fund, school district income tax fund, state agency facilities 154
improvement fund, state and local government highway distribution 155
fund, state highway safety fund, Vietnam conflict compensation 156
fund, any other fund determined by the director of budget and 157
management to be a bond fund or bond retirement fund, and such 158
portion of the highway operating fund as is determined by the 159
director of budget and management and the director of 160
transportation to be restricted by Section 5a of Article XII, Ohio 161
Constitution. 162

When determining the availability of money in the total 163
operating fund to pay claims chargeable to a fund contained within 164
the total operating fund, the director of budget and management 165
shall use the same procedures and criteria the director employs in 166
determining the availability of money in a fund contained within 167
the total operating fund. The director may establish limits on the 168
negative cash balance of the general revenue fund within the total 169
operating fund, but in no case shall the negative cash balance of 170
the general revenue fund exceed ten per cent of the total revenue 171
of the general revenue fund in the preceding fiscal year. 172

Sec. 126.11. (A)(1) The director of budget and management 173
shall, upon consultation with the treasurer of state, coordinate 174
and approve the scheduling of initial sales of publicly offered 175
securities of the state and of publicly offered fractionalized 176
interests in or securitized issues of public obligations of the 177
state. The director shall from time to time develop and distribute 178
to state issuers an approved sale schedule for each of the 179
obligations covered by division (A) or (B) of this section. 180

Division (A) of this section applies only to those obligations on 181
which the state or a state agency is the direct obligor or obligor 182
on any backup security or related credit enhancement facility or 183
source of money subject to state appropriations that is intended 184
for payment of those obligations. 185

(2) The issuers of obligations pursuant to section 151.03, 186
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 187
Revised Code shall submit to the director: 188

(a) For review and approval: the projected sale date, amount, 189
and type of obligations proposed to be sold; their purpose, 190
security, and source of payment; the proposed structure and 191
maturity schedule; the trust agreement and any supplemental 192
agreements; and any credit enhancement facilities or interest rate 193
hedges for the obligations; 194

(b) For review and comment: the authorizing order or 195
resolution; preliminary and final offering documents; method of 196
sale; preliminary and final pricing information; and any written 197
reports or recommendations of financial advisors or consultants 198
relating to those obligations; 199

(c) Promptly after each sale of those obligations: final 200
terms, including sale price, maturity schedule and yields, and 201
sources and uses; names of the original purchasers or 202
underwriters; a copy of the final offering document and of the 203
transcript of proceedings; and any other pertinent information 204
requested by the director. 205

(3) The issuer of obligations pursuant to section 151.06 or 206
151.40 or Chapter 154. of the Revised Code shall submit to the 207
director: 208

(a) For review and mutual agreement: the projected sale date, 209
amount, and type of obligations proposed to be sold; their 210
purpose, security, and source of payment; the proposed structure 211

and maturity schedule; the trust agreement and any supplemental 212
agreements; and any credit enhancement facilities or interest rate 213
hedges for the obligations; 214

(b) For review and comment: the authorizing order or 215
resolution; preliminary and final offering documents; method of 216
sale; preliminary and final pricing information; and any written 217
reports or recommendations of financial advisors or consultants 218
relating to those obligations; 219

(c) Promptly after each sale of those obligations: final 220
terms, including sale price, maturity schedule and yields, and 221
sources and uses; names of the original purchasers or 222
underwriters; a copy of the final offering document and of the 223
transcript of proceedings; and any other pertinent information 224
requested by the director. 225

(4) The issuers of obligations pursuant to Chapter 166., 226
~~4981.,~~ 5540., or 6121., ~~or~~ section 5531.10, or sections 5501.57 to 227
5501.661 of the Revised Code shall submit to the director: 228

(a) For review and comment: the projected sale date, amount, 229
and type of obligations proposed to be sold; the purpose, 230
security, and source of payment; and preliminary and final 231
offering documents; 232

(b) Promptly after each sale of those obligations: final 233
terms, including a maturity schedule; names of the original 234
purchasers or underwriters; a copy of the complete continuing 235
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 236
rule as from time to time in effect; and any other pertinent 237
information requested by the director. 238

(5) Not later than thirty days after the end of a fiscal 239
year, each issuer of obligations subject to divisions (A) and (B) 240
of this section shall submit to the director and to the treasurer 241
of state a sale plan for the then current fiscal year for each 242

type of obligation, projecting the amount and term of each 243
issuance, the method of sale, and the month of sale. 244

(B) Issuers of obligations pursuant to section 3318.085 or 245
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 246
Code shall submit to the director copies of the preliminary and 247
final offering documents upon their availability if not previously 248
submitted pursuant to division (A) of this section. 249

(C) Not later than the first day of January of each year, 250
every state agency obligated to make payments on outstanding 251
public obligations with respect to which fractionalized interests 252
have been publicly issued, such as certificates of participation, 253
shall submit a report to the director of the amounts payable from 254
state appropriations under those public obligations during the 255
then current and next two fiscal years, identifying the 256
appropriation or intended appropriation from which payment is 257
expected to be made. 258

(D)(1) Information relating generally to the historic, 259
current, or future demographics or economy or financial condition 260
or funds or general operations of the state, and descriptions of 261
any state contractual obligations relating to public obligations, 262
to be contained in any offering document, continuing disclosure 263
document, or written presentation prepared, approved, or provided, 264
or committed to be provided, by an issuer in connection with the 265
original issuance and sale of, or rating, remarketing, or credit 266
enhancement facilities relating to, public obligations referred to 267
in division (A) of this section shall be approved as to format and 268
accuracy by the director before being presented, published, or 269
disseminated in preliminary, draft, or final form, or publicly 270
filed in paper, electronic, or other format. 271

(2) Except for information described in division (D)(1) of 272
this section that is to be contained in an offering document, 273
continuing disclosure document, or written presentation, division 274

(D)(1) of this section does not inhibit direct communication 275
between an issuer and a rating agency, remarketing agent, or 276
credit enhancement provider concerning an issuance of public 277
obligations referred to in division (A) of this section or matters 278
associated with that issuance. 279

(3) The materials approved and provided pursuant to division 280
(D) of this section are the information relating to the particular 281
subjects provided by the state or state agencies that are required 282
or contemplated by any applicable state or federal securities laws 283
and any commitments by the state or state agencies made under 284
those laws. Reliance for the purpose should not be placed on any 285
other information publicly provided, in any format including 286
electronic, by any state agency for other purposes, including 287
general information provided to the public or to portions of the 288
public. A statement to that effect shall be included in those 289
materials so approved or provided. 290

(E) Issuers of obligations referred to in division (A) of 291
this section may take steps, by formal agreement, covenants in the 292
proceedings, or otherwise, as may be necessary or appropriate to 293
comply or permit compliance with applicable lawful disclosure 294
requirements relating to those obligations, and may, subject to 295
division (D) of this section, provide, make available, or file 296
copies of any required disclosure materials as necessary or 297
appropriate. Any such formal agreement or covenant relating to 298
subjects referred to in division (D) of this section, and any 299
description of that agreement or covenant to be contained in any 300
offering document, shall be approved by the director before being 301
entered into or published or publicly disseminated in preliminary, 302
draft, or final form or publicly filed in paper, electronic, or 303
other format. The director shall be responsible for making all 304
filings in compliance with those requirements relating to direct 305
obligations of the state, including fractionalized interests in 306

those obligations. 307

(F) No state agency or official shall, without the approval 308
of the director of budget and management and either the general 309
assembly or the state controlling board, do either of the 310
following: 311

(1) Enter into or commit to enter into a public obligation 312
under which fractionalized interests in the payments are to be 313
publicly offered, which payments are anticipated to be made from 314
money from any source appropriated or to be appropriated by the 315
general assembly or in which the provision stated in section 9.94 316
of the Revised Code is not included; 317

(2) Except as otherwise expressly authorized for the purpose 318
by law, agree or commit to provide, from money from any source to 319
be appropriated in the future by the general assembly, financial 320
assistance to or participation in the costs of capital facilities, 321
or the payment of debt charges, directly or by way of a credit 322
enhancement facility, a reserve, rental payments, or otherwise, on 323
obligations issued to pay costs of capital facilities. 324

(G) As used in this section, "interest rate hedge" has the 325
same meaning as in section 9.98 of the Revised Code; "credit 326
enhancement facilities," "debt charges," "fractionalized interests 327
in public obligations," "obligor," "public issuer," and 328
"securities" have the same meanings as in section 133.01 of the 329
Revised Code; "public obligation" has the same meaning as in 330
division (GG)(2) of section 133.01 of the Revised Code; 331
"obligations" means securities or public obligations or 332
fractionalized interests in them; "issuers" means issuers of 333
securities or state obligors on public obligations; "offering 334
document" means an official statement, offering circular, private 335
placement memorandum, or prospectus, or similar document; and 336
"director" means the director of budget and management or the 337
employee of the office of budget and management designated by the 338

director for the purpose. 339

Sec. 127.14. The controlling board may, at the request of any 340
state agency or the director of budget and management, authorize, 341
with respect to the provisions of any appropriation act: 342
343

(A) Transfers of all or part of an appropriation within but 344
not between state agencies, except such transfers as the director 345
of budget and management is authorized by law to make, provided 346
that no transfer shall be made by the director for the purpose of 347
effecting new or changed levels of program service not authorized 348
by the general assembly; 349

(B) Transfers of all or part of an appropriation from one 350
fiscal year to another; 351

(C) Transfers of all or part of an appropriation within or 352
between state agencies made necessary by administrative 353
reorganization or by the abolition of an agency or part of an 354
agency; 355

(D) Transfers of all or part of cash balances in excess of 356
needs from any fund of the state to the general revenue fund or to 357
such other fund of the state to which the money would have been 358
credited in the absence of the fund from which the transfers are 359
authorized to be made, except that the controlling board may not 360
authorize such transfers from the accrued leave liability fund, 361
auto registration distribution fund, local motor vehicle license 362
tax fund, budget stabilization fund, building improvement fund, 363
development bond retirement fund, facilities establishment fund, 364
gasoline excise tax fund, general revenue fund, higher education 365
improvement fund, highway improvement bond retirement fund, 366
~~highway obligations bond retirement fund~~, highway capital 367
improvement fund, highway operating fund, horse racing tax fund, 368
improvements bond retirement fund, public library fund, liquor 369

control fund, local government fund, local transportation	370
improvement program fund, medicaid reserve fund, mental health	371
facilities improvement fund, Ohio fairs fund, parks and recreation	372
improvement fund, public improvements bond retirement fund, school	373
district income tax fund, state agency facilities improvement	374
fund, state and local government highway distribution fund, state	375
highway safety fund, state lottery fund, undivided liquor permit	376
fund, Vietnam conflict compensation bond retirement fund,	377
volunteer fire fighters' dependents fund, waterways safety fund,	378
wildlife fund, workers' compensation fund, or any fund not	379
specified in this division that the director of budget and	380
management determines to be a bond fund or bond retirement fund;	381
(E) Transfers of all or part of those appropriations included	382
in the emergency purposes account of the controlling board;	383
(F) Temporary transfers of all or part of an appropriation or	384
other moneys into and between existing funds, or new funds, as may	385
be established by law when needed for capital outlays for which	386
notes or bonds will be issued;	387
(G) Transfer or release of all or part of an appropriation to	388
a state agency requiring controlling board approval of such	389
transfer or release as provided by law;	390
(H) Temporary transfer of funds included in the emergency	391
purposes appropriation of the controlling board. Such temporary	392
transfers may be made subject to conditions specified by the	393
controlling board at the time temporary transfers are authorized.	394
No transfers shall be made under this division for the purpose of	395
effecting new or changed levels of program service not authorized	396
by the general assembly.	397
As used in this section, "request" means an application by a	398
state agency or the director of budget and management seeking some	399
action by the controlling board.	400

When authorizing the transfer of all or part of an 401
appropriation under this section, the controlling board may 402
authorize the transfer to an existing appropriation item and the 403
creation of and transfer to a new appropriation item. 404

Whenever there is a transfer of all or part of funds included 405
in the emergency purposes appropriation by the controlling board, 406
pursuant to division (E) of this section, the state agency or the 407
director of budget and management receiving such transfer shall 408
keep a detailed record of the use of the transferred funds. At the 409
earliest scheduled meeting of the controlling board following the 410
accomplishment of the purposes specified in the request originally 411
seeking the transfer, or following the total expenditure of the 412
transferred funds for the specified purposes, the state agency or 413
the director of budget and management shall submit a report on the 414
expenditure of such funds to the board. The portion of any 415
appropriation so transferred which is not required to accomplish 416
the purposes designated in the original request to the controlling 417
board shall be returned to the proper appropriation of the 418
controlling board at this time. 419

Notwithstanding any provisions of law providing for the 420
deposit of revenues received by a state agency to the credit of a 421
particular fund in the state treasury, whenever there is a 422
temporary transfer of funds included in the emergency purposes 423
appropriation of the controlling board pursuant to division (H) of 424
this section, revenues received by any state agency receiving such 425
a temporary transfer of funds shall, as directed by the 426
controlling board, be transferred back to the emergency purposes 427
appropriation. 428

The board may delegate to the director of budget and 429
management authority to approve transfers among items of 430
appropriation under division (A) of this section. 431

Sec. 163.06. (A) A public agency, other than an agency 432
appropriating property for the purposes described in division (B) 433
of this section, that qualifies pursuant to Section 19 of Article 434
I, Ohio Constitution, may deposit with the court at the time of 435
filing the petition the value of such property appropriated 436
together with the damages, if any, to the residue, as determined 437
by the public agency, and thereupon take possession of and enter 438
upon the property appropriated. The right of possession upon 439
deposit as provided in this division shall not extend to 440
structures. 441

(B) A public agency appropriating property for the purpose of 442
making or repairing roads which shall be open to the public, 443
without charge, or for the purpose of implementing rail service 444
under ~~Chapter 4981.~~ sections 5501.57 to 5501.661 of the Revised 445
Code, may deposit with the court at the time of filing the 446
petition the value of such property appropriated together with the 447
damages, if any, to the residue, as determined by the public 448
agency, and stated in an attached declaration of intention to 449
obtain possession and thereupon take possession of and enter upon 450
the property appropriated, including structures situated upon the 451
land appropriated for such purpose or situated partly upon the 452
land appropriated therefor and partly upon adjoining land, so that 453
such structures cannot be divided upon the line between such lands 454
without manifest injury thereto. The jury, in assessing 455
compensation to any owner of land appropriated under this division 456
shall assess the value thereof in accordance with section 163.14 457
of the Revised Code. The owner or occupant of such structures 458
shall vacate the same within sixty days after service of summons 459
as required under section 163.07 of the Revised Code, after which 460
time the agency may remove said structures. In the event such 461
structures are to be removed before the jury has fixed the value 462
of the same, the court, upon motion of the agency, shall: 463

(1) Order appraisals to be made by three persons, one to be 464
named by the owner, one by the county auditor, and one by the 465
agency. Such appraisals may be used as evidence by the owner or 466
the agency in the trial of said case but shall not be binding on 467
said owner, agency, or the jury, and the expense of said 468
appraisals shall be approved by the court and charged as costs in 469
said case. 470

(2) Cause pictures to be taken of all sides of said 471
structures; 472

(3) Compile a complete description of said structures, which 473
shall be preserved as evidence in said case to which the owner or 474
occupants shall have access. 475

(C) Any time after the deposit is made by the public agency 476
under division (A) or (B) of this section, the owner may apply to 477
the court to withdraw the deposit, and such withdrawal shall in no 478
way interfere with the action except that the sum so withdrawn 479
shall be deducted from the sum of the final verdict or award. Upon 480
such application being made the court shall direct that the sum be 481
paid to such owner subject to the rights of other parties in 482
interest provided such parties make timely application as provided 483
in section 163.18 of the Revised Code. Interest shall not accrue 484
on any sums withdrawable as provided in this division. 485

Sec. 163.09. (A) If no answer is filed pursuant to section 486
163.08 of the Revised Code, and no approval ordered by the court 487
to a settlement of the rights of all necessary parties, the court, 488
on motion of a public agency, shall declare the value of the 489
property taken and the damages, if any, to the residue to be as 490
set forth in any document properly filed with the clerk of the 491
court of common pleas by the public agency. In all other cases, 492
the court shall fix a time, within twenty days from the last date 493
that the answer could have been filed, for the assessment of 494

compensation by a jury. 495

(B)(1) When an answer is filed pursuant to section 163.08 of 496
the Revised Code and any of the matters relating to the right to 497
make the appropriation, the inability of the parties to agree, or 498
the necessity for the appropriation are specifically denied in the 499
manner provided in that section, the court shall set a day, not 500
less than five or more than fifteen days from the date the answer 501
was filed, to hear those matters. Upon those matters, the burden 502
of proof is upon the agency by a preponderance of the evidence 503
except as follows: 504

(a) A resolution or ordinance of the governing or controlling 505
body, council, or board of the agency declaring the necessity for 506
the appropriation creates a rebuttable presumption of the 507
necessity for the appropriation if the agency is not appropriating 508
the property because it is a blighted parcel or part of a blighted 509
area or slum. 510

(b) The presentation by a public utility or common carrier of 511
evidence of the necessity for the appropriation creates a 512
rebuttable presumption of the necessity for the appropriation. 513

(c) Approval by a state or federal regulatory authority of an 514
appropriation by a public utility or common carrier creates an 515
irrebuttable presumption of the necessity for the appropriation. 516

(2) Subject to the irrebuttable presumption in division 517
(B)(1)(c) of this section, only the judge may determine the 518
necessity of the appropriation. If, as to any or all of the 519
property or other interests sought to be appropriated, the court 520
determines the matters in favor of the agency, the court shall set 521
a time for the assessment of compensation by the jury not less 522
than sixty days from the date of the journalization of that 523
determination, subject to the right of the parties to request 524
mediation under section 163.051 of the Revised Code and the right 525

of the owner to an immediate appeal under division (B)(3) of this 526
section. Except as provided in division (B)(3) of this section, an 527
order of the court in favor of the agency on any of the matters or 528
on qualification under section 163.06 of the Revised Code shall 529
not be a final order for purposes of appeal. An order of the court 530
against the agency on any of the matters or on the question of 531
qualification under section 163.06 of the Revised Code shall be a 532
final order for purposes of appeal. If a public agency has taken 533
possession prior to such an order and such an order, after any 534
appeal, is against the agency on any of the matters, the agency 535
shall restore the property to the owner in its original condition 536
or respond in damages, which may include the items set forth in 537
division (A)(2) of section 163.21 of the Revised Code, recoverable 538
by civil action, to which the state consents. 539

(3) An owner has a right to an immediate appeal if the order 540
of the court is in favor of the agency in any of the matters the 541
owner denied in the answer, unless the agency is appropriating 542
property in time of war or other public exigency imperatively 543
requiring its immediate seizure, for the purpose of making or 544
repairing roads which shall be open to the public without charge, 545
for the purpose of implementing rail service under ~~Chapter 4981-~~ 546
sections 5501.57 to 5501.661 of the Revised Code, or under section 547
307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the 548
Revised Code or by a public utility owned and operated by a 549
municipal corporation as the result of a public exigency. 550

(C) When an answer is filed pursuant to section 163.08 of the 551
Revised Code, and none of the matters set forth in division (B) of 552
this section is specifically denied, the court shall fix a time 553
within twenty days from the date the answer was filed for the 554
assessment of compensation by a jury. 555

(D) If answers are filed pursuant to divisions (B) and (C) of 556
this section, or an answer is filed on behalf of fewer than all 557

the named owners, the court shall set the hearing or hearings at 558
such times as are reasonable under all the circumstances, but in 559
no event later than twenty days after the issues are joined as to 560
all necessary parties or twenty days after rule therefor, 561
whichever is earlier. 562

(E) The court, with the consent of the parties, may order two 563
or more cases to be consolidated and tried together, but the 564
rights of each owner to compensation, damages, or both shall be 565
separately determined by the jury in its verdict. 566

(F) If an answer is filed under section 163.08 of the Revised 567
Code with respect to the value of property, the trier of fact 568
shall determine that value based on the evidence presented, with 569
neither party having the burden of proof with respect to that 570
value. 571

(G) If the court determines the matter in the favor of the 572
owner as to the necessity of the appropriation or whether the use 573
for which the agency seeks to appropriate the property is a public 574
use, in a final, unappealable order, the court shall award the 575
owner reasonable attorney's fees, expenses, and costs. 576

Sec. 163.15. (A) As soon as the agency pays to the party 577
entitled thereto or deposits with the court the amount of the 578
award and the costs assessed against the agency, it may take 579
possession; provided, that this shall not be construed to limit 580
the right of a public agency to enter and take possession, as 581
provided in section 163.06 of the Revised Code. When the agency is 582
entitled to possession the court shall enter an order to such 583
effect upon the record and, if necessary, process shall be issued 584
to place the agency in possession. Whenever a final journal entry 585
in an appropriation proceeding, granting to this state a fee title 586
or any lesser estate or interest in real property is filed and 587
journalized by the clerk of courts, the clerk of courts shall 588

forthwith transmit to the county auditor a certified copy of said 589
final journal entry who shall transfer the property on the 590
auditor's books and transmit said entry with proper endorsement to 591
the county recorder for recording. The costs of filing such final 592
journal entry with the county auditor and the county recorder 593
shall be taxed as costs in the appropriation proceedings the same 594
as other costs are taxed under section 163.16 of the Revised Code. 595

(B)(1) Whenever the appropriation of real property requires 596
the owner, a commercial tenant, or a residential tenant identified 597
by the owner in a notice filed with the court to move or relocate, 598
the agency shall make a payment to that person, upon proper 599
application as approved by the agency, for all of the following: 600

(a) Actual reasonable expenses in moving the person and the 601
person's family, business, farm operation, or other personal 602
property; 603

(b) Actual direct losses of tangible personal property as a 604
result of moving or discontinuing a business or farm operation, 605
but not to exceed an amount equal to the reasonable expenses that 606
would have been required to relocate such property, as determined 607
by the agency; 608

(c) Actual reasonable expenses in searching for a replacement 609
business or farm, but not to exceed two thousand five hundred 610
dollars; 611

(d) Actual and reasonable expenses necessary to reestablish a 612
farm, nonprofit organization, or small business at its new site, 613
but not to exceed twenty-five thousand dollars. 614

(2) If the agency does not approve a payment for which the 615
owner applied under division (B)(1) of this section, the trier of 616
fact, upon presentation of proof, shall determine whether to award 617
a payment for the expenses described in division (B)(1) of this 618
section and the amount of any award. The owner shall have the 619

burden of proof with respect to those expenses. 620

(3)(a) In addition to any payments an owner of a business may 621
receive under division (B)(1) of this section, an owner of a 622
business who is required by an appropriation of real property to 623
relocate the business may recover damages for the owner's actual 624
economic loss resulting from the appropriation, as proven by the 625
owner by a preponderance of the evidence. Compensation for actual 626
economic loss under this division shall not include any attorney's 627
fees and shall not duplicate any amount awarded as compensation 628
under this chapter. 629

(b) The amount of compensation awarded under division 630
(B)(3)(a) of this section shall not exceed twelve months net 631
profit of the business on an annualized basis. Except as otherwise 632
provided in division (B)(3)(c) of this section, if the agency is 633
appropriating property in time of war or other public exigency 634
imperatively requiring its immediate seizure, for the purpose of 635
making or repairing roads that shall be open to the public without 636
charge, for the purpose of implementing rail service under ~~Chapter~~ 637
~~4981-~~ sections 5501.57 to 5501.661 of the Revised Code, or under 638
section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of 639
the Revised Code as the result of a public exigency, or the agency 640
is a municipal corporation that is appropriating property as a 641
result of a public exigency, the period for which the net profit 642
of the business is calculated shall be twelve months minus the 643
time period from the date the agency gives the notice required by 644
section 163.04 of the Revised Code to the date the agency deposits 645
the value of the property with the court pursuant to section 646
163.06 of the Revised Code or pays that amount to the owner, but 647
in no event shall the compensation time period be less than 648
fifteen days. If the period on which the loss is calculated is 649
reduced to fifteen days and the relocation is unusually complex, 650
the owner may request the agency to increase that period by up to 651

fifteen additional days. If the agency fails to pay the 652
compensation as provided under division (B)(3)(a) of this section 653
or denies the request, the owner may seek an award of such 654
compensation pursuant to this section. 655

(c) In case of an act of God or other public exigency that 656
requires an immediate taking of property to protect public health 657
or safety or in case of a voluntary conveyance, the amount of 658
compensation awarded under division (B)(3)(a) of this section 659
shall not exceed fifteen days net profit of the business on an 660
annualized basis. The owner may request the agency to increase 661
that period by up to fifteen additional days. If the agency fails 662
to pay the compensation as provided under division (B)(3)(a) of 663
this section or denies the request, the owner may seek an award of 664
such compensation pursuant to this section. 665

Sec. 163.21. (A)(1) If it has not taken possession of 666
property that is appropriated, an agency may abandon appropriation 667
proceedings under sections 163.01 to 163.22 of the Revised Code at 668
any time after the proceedings are commenced but not later than 669
ninety days after the final determination of the cause. 670

(2) In all cases of abandonment as described in division 671
(A)(1) of this section, the court shall enter a judgment against 672
the agency for costs, including jury fees, and shall enter a 673
judgment in favor of each affected owner, in amounts that the 674
court considers to be just, for each of the following that the 675
owner incurred: 676

(a) Witness fees, including expert witness fees; 677

(b) Attorney's fees; 678

(c) Other actual expenses. 679

(B)(1) In appropriation proceedings under sections 163.01 to 680
163.22 of the Revised Code or as authorized by divisions (A) and 681

(B) of section 163.02 of the Revised Code for appropriation 682
proceedings in time of a public exigency under other sections of 683
the Revised Code, if the court determines that an agency is not 684
entitled to appropriate particular property, the court shall enter 685
both of the following: 686

(a) A judgment against the agency for costs, including jury 687
fees; 688

(b) A judgment in favor of each affected owner, in amounts 689
that the court considers to be just, for the owner's reasonable 690
disbursements and expenses, to include witness fees, expert 691
witness fees, attorney's fees, appraisal and engineering fees, and 692
for other actual expenses that the owner incurred in connection 693
with the proceedings. 694

(2) Any award to an owner pursuant to this section shall be 695
paid by the head of the agency for whose benefit the appropriation 696
proceedings were initiated. 697

(C)(1) Except as otherwise provided in division (C)(2) or (3) 698
of this section and subject to division (C)(5) of this section, 699
when an agency appropriates property and the final award of 700
compensation is greater than one hundred twenty-five per cent of 701
the agency's good faith offer for the property or, if before 702
commencing the appropriation proceeding the agency made a revised 703
offer based on conditions indigenous to the property that could 704
not reasonably have been discovered at the time of the good faith 705
offer, one hundred twenty-five per cent of the revised offer, the 706
court shall enter judgment in favor of the owner, in amounts the 707
court considers just, for all costs and expenses, including 708
attorney's and appraisal fees, that the owner actually incurred. 709

(2) The court shall not enter judgment for costs and 710
expenses, including attorney's fees and appraisal fees, if the 711
agency is appropriating property in time of war or other public 712

exigency imperatively requiring its immediate seizure, for the 713
purpose of making or repairing roads that shall be open to the 714
public without charge, for the purpose of implementing rail 715
service under ~~Chapter 4981~~, sections 5501.57 to 5501.661 of the 716
Revised Code, or under section 307.08, 504.19, 6101.181, 6115.221, 717
6117.39, or 6119.11 of the Revised Code as the result of a public 718
exigency, or the agency is a municipal corporation that is 719
appropriating property as a result of a public exigency, except 720
that the court shall enter judgment in favor of the owner for 721
costs and expenses, including attorney's and appraisal fees, that 722
the owner actually incurred only if the property being 723
appropriated is land used for agricultural purposes as defined in 724
section 303.01 or 519.01 of the Revised Code, or the county 725
auditor of the county in which the land is located has determined 726
under section 5713.31 of the Revised Code that the land is "land 727
devoted exclusively to agricultural use" as defined in section 728
5713.30 of the Revised Code and the final award of compensation is 729
more than one hundred fifty per cent of the agency's good faith 730
offer or a revised offer made by the agency under division (C)(1) 731
or (3) of this section. 732

(3) The court shall not enter judgment for costs and 733
expenses, including attorney's fees and appraisal fees, that the 734
owner actually incurred if the owner and the agency exchanged 735
appraisals prior to the filing of the petition and the final award 736
of compensation was not more than one hundred twenty-five per cent 737
of the agency's first offer for the property made subsequent to 738
the exchange of appraisals and at least thirty days before the 739
filing of the petition. 740

(4) An award of costs and expenses, including attorney's and 741
appraisal fees, that the owner actually incurred, under division 742
(C) of this section shall not exceed the lesser of twenty-five per 743
cent of the amount by which the final award of compensation 744

exceeds the agency's initial good faith offer or revised offer or 745
twenty-five per cent of the amount by which the final award of 746
compensation exceeds the agency's last written offer made not less 747
than forty-five days before the date initially designated for 748
trial by the court. 749

(5)(a) An award of costs and expenses, including attorney's 750
and appraisal fees, that the owner actually incurred, made under 751
division (G) of section 163.09 of the Revised Code is not subject 752
to the conditions and limitations set forth in divisions (C)(1), 753
(2), (3), and (4) of this section. 754

(b) The court shall not enter judgment for costs and 755
expenses, including attorney's fees and appraisal fees, under 756
division (C) of this section unless not less than fifty days prior 757
to the date initially designated by the court for trial the owner 758
provided the agency with an appraisal or summary appraisal of the 759
property being appropriated or with the owner's sworn statement 760
setting forth the value of the property and an explanation of how 761
the owner arrived at that value. 762

Sec. 166.25. (A) The director of development services, with 763
the approval of the controlling board and subject to the other 764
applicable provisions of this chapter, may lend money in the 765
logistics and distribution infrastructure fund to persons for the 766
purpose of paying allowable costs of eligible logistics and 767
distribution projects. 768

(B) In determining the eligible logistics and distribution 769
projects to be assisted and the nature, amount, and terms of 770
assistance to be provided for an eligible logistics and 771
distribution project, the director shall consult with appropriate 772
governmental agencies, including the department of transportation 773
~~and the Ohio rail development commission.~~ 774

(C) Any loan made pursuant to this section shall be evidenced 775

by a loan agreement, which shall contain such terms as the 776
director determines necessary or appropriate, including 777
performance measures and reporting requirements. The director may 778
take actions necessary or appropriate to collect or otherwise deal 779
with any loan made under this section, including requiring a loan 780
recipient to repay the amount of the loan plus interest at a rate 781
of three per cent above the federal short term interest rate or 782
any other rate determined by the director. 783

Sec. 307.202. As used in this section, "rail property" and 784
"rail service" have the same meanings as in section ~~4981.01~~ 785
5501.57 of the Revised Code. 786

The board of county commissioners may acquire, rehabilitate, 787
and develop rail property and rail service, and may enter into 788
agreements with the ~~Ohio rail development commission~~ division of 789
freight, boards of township trustees, legislative authorities of 790
municipal corporations, other boards of county commissioners, with 791
other governmental agencies or organizations, and with private 792
agencies or organizations in order to achieve those purposes. 793

Sec. 505.69. As used in this section, "rail property" and 794
"rail service" have the same meanings as in section ~~4981.01~~ 795
5501.57 of the Revised Code. 796

The board of township trustees may acquire, rehabilitate, and 797
develop rail property and rail service, and may enter into 798
agreements with the ~~Ohio rail development commission~~ division of 799
freight, boards of county commissioners, legislative authorities 800
of municipal corporations, other boards of township trustees, with 801
other governmental agencies or organizations, and with private 802
agencies or organizations in order to achieve those purposes. 803

Sec. 717.01. Each municipal corporation may do any of the 804
following: 805

(A) Acquire by purchase or condemnation real estate with or without buildings on it, and easements or interests in real estate;	806 807 808
(B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct;	809 810 811
(C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;	812 813
(D) Purchase turnpike roads and make them free;	814
(E) Construct wharves and landings on navigable waters;	815
(F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses;	816 817 818 819
(G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits;	820 821 822
(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;	823 824 825 826
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	827 828
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	829 830
(K) Construct free public libraries and reading rooms, and free recreation centers;	831 832
(L) Establish free public baths and municipal lodging houses;	833
(M) Construct monuments or memorial buildings to commemorate	834

the services of soldiers, sailors, and marines of the state and nation;	835 836
(N) Provide land for and improve parks, boulevards, and public playgrounds;	837 838
(O) Construct hospitals and pesthouses;	839
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	840 841
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	842 843 844
(R) Construct or improve viaducts, bridges, and culverts;	845
(S)(1) Construct any building necessary for the police or fire department;	846 847
(2) Purchase fire engines or fire boats;	848
(3) Construct water towers or fire cisterns;	849
(4) Place underground the wires or signal apparatus of any police or fire department.	850 851
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	852 853
(U) Construct subways under any street or boulevard or elsewhere;	854 855
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban	856 857 858 859 860 861 862 863

railroads, and improve and equip such facilities with structures 864
necessary or appropriate for such purposes. No municipal 865
corporation may take or disturb property or facilities belonging 866
to any public utility or to a common carrier engaged in interstate 867
commerce, which property or facilities are required for the proper 868
and convenient operation of the utility or carrier, unless 869
provision is made for the restoration, relocation, or duplication 870
of the property or facilities elsewhere at the sole cost of the 871
municipal corporation. 872

(W) Provide by agreement with any regional airport authority, 873
created under section 308.03 of the Revised Code, for the making 874
of necessary surveys, appraisals, and examinations preliminary to 875
the acquisition or construction of any airport or airport facility 876
and pay the portion of the expense of the surveys, appraisals, and 877
examinations as set forth in the agreement; 878

(X) Provide by agreement with any regional airport authority, 879
created under section 308.03 of the Revised Code, for the 880
acquisition, construction, maintenance, or operation of any 881
airport or airport facility owned or to be owned and operated by 882
the regional airport authority or owned or to be owned and 883
operated by the municipal corporation and pay the portion of the 884
expense of it as set forth in the agreement; 885

(Y) Acquire by gift, purchase, lease, or condemnation, land, 886
forest, and water rights necessary for conservation of forest 887
reserves, water parks, or reservoirs, either within or without the 888
limits of the municipal corporation, and improve and equip the 889
forest and water parks with structures, equipment, and 890
reforestation necessary or appropriate for any purpose for the 891
utilization of any of the forest and water benefits that may 892
properly accrue therefrom to the municipal corporation; 893

(Z) Acquire real property by purchase, gift, or devise and 894
construct and maintain on it public swimming pools, either within 895

or outside the limits of the municipal corporation; 896

(AA) Construct or rehabilitate, equip, maintain, operate, and 897
lease facilities for housing of elderly persons and for persons of 898
low and moderate income, and appurtenant facilities. No municipal 899
corporation shall deny housing accommodations to or withhold 900
housing accommodations from elderly persons or persons of low and 901
moderate income because of race, color, religion, sex, familial 902
status as defined in section 4112.01 of the Revised Code, military 903
status as defined in that section, disability as defined in that 904
section, ancestry, or national origin. Any elderly person or 905
person of low or moderate income who is denied housing 906
accommodations or has them withheld by a municipal corporation 907
because of race, color, religion, sex, familial status as defined 908
in section 4112.01 of the Revised Code, military status as defined 909
in that section, disability as defined in that section, ancestry, 910
or national origin may file a charge with the Ohio civil rights 911
commission as provided in Chapter 4112. of the Revised Code. 912

(BB) Acquire, rehabilitate, and develop rail property or rail 913
service, and enter into agreements with the ~~Ohio rail development~~ 914
~~commission~~ division of freight, boards of county commissioners, 915
boards of township trustees, legislative authorities of other 916
municipal corporations, with other governmental agencies or 917
organizations, and with private agencies or organizations in order 918
to achieve those purposes; 919

(CC) Appropriate and contribute money to a soil and water 920
conservation district for use under Chapter 1515. of the Revised 921
Code; 922

(DD) Authorize the board of county commissioners, pursuant to 923
a contract authorizing the action, to contract on the municipal 924
corporation's behalf for the administration and enforcement within 925
its jurisdiction of the state building code by another county or 926
another municipal corporation located within or outside the 927

county. The contract for administration and enforcement shall 928
provide for obtaining certification pursuant to division (E) of 929
section 3781.10 of the Revised Code for the exercise of 930
administration and enforcement authority within the municipal 931
corporation seeking those services and shall specify which 932
political subdivision is responsible for securing that 933
certification. 934

(EE) Expend money for providing and maintaining services and 935
facilities for senior citizens. 936

"Airport," "landing field," and "air navigation facility," as 937
defined in section 4561.01 of the Revised Code, apply to division 938
(V) of this section. 939

As used in divisions (W) and (X) of this section, "airport" 940
and "airport facility" have the same meanings as in section 308.01 941
of the Revised Code. 942

As used in division (BB) of this section, "rail property" and 943
"rail service" have the same meanings as in section ~~4981.01~~ 944
5501.57 of the Revised Code. 945

Sec. 4117.10. (A) An agreement between a public employer and 946
an exclusive representative entered into pursuant to this chapter 947
governs the wages, hours, and terms and conditions of public 948
employment covered by the agreement. If the agreement provides for 949
a final and binding arbitration of grievances, public employers, 950
employees, and employee organizations are subject solely to that 951
grievance procedure and the state personnel board of review or 952
civil service commissions have no jurisdiction to receive and 953
determine any appeals relating to matters that were the subject of 954
a final and binding grievance procedure. Where no agreement exists 955
or where an agreement makes no specification about a matter, the 956
public employer and public employees are subject to all applicable 957
state or local laws or ordinances pertaining to the wages, hours, 958

and terms and conditions of employment for public employees. Laws 959
pertaining to civil rights, affirmative action, unemployment 960
compensation, workers' compensation, the retirement of public 961
employees, and residency requirements, the minimum educational 962
requirements contained in the Revised Code pertaining to public 963
education including the requirement of a certificate by the fiscal 964
officer of a school district pursuant to section 5705.41 of the 965
Revised Code, the provisions of division (A) of section 124.34 of 966
the Revised Code governing the disciplining of officers and 967
employees who have been convicted of a felony, and the minimum 968
standards promulgated by the state board of education pursuant to 969
division (D) of section 3301.07 of the Revised Code prevail over 970
conflicting provisions of agreements between employee 971
organizations and public employers. The law pertaining to the 972
leave of absence and compensation provided under section 5923.05 973
of the Revised Code prevails over any conflicting provisions of 974
such agreements if the terms of the agreement contain benefits 975
which are less than those contained in that section or the 976
agreement contains no such terms and the public authority is the 977
state or any agency, authority, commission, or board of the state 978
or if the public authority is another entity listed in division 979
(B) of section 4117.01 of the Revised Code that elects to provide 980
leave of absence and compensation as provided in section 5923.05 981
of the Revised Code. The law pertaining to the leave established 982
under section 5906.02 of the Revised Code prevails over any 983
conflicting provision of an agreement between an employee 984
organization and public employer if the terms of the agreement 985
contain benefits that are less than those contained in section 986
5906.02 of the Revised Code. Except for sections 306.08, 306.12, 987
306.35, and ~~4981.22~~ 5501.649 of the Revised Code and arrangements 988
entered into thereunder, ~~and section 4981.21 of the Revised Code~~ 989
~~as necessary to comply with section 13(c) of the "Urban Mass~~ 990
~~Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(c), as~~ 991

~~amended, and arrangements entered into thereunder,~~ this chapter 992
prevails over any and all other conflicting laws, resolutions, 993
provisions, present or future, except as otherwise specified in 994
this chapter or as otherwise specified by the general assembly. 995
Nothing in this section prohibits or shall be construed to 996
invalidate the provisions of an agreement establishing 997
supplemental workers' compensation or unemployment compensation 998
benefits or exceeding minimum requirements contained in the 999
Revised Code pertaining to public education or the minimum 1000
standards promulgated by the state board of education pursuant to 1001
division (D) of section 3301.07 of the Revised Code. 1002

(B) The public employer shall submit a request for funds 1003
necessary to implement an agreement and for approval of any other 1004
matter requiring the approval of the appropriate legislative body 1005
to the legislative body within fourteen days of the date on which 1006
the parties finalize the agreement, unless otherwise specified, 1007
but if the appropriate legislative body is not in session at the 1008
time, then within fourteen days after it convenes. The legislative 1009
body must approve or reject the submission as a whole, and the 1010
submission is deemed approved if the legislative body fails to act 1011
within thirty days after the public employer submits the 1012
agreement. The parties may specify that those provisions of the 1013
agreement not requiring action by a legislative body are effective 1014
and operative in accordance with the terms of the agreement, 1015
provided there has been compliance with division (C) of this 1016
section. If the legislative body rejects the submission of the 1017
public employer, either party may reopen all or part of the entire 1018
agreement. 1019

As used in this section, "legislative body" includes the 1020
governing board of a municipal corporation, school district, 1021
college or university, village, township, or board of county 1022
commissioners or any other body that has authority to approve the 1023

budget of their public jurisdiction and, with regard to the state, 1024
"legislative body" means the controlling board. 1025

(C) The chief executive officer, or the chief executive 1026
officer's representative, of each municipal corporation, the 1027
designated representative of the board of education of each school 1028
district, college or university, or any other body that has 1029
authority to approve the budget of their public jurisdiction, the 1030
designated representative of the board of county commissioners and 1031
of each elected officeholder of the county whose employees are 1032
covered by the collective negotiations, and the designated 1033
representative of the village or the board of township trustees of 1034
each township is responsible for negotiations in the collective 1035
bargaining process; except that the legislative body may accept or 1036
reject a proposed collective bargaining agreement. When the 1037
matters about which there is agreement are reduced to writing and 1038
approved by the employee organization and the legislative body, 1039
the agreement is binding upon the legislative body, the employer, 1040
and the employee organization and employees covered by the 1041
agreement. 1042

(D) There is hereby established an office of collective 1043
bargaining in the department of administrative services for the 1044
purpose of negotiating with and entering into written agreements 1045
between state agencies, departments, boards, and commissions and 1046
the exclusive representative on matters of wages, hours, terms and 1047
other conditions of employment and the continuation, modification, 1048
or deletion of an existing provision of a collective bargaining 1049
agreement. Nothing in any provision of law to the contrary shall 1050
be interpreted as excluding the bureau of workers' compensation 1051
and the industrial commission from the preceding sentence. This 1052
office shall not negotiate on behalf of other statewide elected 1053
officials or boards of trustees of state institutions of higher 1054
education who shall be considered as separate public employers for 1055

the purposes of this chapter; however, the office may negotiate on 1056
behalf of these officials or trustees where authorized by the 1057
officials or trustees. The staff of the office of collective 1058
bargaining are in the unclassified service. The director of 1059
administrative services shall fix the compensation of the staff. 1060

The office of collective bargaining shall: 1061

(1) Assist the director in formulating management's 1062
philosophy for public collective bargaining as well as planning 1063
bargaining strategies; 1064

(2) Conduct negotiations with the exclusive representatives 1065
of each employee organization; 1066

(3) Coordinate the state's resources in all mediation, 1067
fact-finding, and arbitration cases as well as in all labor 1068
disputes; 1069

(4) Conduct systematic reviews of collective bargaining 1070
agreements for the purpose of contract negotiations; 1071

(5) Coordinate the systematic compilation of data by all 1072
agencies that is required for negotiating purposes; 1073

(6) Prepare and submit an annual report and other reports as 1074
requested to the governor and the general assembly on the 1075
implementation of this chapter and its impact upon state 1076
government. 1077

Sec. 4501.03. The registrar of motor vehicles shall open an 1078
account with each county and district of registration in the 1079
state, and may assign each county and district of registration in 1080
the state a unique code for identification purposes. Except as 1081
provided in section 4501.044 or division (A)(1) of section 1082
4501.045 of the Revised Code, the registrar shall pay all moneys 1083
the registrar receives under sections 4503.02 and 4503.12 of the 1084
Revised Code into the state treasury to the credit of the auto 1085

registration distribution fund, which is hereby created, for 1086
distribution in the manner provided for in this section and 1087
section 4501.04 of the Revised Code. All other moneys received by 1088
the registrar shall be deposited in the state bureau of motor 1089
vehicles fund established in section 4501.25 of the Revised Code 1090
for the purposes enumerated in that section, unless otherwise 1091
provided by law. 1092

All moneys credited to the auto registration distribution 1093
fund shall be distributed to the counties and districts of 1094
registration, ~~after receipt of certifications from the~~ 1095
~~commissioners of the sinking fund certifying, as required by~~ 1096
~~sections 5528.15 and 5528.35 of the Revised Code, that there are~~ 1097
~~sufficient moneys to the credit of the highway improvement bond~~ 1098
~~retirement fund created by section 5528.12 of the Revised Code to~~ 1099
~~meet in full all payments of interest, principal, and charges for~~ 1100
~~the retirement of bonds and other obligations issued pursuant to~~ 1101
~~Section 2g of Article VIII, Ohio Constitution, and sections~~ 1102
~~5528.10 and 5528.11 of the Revised Code due and payable during the~~ 1103
~~current calendar year, and that there are sufficient moneys to the~~ 1104
~~credit of the highway obligations bond retirement fund created by~~ 1105
~~section 5528.32 of the Revised Code to meet in full all payments~~ 1106
~~of interest, principal, and charges for the retirement of highway~~ 1107
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 1108
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 1109
~~due and payable during the current calendar year,~~ in the manner 1110
provided in section 4501.04 of the Revised Code. 1111

The treasurer of state may invest any portion of the moneys 1112
credited to the auto registration distribution fund, in the same 1113
manner and subject to all the laws with respect to the investment 1114
of state funds by the treasurer of state, and all investment 1115
earnings of the fund shall be credited to the fund. 1116

Once each month the registrar shall prepare vouchers in favor 1117

of the county auditor of each county for the amount of the tax 1118
collection pursuant to sections 4503.02 and 4503.12 of the Revised 1119
Code apportioned to the county and to the districts of 1120
registration located wholly or in part in the county auditor's 1121
county. The county auditor shall distribute the proceeds of the 1122
tax collections due the county and the districts of registration 1123
in the manner provided in section 4501.04 of the Revised Code. 1124

All moneys received by the registrar under sections 4503.02 1125
and 4503.12 of the Revised Code shall be distributed to counties, 1126
townships, and municipal corporations within thirty days of the 1127
expiration of the registration year, except that a sum equal to 1128
five per cent of the total amount received under sections 4503.02 1129
and 4503.12 of the Revised Code may be reserved to make final 1130
adjustments in accordance with the formula for distribution set 1131
forth in section 4501.04 of the Revised Code. If amounts set aside 1132
to make the adjustments are inadequate, necessary adjustments 1133
shall be made immediately out of funds available for distribution 1134
for the following two registration years. 1135

Sec. 4501.04. All moneys paid into the auto registration 1136
distribution fund under section 4501.03 of the Revised Code, 1137
except moneys received under section 4503.02 of the Revised Code 1138
in accordance with section 4501.13 of the Revised Code, and except 1139
moneys paid for costs of audits under section 4501.03 of the 1140
Revised Code, ~~after receipt by the treasurer of state of~~ 1141
~~certifications from the commissioners of the sinking fund~~ 1142
~~certifying, as required by sections 5528.15 and 5528.35 of the~~ 1143
~~Revised Code, that there are sufficient moneys to the credit of~~ 1144
~~the highway improvement bond retirement fund created by section~~ 1145
~~5528.12 of the Revised Code to meet in full all payments of~~ 1146
~~interest, principal, and charges for the retirement of bonds and~~ 1147
~~other obligations issued pursuant to Section 2g of Article VIII,~~ 1148
~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised~~ 1149

~~Code, due and payable during the current calendar year, and that 1150
there are sufficient moneys to the credit of the highway 1151
obligations bond retirement fund created by section 5528.32 of the 1152
Revised Code to meet in full all payments of interest, principal, 1153
and charges for the retirement of highway obligations issued 1154
pursuant to Section 2i of Article VIII, Ohio Constitution, and 1155
sections 5528.30 and 5528.31 of the Revised Code due and payable 1156
during the current calendar year, shall be distributed as follows: 1157~~

(A) Thirty-four per cent of all such moneys are for the use 1158
of the municipal corporation or county which constitutes the 1159
district of registration. The portion of such money due to the 1160
municipal corporation shall be paid into its treasury forthwith 1161
upon receipt by the county auditor, and shall be used to plan, 1162
construct, reconstruct, repave, widen, maintain, repair, clear, 1163
and clean public highways, roads, and streets; to maintain and 1164
repair bridges and viaducts; to purchase, erect, and maintain 1165
street and traffic signs and markers; to purchase, erect, and 1166
maintain traffic lights and signals; to pay the principal, 1167
interest, and charges on bonds and other obligations issued 1168
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1169
to section 5531.09 of the Revised Code for the purpose of 1170
acquiring or constructing roads, highways, bridges, or viaducts, 1171
or acquiring or making other highway improvements for which the 1172
municipal corporation may issue bonds; and to supplement revenue 1173
already available for such purposes. 1174

The county portion of such funds shall be retained in the 1175
county treasury and shall be used for the planning, maintenance, 1176
repair, construction, and repaving of public streets, and 1177
maintaining and repairing bridges and viaducts; the payment of 1178
principal, interest, and charges on bonds and other obligations 1179
issued pursuant to Chapter 133. of the Revised Code or incurred 1180
pursuant to section 5531.09 of the Revised Code for the purpose of 1181

acquiring or constructing roads, highways, bridges, or viaducts or 1182
acquiring or making other highway improvements for which the board 1183
of county commissioners may issue bonds under such chapter; and 1184
for no other purpose. 1185

(B) Five per cent of all such moneys, together with interest 1186
earned by the treasurer of state as provided in section 4501.03 of 1187
the Revised Code, shall constitute a fund for the use of the 1188
several counties for the purposes specified in division (C) of 1189
this section. The moneys shall be divided equally among all the 1190
counties in the state and shall be paid out by the registrar of 1191
motor vehicles in equal proportions to the county auditor of each 1192
county within the state. 1193

(C) Forty-seven per cent of all such moneys shall be for the 1194
use of the county in which the owner resides or in which the place 1195
is located at which the established business or branch business in 1196
connection with which the motor vehicle registered is used, for 1197
the planning, construction, reconstruction, improvement, 1198
maintenance, and repair of roads and highways; maintaining and 1199
repairing bridges and viaducts; and the payment of principal, 1200
interest, and charges on bonds and other obligations issued 1201
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1202
to section 5531.09 of the Revised Code for the purpose of 1203
acquiring or constructing roads, highways, bridges, or viaducts or 1204
acquiring or making other highway improvements for which the board 1205
of county commissioners may issue bonds under such chapter. 1206

(D) Nine per cent of all such moneys shall be for the use of 1207
the several counties for the purposes specified in division (C) of 1208
this section and shall be distributed to the several counties in 1209
the ratio which the total number of miles of county roads under 1210
the jurisdiction of each board of county commissioners in each 1211
county bears to the total number of miles of county roads in the 1212
state, as determined by the director of transportation. Before 1213

such distribution is made each board of county commissioners shall 1214
certify in writing to the director the actual number of miles 1215
under its statutory jurisdiction which are used by and maintained 1216
for the public. 1217

(E) Five per cent of all such moneys shall be for the use of 1218
the several townships and shall be distributed to the several 1219
townships in the ratio which the total number of miles of township 1220
roads under the jurisdiction of each board of township trustees in 1221
each township bears to the total number of miles of township roads 1222
in the state, as determined by the director of transportation. 1223
Before such distribution is made each board of township trustees 1224
shall certify in writing to the director the actual number of 1225
miles under its statutory jurisdiction which are used by and 1226
maintained for the public. 1227

Sec. 4501.044. (A) All moneys received under section 4503.65 1228
of the Revised Code and from the tax imposed by section 4503.02 of 1229
the Revised Code on vehicles that are apportionable and to which 1230
the rates specified in divisions (A)(1) to (21) and division (B) 1231
of section 4503.042 of the Revised Code apply shall be paid into 1232
the international registration plan distribution fund, which is 1233
hereby created in the state treasury, and distributed as follows: 1234

(1) First, to make payments to other states that are members 1235
of the international registration plan of the portions of 1236
registration taxes the states are eligible to receive because of 1237
the operation within their borders of apportionable vehicles that 1238
are registered in Ohio; 1239

(2) Second, two and five-tenths per cent of all the moneys 1240
received from apportionable vehicles under section 4503.65 of the 1241
Revised Code that are collected from other international 1242
registration plan jurisdictions commencing on and after October 1, 1243
2009, shall be deposited into the state highway safety fund 1244

established in section 4501.06 of the Revised Code; 1245

(3) Third, forty-two and six-tenths per cent of the moneys 1246
received from apportionable vehicles under divisions (A)(8) to 1247
(21) of section 4503.042 and forty-two and six-tenths per cent of 1248
the balance remaining from the moneys received under section 1249
4503.65 of the Revised Code after distribution under division 1250
(A)(2) of this section shall be deposited in the state treasury to 1251
the credit of the ~~highway obligations bond retirement fund created~~ 1252
~~by section 5528.32 of the Revised Code and used solely for the~~ 1253
~~purposes set forth in that section, except that, from the date the~~ 1254
~~commissioners of the sinking fund make the certification to the~~ 1255
~~treasurer of state on the sufficiency of funds in the highway~~ 1256
~~obligation bond retirement fund as required by section 5528.38 of~~ 1257
~~the Revised Code, and until the thirty first day of December of~~ 1258
~~the year in which the certification is made, the amounts~~ 1259
~~distributed under division (A)(3) of this section shall be~~ 1260
~~credited to the state highway operating safety fund created by~~ 1261
section ~~5735.291~~ 4501.06 of the Revised Code; 1262

(4) Fourth, an amount estimated as the annual costs that the 1263
department of taxation will incur in conducting audits of persons 1264
who have registered motor vehicles under the international 1265
registration plan, one-twelfth of which amount shall be paid by 1266
the registrar of motor vehicles into the international 1267
registration plan auditing fund created by section 5703.12 of the 1268
Revised Code by the fifteenth day of each month; 1269

(5) Fifth, to the state bureau of motor vehicles fund 1270
established in section 4501.25 of the Revised Code, to offset 1271
operating expenses incurred by the bureau of motor vehicles in 1272
administering the international registration plan; 1273

(6) Any moneys remaining in the international registration 1274
plan distribution fund after distribution under divisions (A)(1) 1275
to (5) of this section shall be distributed in accordance with 1276

division (B) of this section. 1277

(B)(1) Moneys received from the tax imposed by section 1278
4503.02 of the Revised Code on vehicles that are apportionable and 1279
to which the rates specified in divisions (A)(1) to (21) and 1280
division (B) of section 4503.042 of the Revised Code apply shall 1281
be distributed and used in the manner provided in section 4501.04 1282
of the Revised Code and rules adopted by the registrar of motor 1283
vehicles for moneys deposited to the credit of the auto 1284
registration distribution fund. 1285

(2) Moneys received from collections under section 4503.65 of 1286
the Revised Code shall be distributed under divisions (B)(2) and 1287
(3) of this section. 1288

Each county, township, and municipal corporation shall 1289
receive an amount such that the ratio that the amount of moneys 1290
received by that county, township, or municipal corporation under 1291
division (B)(1) of this section from apportionable vehicles 1292
registered in Ohio and under section 4503.65 of the Revised Code 1293
from apportionable vehicles registered in other international 1294
registration plan jurisdictions bears to the total amount of 1295
moneys received by all counties, townships, and municipal 1296
corporations under division (B)(1) of this section from 1297
apportionable vehicles registered in Ohio and under section 1298
4503.65 of the Revised Code from apportionable vehicles registered 1299
in other international registration plan jurisdictions equals the 1300
ratio that the amount of moneys that the county, township, or 1301
municipal corporation would receive from apportionable vehicles 1302
registered in Ohio were the moneys from such vehicles distributed 1303
under section 4501.04 of the Revised Code, based solely on the 1304
weight schedules contained in section 4503.042 of the Revised 1305
Code, bears to the total amount of money that all counties, 1306
townships, and municipal corporations would receive from 1307
apportionable vehicles registered in Ohio were the moneys from 1308

such vehicles distributed under section 4501.04 of the Revised Code, based solely on the weight schedules contained in section 4503.042 of the Revised Code.

No county, township, or municipal corporation shall receive under division (B)(2) of this section an amount greater than the amount of money that that county, township, or municipal corporation would receive from apportionable vehicles registered in Ohio were the money from the taxation of such vehicles distributed under section 4501.04 of the Revised Code based solely on the weight schedules contained in section 4503.042 of the Revised Code.

(3) If, at the end of the distribution year, the total of all moneys received under section 4503.65 of the Revised Code exceeds the total moneys subject to distribution under division (B)(2) of this section, the registrar shall distribute to each county, township, and municipal corporation a portion of the excess. The excess shall be distributed to counties, townships, and municipal corporations in the same proportion that the revenues received by each county, township, and municipal corporation from collections under section 4503.02 and from collections under section 4503.65 of the Revised Code during that distribution year bears to the total revenues received by counties, townships, and municipal corporations from taxes levied under section 4503.02 and from collections under section 4503.65 of the Revised Code during that distribution year.

(C) All moneys received from the administrative fee imposed by division (C) of section 4503.042 of the Revised Code shall be deposited to the credit of the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code, to offset operating expenses incurred by the bureau of motor vehicles in administering the international registration plan.

(D) All investment earnings of the international registration

plan distribution fund shall be credited to the fund. 1341

Sec. 4501.045. (A) All moneys received from the tax imposed 1342
by section 4503.02 of the Revised Code on commercial cars and 1343
buses that are not apportionable and to which the rates provided 1344
under divisions (A)(8) to (21) of section 4503.042 of the Revised 1345
Code apply, shall be distributed as follows: 1346

(1) First, forty-two and six-tenths per cent shall be 1347
deposited in the state treasury to the credit of the state highway 1348
~~obligations bond retirement~~ safety fund created by section ~~5528.32~~ 1349
4501.06 of the Revised Code, to be used solely for the purposes 1350
set forth in that section; 1351

(2) Second, the balance remaining after distribution under 1352
division (A)(1) of this section shall be deposited to the credit 1353
of the auto registration distribution fund for distribution in the 1354
manner provided in sections 4501.03 and 4501.04 of the Revised 1355
Code. 1356

(B) All moneys received from the tax imposed by section 1357
4503.02 of the Revised Code on commercial cars and buses that are 1358
not apportionable and to which the rates provided under divisions 1359
(A)(1) to (7) and division (B) of section 4503.042 of the Revised 1360
Code apply, shall be deposited to the credit of the auto 1361
registration distribution fund for distribution in the manner 1362
provided in sections 4501.03 and 4501.04 of the Revised Code. 1363

(C) All moneys received from the tax imposed by section 1364
4503.02 of the Revised Code on trailers and semitrailers shall be 1365
deposited to the credit of the auto registration distribution fund 1366
for distribution in the manner provided in sections 4501.03 and 1367
4501.04 of the Revised Code. 1368

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1369
referred to in division (A)(3) of section 4501.044, division 1370

(A)(1) of section 4501.045, division (O) of section 4503.04, 1371
division (E) of section 4503.042, division (B) of section 4503.07, 1372
division (C)(1) of section 4503.10, division (D) of section 1373
4503.182, division (A) of section 4503.19, division (D)(2) of 1374
section 4507.24, division (A) of section 4508.06, and sections 1375
4503.40, 4503.42, 4505.11, 4505.111, 4506.08, 4507.23, 4508.05, 1376
4513.53, and 5502.12 of the Revised Code, and the taxes charged in 1377
section 4503.65 that are distributed in accordance with division 1378
(A)(2) of section 4501.044 of the Revised Code unless otherwise 1379
designated by law, shall be deposited in the state treasury to the 1380
credit of the state highway safety fund, which is hereby created. 1381
Money credited to the fund shall, ~~after receipt of certifications~~ 1382
~~from the commissioners of the sinking fund certifying that there~~ 1383
~~are sufficient moneys to the credit of the highway obligations~~ 1384
~~bond retirement fund created by section 5528.32 of the Revised~~ 1385
~~Code to meet in full all payments of interest, principal, and~~ 1386
~~charges for the retirement of highway obligations issued pursuant~~ 1387
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 1388
~~5528.30 and 5528.31 of the Revised Code due and payable during the~~ 1389
~~current calendar year~~, be used for the purpose of enforcing and 1390
paying the expenses of administering the law relative to the 1391
registration and operation of motor vehicles on the public roads 1392
or highways. Amounts credited to the fund may also be used to pay 1393
the expenses of administering and enforcing the laws under which 1394
such fees were collected. All investment earnings of the state 1395
highway safety fund shall be credited to the fund. 1396

Sec. 4501.11. (A) There is hereby created in the state 1397
treasury the security, investigations, and policing fund. 1398
Notwithstanding section 5503.04 of the Revised Code, no fines 1399
collected from or money arising from bonds or bail forfeited by 1400
persons apprehended or arrested by state highway patrol troopers 1401
shall be credited to the general revenue fund until sufficient 1402

revenue to fund appropriations for the activities described under 1403
division (B) of this section are credited to the security, 1404
investigations, and policing fund. All investment earnings of the 1405
security, investigations, and policing fund shall be credited to 1406
that fund. 1407

This division does not apply to fines for violations of 1408
division (B) of section 4513.263 of the Revised Code, or to fines 1409
for violations of any municipal ordinance that is substantively 1410
comparable to that division, which fines shall be delivered to the 1411
treasurer of state as provided in division (E) of section 4513.263 1412
of the Revised Code. 1413

(B) The money credited to the security, investigations, and 1414
policing fund shall be used to pay the costs of: 1415

(1) Providing security for the governor, other officials and 1416
dignitaries, the capitol square, and other state property pursuant 1417
to division (E) of section 5503.02 of the Revised Code; 1418

(2) Undertaking major criminal investigations that involve 1419
state property interests; 1420

(3) Providing traffic control and security for the Ohio 1421
expositions commission on a full-time, year-round basis; 1422

(4) Performing nonhighway-related duties of the state highway 1423
patrol at the Ohio state fair; 1424

~~(5) Coordinating homeland security activities.~~ 1425

Sec. 4501.26. The unidentified public safety receipts fund is 1426
hereby created in the state treasury. The fund shall consist of 1427
money received by the department of public safety that is 1428
provisional in nature or for which proper identification or 1429
disposition cannot immediately be determined. Refunds and other 1430
disbursements from the fund shall be made once proper 1431
identification and disposition is determined. All investment 1432

earnings of the fund shall be credited to the state bureau of 1433
motor vehicles fund created in section 4501.25 of the Revised 1434
Code. 1435

Sec. 4501.34. (A) The registrar of motor vehicles may adopt 1436
and publish rules to govern the registrar's proceedings. All 1437
proceedings of the registrar shall be open to the public, and all 1438
documents in the registrar's possession are public records. The 1439
registrar shall adopt a seal bearing the inscription: "Motor 1440
Vehicle Registrar of Ohio." The seal shall be affixed to all writs 1441
and authenticated copies of records, and, when it has been so 1442
attached, the copies shall be received in evidence with the same 1443
effect as other public records. All courts shall take judicial 1444
notice of the seal. 1445

(B) Upon the request of any person accompanied by a 1446
nonrefundable fee of five dollars per name, the registrar may 1447
furnish lists of names and addresses as they appear upon the 1448
applications for driver's licenses, provided that any further 1449
information contained in the applications shall not be disclosed. 1450
The registrar shall pay ~~two dollars of~~ each five-dollar fee 1451
collected into the state treasury to the credit of the state 1452
bureau of motor vehicles fund established in section 4501.25 of 1453
the Revised Code. ~~Of the remaining three dollars of each such fee~~ 1454
~~the registrar collects, the registrar shall deposit sixty cents~~ 1455
~~into the state treasury to the credit of the trauma and emergency~~ 1456
~~medical services fund established in section 4513.263 of the~~ 1457
~~Revised Code, sixty cents into the state treasury to the credit of~~ 1458
~~the homeland security fund established in section 5502.03 of the~~ 1459
~~Revised Code, thirty cents into the state treasury to the credit~~ 1460
~~of the investigations fund established in section 5502.131 of the~~ 1461
~~Revised Code, one dollar and twenty five cents into the state~~ 1462
~~treasury to the credit of the emergency management agency service~~ 1463
~~and reimbursement fund established in section 5502.39 of the~~ 1464

~~Revised Code, and twenty five cents into the state treasury to the credit of the justice program services fund established in section 5502.67 of the Revised Code.~~

This division does not apply to the list of qualified driver licensees required to be compiled and filed pursuant to section 2313.06 of the Revised Code.

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

(2)(a) Not later than December 31, 2013, the registrar shall adopt rules to permit any person or lessee who owns or leases a trailer or semitrailer that is subject to the tax rates prescribed in section 4503.042 of the Revised Code for such trailers or semitrailers to file a written application for registration for any number of succeeding registration years, including a permanent registration. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering, provided that the annual taxes due, regardless of the number of years for which the person is registering, shall not exceed two hundred dollars. A person who registers a vehicle under division (A)(2) 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, provided that the additional fee due, regardless of the number of years for which

the person is registering, shall not exceed eighty-eight dollars. 1496
The person also shall pay one single deputy registrar service fee 1497
in the amount specified in division (D) of section 4503.10 of the 1498
Revised Code or one single bureau of motor vehicles service fee in 1499
the amount specified in division (G) of that section, as 1500
applicable, regardless of the number of years for which the person 1501
is registering. 1502

(b) In addition, each person registering a trailer or 1503
semitrailer under division (A)(2)(a) of this section shall pay any 1504
applicable local motor vehicle license tax levied under Chapter 1505
4504. of Revised Code for each year for which the person is 1506
registering, provided that not more than eight times any such 1507
annual local taxes shall be due upon registration. 1508

(c) The period of registration for a trailer or semitrailer 1509
registered under division (A)(2)(a) of this section is exclusive 1510
to the trailer or semitrailer for which that certificate of 1511
registration is issued and is not transferable to any other 1512
trailer or semitrailer if the registration is a permanent 1513
registration. 1514

(3) Except as provided in division (A)(4) of this section, 1515
the registrar shall adopt rules to permit any person who owns a 1516
motor vehicle to file an application for registration for not more 1517
than five succeeding registration years. At the time of 1518
application, the person shall pay the annual taxes and fees for 1519
each registration year, calculated in accordance with division (C) 1520
of section 4503.11 of the Revised Code. A person who is 1521
registering a vehicle under division (A)(3) of this section shall 1522
pay for each year of registration the additional fee established 1523
under division (C)(1) of section 4503.10 of the Revised Code. The 1524
person shall also pay the deputy registrar service fee or the 1525
bureau of motor vehicles service fee, as follows: 1526

(a) For a two-year registration, the service fee is five 1527

dollars and twenty-five cents. 1528

(b) For a three-year registration, the service fee is eight 1529
dollars. 1530

(c) For a four- or five-year registration, the service fee is 1531
ten dollars. 1532

(4) Division (A)(3) of this section does not apply to a 1533
person receiving an apportioned license plate under the 1534
international registration plan, or the owner of a commercial car 1535
used solely in intrastate commerce, or the owner of a bus as 1536
defined in section 4513.50 of the Revised Code. 1537

(B) No person applying for a multi-year registration under 1538
division (A) of this section is entitled to a refund of any taxes 1539
or fees paid. 1540

(C) The registrar shall not issue to any applicant who has 1541
been issued a final, nonappealable order under division (D) of 1542
this section a multi-year registration or renewal thereof under 1543
this division or rules adopted under it for any motor vehicle that 1544
is required to be inspected under section 3704.14 of the Revised 1545
Code the district of registration of which, as determined under 1546
section 4503.10 of the Revised Code, is or is located in the 1547
county named in the order. 1548

(D) Upon receipt from the director of environmental 1549
protection of a notice issued under rules adopted under section 1550
3704.14 of the Revised Code indicating that an owner of a motor 1551
vehicle that is required to be inspected under that section who 1552
obtained a multi-year registration for the vehicle under division 1553
(A) of this section or rules adopted under that division has not 1554
obtained a required inspection certificate for the vehicle, the 1555
registrar in accordance with Chapter 119. of the Revised Code 1556
shall issue an order to the owner impounding the certificate of 1557
registration and identification license plates for the vehicle. 1558

The order also shall prohibit the owner from obtaining or renewing a multi-year registration for any vehicle that is required to be inspected under that section, the district of registration of which is or is located in the same county as the county named in the order during the number of years after expiration of the current multi-year registration that equals the number of years for which the current multi-year registration was issued.

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

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

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

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

(F) The owner of a motor vehicle for which the certificate of registration and license plates have been impounded pursuant to an order issued under division (D) of this section, upon issuance of a modified order under division (E) of this section, may apply to the registrar for their return. A fee of two dollars and fifty

cents shall be charged for the return of the certificate of 1590
registration and license plates for each vehicle named in the 1591
application. 1592

Sec. 4503.233. (A)(1) If a court is required to order the 1593
immobilization of a vehicle for a specified period of time 1594
pursuant to section 4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 1595
4511.193, or 4511.203 of the Revised Code, the court, subject to 1596
section 4503.235 of the Revised Code, shall issue the 1597
immobilization order in accordance with this division and for the 1598
period of time specified in the particular section, and the 1599
immobilization under the order shall be in accordance with this 1600
section. The court, at the time of sentencing the offender for the 1601
offense relative to which the immobilization order is issued or as 1602
soon thereafter as is practicable, shall give a copy of the order 1603
to the offender or the offender's counsel. The court promptly 1604
shall send a copy of the order to the registrar on a form 1605
prescribed by the registrar and to the person or agency it 1606
designates to execute the order. 1607

The order shall indicate the date on which it is issued, 1608
shall identify the vehicle that is subject to the order, and shall 1609
specify all of the following: 1610

(a) The period of the immobilization; 1611

(b) The place at which the court determines that the 1612
immobilization shall be carried out, provided that the court shall 1613
not determine and shall not specify that the immobilization is to 1614
be carried out at any place other than a commercially operated 1615
private storage lot, a place owned by a law enforcement or other 1616
government agency, or a place to which one of the following 1617
applies: 1618

(i) The place is leased by or otherwise under the control of 1619
a law enforcement or other government agency. 1620

(ii) The place is owned by the offender, the offender's spouse, or a parent or child of the offender. 1621
1622

(iii) The place is owned by a private person or entity, and, 1623
prior to the issuance of the order, the private entity or person 1624
that owns the place, or the authorized agent of that private 1625
entity or person, has given express written consent for the 1626
immobilization to be carried out at that place. 1627

(iv) The place is a public street or highway on which the 1628
vehicle is parked in accordance with the law. 1629

(c) The person or agency designated by the court to execute 1630
the order, which shall be either the law enforcement agency that 1631
employs the law enforcement officer who seized the vehicle, a 1632
bailiff of the court, another person the court determines to be 1633
appropriate to execute the order, or the law enforcement agency 1634
with jurisdiction over the place of residence of the vehicle 1635
owner; 1636

(d) That neither the registrar nor a deputy registrar will be 1637
permitted to accept an application for the license plate 1638
registration of any motor vehicle in the name of the vehicle owner 1639
until the immobilization fee is paid. 1640

(2) The person or agency the court designates to immobilize 1641
the vehicle shall seize or retain that vehicle's license plates 1642
and forward them to the bureau of motor vehicles. 1643

(3) In all cases, the offender shall be assessed an 1644
immobilization fee of one hundred dollars, and the immobilization 1645
fee shall be paid to the registrar before the vehicle may be 1646
released to the offender. Neither the registrar nor a deputy 1647
registrar shall accept an application for the registration of any 1648
motor vehicle in the name of the offender until the immobilization 1649
fee is paid. 1650

(4) If the vehicle subject to the order is immobilized 1651

pursuant to the order and is found being operated upon any street 1652
or highway in this state during the immobilization period, it 1653
shall be seized, removed from the street or highway, and 1654
criminally forfeited and disposed of pursuant to section 4503.234 1655
of the Revised Code. 1656

(5) The registrar shall deposit the immobilization fee into 1657
the ~~law enforcement reimbursement~~ state bureau of motor vehicles 1658
fund created by section ~~4501.19~~ 4501.25 of the Revised Code. ~~Money~~ 1659
~~in the fund shall to~~ be expended only as provided in division 1660
(A)(5) of this section. If the court designated in the order a 1661
court bailiff or another appropriate person other than a law 1662
enforcement officer to immobilize the vehicle, the amount of the 1663
fee deposited into the ~~law enforcement reimbursement~~ state bureau 1664
of motor vehicles fund shall be paid out to the county treasury if 1665
the court that issued the order is a county court, to the treasury 1666
of the municipal corporation served by the court if the court that 1667
issued the order is a mayor's court, or to the city treasury of 1668
the legislative authority of the court, both as defined in section 1669
1901.03 of the Revised Code, if the court that issued the order is 1670
a municipal court. If the court designated a law enforcement 1671
agency to immobilize the vehicle and if the law enforcement agency 1672
immobilizes the vehicle, the amount of the fee deposited into the 1673
~~law enforcement reimbursement~~ state bureau of motor vehicles fund 1674
shall be paid out to the law enforcement agency to reimburse the 1675
agency for the costs it incurs in obtaining immobilization 1676
equipment and, if required, in sending an officer or other person 1677
to search for and locate the vehicle specified in the 1678
immobilization order and to immobilize the vehicle. 1679

In addition to the immobilization fee required to be paid 1681
under division (A)(3) of this section, the offender may be charged 1682
expenses or charges incurred in the removal and storage of the 1683

immobilized vehicle. 1684

(B) If a court issues an immobilization order under division 1685
(A)(1) of this section, the person or agency designated by the 1686
court to execute the immobilization order promptly shall 1687
immobilize or continue the immobilization of the vehicle at the 1688
place specified by the court in the order. The registrar shall not 1689
authorize the release of the vehicle or authorize the issuance of 1690
new identification license plates for the vehicle at the end of 1691
the immobilization period until the immobilization fee has been 1692
paid. 1693

(C) Upon receipt of the license plates for a vehicle under 1694
this section, the registrar shall destroy the license plates. At 1695
the end of the immobilization period and upon the payment of the 1696
immobilization fee that must be paid under this section, the 1697
registrar shall authorize the release of the vehicle and authorize 1698
the issuance, upon the payment of the same fee as is required for 1699
the replacement of lost, mutilated, or destroyed license plates 1700
and certificates of registration, of new license plates and, if 1701
necessary, a new certificate of registration to the offender for 1702
the vehicle in question. 1703

(D)(1) If a court issues an immobilization order under 1704
division (A) of this section, the immobilization period commences 1705
on the day on which the vehicle in question is immobilized. If the 1706
vehicle in question had been seized under section 4510.41 or 1707
4511.195 of the Revised Code, the time between the seizure and the 1708
beginning of the immobilization period shall be credited against 1709
the immobilization period specified in the immobilization order 1710
issued under division (A) of this section. No vehicle that is 1711
immobilized under this section is eligible to have restricted 1712
license plates under section 4503.231 of the Revised Code issued 1713
for that vehicle. 1714

(2) If a court issues an immobilization order under division 1715

(A) of this section, if the vehicle subject to the order is 1716
immobilized under the order, and if the vehicle is found being 1717
operated upon any street or highway of this state during the 1718
immobilization period, it shall be seized, removed from the street 1719
or highway, and criminally forfeited, and disposed of pursuant to 1720
section 4503.234 of the Revised Code. No vehicle that is forfeited 1721
under this provision shall be considered contraband for purposes 1722
of Chapter 2981. of the Revised Code, but shall be held by the law 1723
enforcement agency that employs the officer who seized it for 1724
disposal in accordance with section 4503.234 of the Revised Code. 1725

(3) If a court issues an immobilization order under division 1726
(A) of this section, and if the vehicle is not claimed within 1727
seven days after the end of the period of immobilization or if the 1728
offender has not paid the immobilization fee, the person or agency 1729
that immobilized the vehicle shall send a written notice to the 1730
offender at the offender's last known address informing the 1731
offender of the date on which the period of immobilization ended, 1732
that the offender has twenty days after the date of the notice to 1733
pay the immobilization fee and obtain the release of the vehicle, 1734
and that if the offender does not pay the fee and obtain the 1735
release of the vehicle within that twenty-day period, the vehicle 1736
will be forfeited under section 4503.234 of the Revised Code to 1737
the entity that is entitled to the immobilization fee. 1738

(4) An offender whose motor vehicle is subject to an 1739
immobilization order issued under division (A) of this section 1740
shall not sell the motor vehicle without approval of the court 1741
that issued the order. If such an offender wishes to sell the 1742
motor vehicle during the immobilization period, the offender shall 1743
apply to the court that issued the immobilization order for 1744
permission to assign the title to the vehicle. If the court is 1745
satisfied that the sale will be in good faith and not for the 1746
purpose of circumventing the provisions of division (A)(1) of this 1747

section, it may certify its consent to the offender and to the registrar. Upon receipt of the court's consent, the registrar shall enter the court's notice in the offender's vehicle license plate registration record.

If, during a period of immobilization under an immobilization order issued under division (A) of this section, the title to the immobilized motor vehicle is transferred by the foreclosure of a chattel mortgage, a sale upon execution, the cancellation of a conditional sales contract, or an order of a court, the involved court shall notify the registrar of the action, and the registrar shall enter the court's notice in the offender's vehicle license plate registration record.

Nothing in this section shall be construed as requiring the registrar or the clerk of the court of common pleas to note upon the certificate of title records any prohibition regarding the sale of a motor vehicle.

(5) If the title to a motor vehicle that is subject to an immobilization order under division (A) of this section is assigned or transferred without court approval between the time of arrest of the offender who committed the offense for which such an order is to be issued and the time of the actual immobilization of the vehicle, the court shall order that, for a period of two years from the date of the order, neither the registrar nor any deputy registrar shall accept an application for the registration of any motor vehicle in the name of the offender whose vehicle was assigned or transferred without court approval. The court shall notify the registrar of the order on a form prescribed by the registrar for that purpose.

(6) If the title to a motor vehicle that is subject to an immobilization order under division (A) of this section is assigned or transferred without court approval in violation of division (D)(4) of this section, then, in addition to or

independent of any other penalty established by law, the court may 1780
fine the offender the value of the vehicle as determined by 1781
publications of the national auto dealers association. The 1782
proceeds from any fine so imposed shall be distributed in the same 1783
manner as the proceeds of the sale of a forfeited vehicle are 1784
distributed pursuant to division (C)(2) of section 4503.234 of the 1785
Revised Code. 1786

(E)(1) The court with jurisdiction over the case, after 1787
notice to all interested parties including lienholders, and after 1788
an opportunity for them to be heard, if the offender fails to 1789
appear in person, without good cause, or if the court finds that 1790
the offender does not intend to seek release of the vehicle at the 1791
end of the period of immobilization or that the offender is not or 1792
will not be able to pay the expenses and charges incurred in its 1793
removal and storage, may order that title to the vehicle be 1794
transferred, in order of priority, first into the name of the 1795
entity entitled to the immobilization fee under division (A)(5) of 1796
this section, next into the name of a lienholder, or lastly, into 1797
the name of the owner of the place of storage. 1798

A lienholder that receives title under a court order shall do 1799
so on the condition that it pay any expenses or charges incurred 1800
in the vehicle's removal and storage. If the entity that receives 1801
title to the vehicle is the entity that is entitled to the 1802
immobilization fee under division (A)(5) of this section, it shall 1803
receive title on the condition that it pay any lien on the 1804
vehicle. The court shall not order that title be transferred to 1805
any person or entity other than the owner of the place of storage 1806
if the person or entity refuses to receive the title. Any person 1807
or entity that receives title may either keep title to the vehicle 1808
or may dispose of the vehicle in any legal manner that it 1809
considers appropriate, including assignment of the certificate of 1810
title to the motor vehicle to a salvage dealer or a scrap metal 1811

processing facility. The person or entity shall not transfer the 1812
vehicle to the person who is the vehicle's immediate previous 1813
owner. 1814

If the person or entity assigns the motor vehicle to a 1815
salvage dealer or scrap metal processing facility, the person or 1816
entity shall send the assigned certificate of title to the motor 1817
vehicle to the clerk of the court of common pleas of the county in 1818
which the salvage dealer or scrap metal processing facility is 1819
located. The person or entity shall mark the face of the 1820
certificate of title with the words "FOR DESTRUCTION" and shall 1821
deliver a photocopy of the certificate of title to the salvage 1822
dealer or scrap metal processing facility for its records. 1823

(2) Whenever a court issues an order under division (E)(1) of 1824
this section, the court also shall order removal of the license 1825
plates from the vehicle and cause them to be sent to the registrar 1826
if they have not already been sent to the registrar. Thereafter, 1827
no further proceedings shall take place under this section, but 1828
the offender remains liable for payment of the immobilization fee 1829
described in division (A)(3) of this section if an immobilization 1830
order previously had been issued by the court. 1831

(3) Prior to initiating a proceeding under division (E)(1) of 1832
this section, and upon payment of the fee under division (B) of 1833
section 4505.14 of the Revised Code, any interested party may 1834
cause a search to be made of the public records of the bureau of 1835
motor vehicles or the clerk of the court of common pleas, to 1836
ascertain the identity of any lienholder of the vehicle. The 1837
initiating party shall furnish this information to the clerk of 1838
the court with jurisdiction over the case, and the clerk shall 1839
provide notice to the vehicle owner, the defendant, any 1840
lienholder, and any other interested parties listed by the 1841
initiating party, at the last known address supplied by the 1842
initiating party, by certified mail or, at the option of the 1843

initiating party, by personal service or ordinary mail. 1844

As used in this section, "interested party" includes the 1845
offender, all lienholders, the owner of the place of storage, the 1846
person or entity that caused the vehicle to be removed, and the 1847
person or entity, if any, entitled to the immobilization fee under 1848
division (A)(5) of this section. 1849

Sec. 4503.26. (A) As used in this section, "registration 1850
information" means information in license plate applications on 1851
file with the bureau of motor vehicles. 1852

(B) The director of public safety may advertise for and 1853
accept sealed bids for the preparation of lists containing 1854
registration information in such form as the director authorizes. 1855
Where the expenditure is more than five hundred dollars, the 1856
director shall give notice to bidders as provided in section 1857
5513.01 of the Revised Code as for purchases by the department of 1858
transportation. The notice shall include the latest date, as 1859
determined by the director, on which bids will be accepted and the 1860
date, also determined by the director, on which bids will be 1861
opened by the director at the central office of the department of 1862
public safety. The contract to prepare the list shall be awarded 1863
to the lowest responsive and responsible bidder, in accordance 1864
with section 9.312 of the Revised Code, provided there is 1865
compliance with the specifications. Such contract shall not extend 1866
beyond twenty-four consecutive registration periods as provided in 1867
section 4503.101 of the Revised Code. The successful bidder shall 1868
furnish without charge a complete list to the bureau of motor 1869
vehicles, and shall also furnish without charge to the county 1870
sheriffs or chiefs of police in cities, at such times and in such 1871
manner as the director determines necessary, lists of registration 1872
information for the county in which they are situated. The 1873
registrar shall provide to the successful bidder all necessary 1874

information for the preparation of such lists. 1875

The registrar, upon application of any person and payment of 1876
the proper fee, may search the records of the bureau and furnish 1877
reports of those records under the signature of the registrar. 1878

(C) ~~A The registrar shall charge and collect a fee of five 1879
dollars shall be charged and collected for each search of the 1880
records and report of those records furnished under the signature 1881
and seal of the registrar. A copy of any such report is 1882
prima-facie evidence of the facts therein stated, in any court. 1883~~

The registrar shall receive these fees and deposit ~~two 1884
dollars of each such fee into the state treasury to the credit of 1885
the state bureau of motor vehicles fund established in section 1886
4501.25 of the Revised Code. Of the remaining three dollars of 1887
each such fee the registrar collects, the registrar shall deposit 1888
sixty cents into the state treasury to the credit of the trauma 1889
and emergency medical services fund established in section 1890
4513.263 of the Revised Code, sixty cents into the state treasury 1891
to the credit of the homeland security fund established under 1892
section 5502.03 of the Revised Code, thirty cents into the state 1893
treasury to the credit of the investigations fund established in 1894
section 5502.131 of the Revised Code, one dollar and twenty five 1895
cents into the state treasury to the credit of the emergency 1896
management agency service and reimbursement fund established in 1897
section 5502.39 of the Revised Code, and twenty five cents into 1898
the state treasury to the credit of the justice program services 1899
fund established in section 5502.67 of the Revised Code. 1900~~

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 1901
shall charge and retain fees as follows: 1902

(a) Five dollars for each certificate of title that is not 1903
applied for within thirty days after the later of the assignment 1904
or delivery of the motor vehicle described in it. The entire fee 1905

shall be retained by the clerk. 1906

(b) Fifteen dollars for each certificate of title or 1907
duplicate certificate of title including the issuance of a 1908
memorandum certificate of title, or authorization to print a 1909
non-negotiable evidence of ownership described in division (G) of 1910
section 4505.08 of the Revised Code, non-negotiable evidence of 1911
ownership printed by the clerk under division (H) of that section, 1912
and notation of any lien on a certificate of title that is applied 1913
for at the same time as the certificate of title. The clerk shall 1914
retain eleven dollars and fifty cents of that fee for each 1915
certificate of title when there is a notation of a lien or 1916
security interest on the certificate of title, twelve dollars and 1917
twenty-five cents when there is no lien or security interest noted 1918
on the certificate of title, and eleven dollars and fifty cents 1919
for each duplicate certificate of title. 1920

(c) Four dollars and fifty cents for each certificate of 1921
title with no security interest noted that is issued to a licensed 1922
motor vehicle dealer for resale purposes and, in addition, a 1923
separate fee of fifty cents. The clerk shall retain two dollars 1924
and twenty-five cents of that fee. 1925

(d) Five dollars for each memorandum certificate of title or 1926
non-negotiable evidence of ownership that is applied for 1927
separately. The clerk shall retain that entire fee. 1928

(2) The fees that are not retained by the clerk shall be paid 1929
to the registrar of motor vehicles by monthly returns, which shall 1930
be forwarded to the registrar not later than the fifth day of the 1931
month next succeeding that in which the certificate is issued or 1932
that in which the registrar is notified of a lien or cancellation 1933
of a lien. 1934

(B)(1) The registrar shall pay ~~twenty-five~~ twenty-nine cents 1935
of the amount received for each certificate of title issued to a 1936

motor vehicle dealer for resale, one dollar and four cents for 1937
certificates of title issued with a lien or security interest 1938
noted on the certificate of title, and ~~twenty-five~~ twenty-nine 1939
cents for each certificate of title with no lien or security 1940
interest noted on the certificate of title into the state bureau 1941
of motor vehicles fund established in section 4501.25 of the 1942
Revised Code. 1943

(2) ~~Fifty~~ Forty-six cents of the amount received for each 1944
certificate of title shall be paid by the registrar as follows: 1945

(a) ~~Four cents shall be paid into the state treasury to the~~ 1946
~~credit of the motor vehicle dealers board fund, which is hereby~~ 1947
~~created. All investment earnings of the fund shall be credited to~~ 1948
~~the fund. The moneys in the motor vehicle dealers board fund shall~~ 1949
~~be used by the motor vehicle dealers board created under section~~ 1950
~~4517.30 of the Revised Code, together with other moneys~~ 1951
~~appropriated to it, in the exercise of its powers and the~~ 1952
~~performance of its duties under Chapter 4517. of the Revised Code,~~ 1953
~~except that the director of budget and management may transfer~~ 1954
~~excess money from the motor vehicle dealers board fund to the~~ 1955
~~bureau of motor vehicles fund if the registrar determines that the~~ 1956
~~amount of money in the motor vehicle dealers board fund, together~~ 1957
~~with other moneys appropriated to the board, exceeds the amount~~ 1958
~~required for the exercise of its powers and the performance of its~~ 1959
~~duties under Chapter 4517. of the Revised Code and requests the~~ 1960
~~director to make the transfer.~~ 1961

~~(b)~~ Twenty-one cents shall be paid into the highway operating 1962
fund. 1963

~~(c)~~(b) Twenty-five cents shall be paid into the state 1964
treasury to the credit of the motor vehicle sales audit fund, 1965
which is hereby created. The moneys in the fund shall be used by 1966
the tax commissioner together with other funds available to the 1967
commissioner to conduct a continuing investigation of sales and 1968

use tax returns filed for motor vehicles in order to determine if 1969
sales and use tax liability has been satisfied. The commissioner 1970
shall refer cases of apparent violations of section 2921.13 of the 1971
Revised Code made in connection with the titling or sale of a 1972
motor vehicle and cases of any other apparent violations of the 1973
sales or use tax law to the appropriate county prosecutor whenever 1974
the commissioner considers it advisable. 1975

(3) Two dollars of the amount received by the registrar under 1976
divisions (A)(1)(a), (b), and (d) of this section and one dollar 1977
and fifty cents of the amount received by the registrar under 1978
division (A)(1)(c) of this section for each certificate of title 1979
shall be paid into the state treasury to the credit of the 1980
automated title processing fund, which is hereby created and which 1981
shall consist of moneys collected under division (B)(3) of this 1982
section and under sections 1548.10 and 4519.59 of the Revised 1983
Code. All investment earnings of the fund shall be credited to the 1984
fund. The moneys in the fund shall be used as follows: 1985

(a) Except for moneys collected under section 1548.10 of the 1986
Revised Code and as provided in division (B)(3)(c) of this 1987
section, moneys collected under division (B)(3) of this section 1988
shall be used to implement and maintain an automated title 1989
processing system for the issuance of motor vehicle, off-highway 1990
motorcycle, and all-purpose vehicle certificates of title in the 1991
offices of the clerks of the courts of common pleas. 1992

(b) Moneys collected under section 1548.10 of the Revised 1993
Code shall be used to issue marine certificates of title in the 1994
offices of the clerks of the courts of common pleas as provided in 1995
Chapter 1548. of the Revised Code. 1996

(c) Moneys collected under division (B)(3) of this section 1997
shall be used in accordance with section 4505.25 of the Revised 1998
Code to implement Sub. S.B. 59 of the 124th general assembly. 1999

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A)(1)(c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment and ribbons, cartridges, or other devices necessary for the operation of that equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine each of the following:

(a) The automated title processing equipment and certificates of title requirements for each county;

(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system;

(c) The repayment to the counties for existing title processing equipment.

(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section.

(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors.

Sec. 4505.14. (A) The registrar of motor vehicles, or the clerk of the court of common pleas, upon the application of any person and payment of the proper fee, may prepare and furnish lists containing title information in such form and subject to such territorial division or other classification as they may direct. The registrar or the clerk may search the records of the bureau of motor vehicles and furnish reports of those records under the signature of the registrar or the clerk.

(B)(1) Fees for lists containing title information shall be charged and collected as follows:

(a) For lists containing three thousand titles or more, twenty-five dollars per thousand or part thereof;

(b) For each report of a search of the records, ~~two dollars per copy except that on and after October 1, 2009, the fee shall be~~ is five dollars per copy. The registrar and the clerk may certify copies of records generated by an automated title processing system.

(2) A copy of any such report shall be taken as prima-facie evidence of the facts therein stated, in any court of the state. The registrar and the clerk shall furnish information on any title

without charge to the state highway patrol, sheriffs, chiefs of 2061
police, or the attorney general. The clerk also may provide a copy 2062
of a certificate of title to a public agency without charge. 2063

(C)(1) Those fees collected by the registrar as provided in 2064
division (B)(1)(a) of this section shall be paid to the treasurer 2065
of state to the credit of the state bureau of motor vehicles fund 2066
established in section 4501.25 of the Revised Code. Those fees 2067
collected by the clerk as provided in division (B)(1)(a) of this 2068
section shall be paid to the certificate of title administration 2069
fund created by section 325.33 of the Revised Code. 2070

~~(2) Prior to October 1, 2009, the registrar shall pay those 2071
fees the registrar collects under division (B)(1)(b) of this 2072
section into the state treasury to the credit of the state bureau 2073
of motor vehicles fund established in section 4501.25 of the 2074
Revised Code. Prior to October 1, 2009, the clerk shall pay those 2075
fees the clerk collects under division (B)(1)(b) of this section 2076
to the certificate of title administration fund created by section 2077
325.33 of the Revised Code. 2078~~

~~(3) On and after October 1, 2009, the The registrar shall pay 2079
two dollars of each five-dollar fee the registrar collects under 2080
division (B)(1)(b) of this section into the state treasury to the 2081
credit of the state bureau of motor vehicles fund established in 2082
section 4501.25 of the Revised Code. ~~Of the remaining three 2083
dollars of each such fee the registrar collects, the registrar 2084
shall deposit sixty cents into the state treasury to the credit of 2085
the trauma and emergency medical services fund established in 2086
section 4513.263 of the Revised Code, sixty cents into the state 2087
treasury to the credit of the homeland security fund established 2088
under section 5502.03 of the Revised Code, thirty cents into the 2089
state treasury to the credit of the investigations fund 2090
established in section 5502.131 of the Revised Code, one dollar 2091
and twenty five cents into the state treasury to the credit of the 2092~~~~

~~emergency management agency service and reimbursement fund 2093
established in section 5502.39 of the Revised Code, and 2094
twenty five cents into the state treasury to the credit of the 2095
justice program services fund established in section 5502.67 of 2096
the Revised Code. 2097~~

~~(4) On and after October 1, 2009, the (3) The clerk of the 2098
court of common pleas shall retain two dollars of each fee the 2099
clerk collects under division (B)(1)(b) of this section and 2100
deposit that two dollars into the certificate of title 2101
administration fund created by section 325.33 of the Revised Code. 2102
The clerk shall forward the remaining three dollars to the 2103
registrar not later than the fifth day of the month next 2104
succeeding that in which the transaction occurred. ~~Of that~~ The 2105
registrar shall deposit the remaining three dollars, ~~the registrar~~ 2106
~~shall deposit sixty cents~~ into the state treasury to the credit of 2107
the ~~trauma and emergency medical services~~ state bureau of motor 2108
vehicles fund established in section ~~4513.263~~ 4501.25 of the 2109
Revised Code, ~~sixty cents into the state treasury to the credit of~~ 2110
~~the homeland security fund established under section 5502.03 of~~ 2111
~~the Revised Code, thirty cents into the state treasury to the~~ 2112
~~credit of the investigations fund established in section 5502.131~~ 2113
~~of the Revised Code, one dollar and twenty five cents into the~~ 2114
~~state treasury to the credit of the emergency management agency~~ 2115
~~service and reimbursement fund established in section 5502.39 of~~ 2116
~~the Revised Code, and twenty five cents into the state treasury to~~ 2117
~~the credit of the justice program services fund established in~~ 2118
~~section 5502.67 of the Revised Code. 2119~~~~

Sec. 4506.01. As used in this chapter: 2120

(A) "Alcohol concentration" means the concentration of 2121
alcohol in a person's blood, breath, or urine. When expressed as a 2122
percentage, it means grams of alcohol per the following: 2123

(1) One hundred milliliters of whole blood, blood serum, or blood plasma;	2124 2125
(2) Two hundred ten liters of breath;	2126
(3) One hundred milliliters of urine.	2127
(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.	2128 2129 2130
(C) "Commercial driver's license information system" means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701.	2131 2132 2133 2134
(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:	2135 2136 2137 2138
(1) Any combination of vehicles with a <u>gross vehicle weight</u> or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the <u>gross vehicle weight or</u> gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;	2139 2140 2141 2142 2143
(2) Any single vehicle with a <u>gross vehicle weight or</u> gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;	2144 2145 2146 2147
(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;	2148 2149 2150
(4) Any school bus with a <u>gross vehicle weight or</u> gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers	2151 2152 2153

including the driver;	2154
(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;	2155 2156
(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.	2157 2158 2159 2160 2161 2162
(E) "Controlled substance" means all of the following:	2163
(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;	2164 2165 2166
(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;	2167 2168
(3) Any drug of abuse.	2169
(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.	2170 2171 2172 2173 2174 2175 2176 2177 2178
(G) "Disqualification" means any of the following:	2179
(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;	2180 2181
(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or	2182 2183

local law relating to motor vehicle traffic control other than 2184
parking, vehicle weight, or vehicle defect violations; 2185

(3) A determination by the federal motor carrier safety 2186
administration that a person is not qualified to operate a 2187
commercial motor vehicle under 49 C.F.R. 391. 2188

(H) "Domiciled" means having a true, fixed, principal, and 2189
permanent residence to which an individual intends to return. 2190

(I) "Downgrade" means any of the following, as applicable: 2191

(1) A change in the commercial driver's license, or 2192
commercial driver's license temporary instruction permit, holder's 2193
self-certified status as described in division (A)~~(2)~~(1) of 2194
section 4506.10 of the Revised Code; 2195

(2) A change to a lesser class of vehicle; 2196

(3) Removal of commercial driver's license privileges from 2197
the individual's driver's license. 2198

~~(I)~~(J) "Drive" means to drive, operate, or be in physical 2199
control of a motor vehicle. 2200

~~(J)~~(K) "Driver" means any person who drives, operates, or is 2201
in physical control of a commercial motor vehicle or is required 2202
to have a commercial driver's license. 2203

~~(K)~~(L) "Driver's license" means a license issued by the 2204
bureau of motor vehicles that authorizes an individual to drive. 2205

~~(L)~~(M) "Drug of abuse" means any controlled substance, 2206
dangerous drug as defined in section 4729.01 of the Revised Code, 2207
or over-the-counter medication that, when taken in quantities 2208
exceeding the recommended dosage, can result in impairment of 2209
judgment or reflexes. 2210

~~(M)~~(N) "Electronic device" includes a cellular telephone, a 2211
personal digital assistant, a pager, a computer, and any other 2212
device used to input, write, send, receive, or read text. 2213

~~(N)~~(O) "Eligible unit of local government" means a village, 2214
township, or county that has a population of not more than three 2215
thousand persons according to the most recent federal census. 2216

~~(O)~~(P) "Employer" means any person, including the federal 2217
government, any state, and a political subdivision of any state, 2218
that owns or leases a commercial motor vehicle or assigns a person 2219
to drive such a motor vehicle. 2220

~~(P)~~(Q) "Endorsement" means an authorization on a person's 2221
commercial driver's license that is required to permit the person 2222
to operate a specified type of commercial motor vehicle. 2223

~~(Q)~~(R) "Farm truck" means a truck controlled and operated by 2224
a farmer for use in the transportation to or from a farm, for a 2225
distance of not more than one hundred fifty miles, of products of 2226
the farm, including livestock and its products, poultry and its 2227
products, floricultural and horticultural products, and in the 2228
transportation to the farm, from a distance of not more than one 2229
hundred fifty miles, of supplies for the farm, including tile, 2230
fence, and every other thing or commodity used in agricultural, 2231
floricultural, horticultural, livestock, and poultry production, 2232
and livestock, poultry, and other animals and things used for 2233
breeding, feeding, or other purposes connected with the operation 2234
of the farm, when the truck is operated in accordance with this 2235
division and is not used in the operations of a motor carrier, as 2236
defined in section 4923.01 of the Revised Code. 2237

~~(R)~~(S) "Fatality" means the death of a person as the result 2238
of a motor vehicle accident occurring not more than three hundred 2239
sixty-five days prior to the date of death. 2240

~~(S)~~(T) "Felony" means any offense under federal or state law 2241
that is punishable by death or specifically classified as a felony 2242
under the law of this state, regardless of the penalty that may be 2243
imposed. 2244

~~(T)~~(U) "Foreign jurisdiction" means any jurisdiction other than a state. 2245
2246

~~(U)~~(V) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit. 2247
2248
2249
2250
2251
2252

~~(V)~~(W) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended. 2253
2254
2255
2256
2257

~~(W)~~(X) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment. 2258
2259
2260
2261
2262
2263
2264

~~(X)~~(Y) "Medical variance" means one of the following received by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate: 2265
2266
2267

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64; 2268
2269

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49. 2270
2271
2272

~~(Y)~~(Z) "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service as defined in 47 C.F.R. 20, except that mobile telephone does not 2273
2274
2275

<u>include two-way or citizens band radio services.</u>	2276
<u>(AA)</u> "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.	2277 2278 2279 2280 2281
(Z) <u>(BB)</u> "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that a driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.	2282 2283 2284 2285 2286
(AA) <u>(CC)</u> "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2287 2288
(BB) <u>(DD)</u> "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.	2289 2290 2291 2292
(CC) <u>(EE)</u> "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of section 4511.01 of the Revised Code.	2293 2294
(DD) <u>(FF)</u> "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit.	2295 2296 2297 2298
(EE) <u>(GG)</u> "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar.	2299 2300 2301
(FF) <u>(HH)</u> "School bus" has the same meaning as in section 4511.01 of the Revised Code.	2302 2303
(GG) <u>(II)</u> "Serious traffic violation" means any of the following:	2304 2305

(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;	2306 2307 2308
(2) A (a) Except as provided in division (II)(2)(b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution prohibiting texting while driving, or any other substantially similar law of another state or political subdivision of another state; prohibiting either of the following:	2309 2310 2311 2312 2313 2314
(i) Texting while driving;	2315
(ii) Using a handheld mobile telephone.	2316
(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.	2317 2318 2319
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	2320 2321
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	2322 2323
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	2324 2325 2326
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	2327 2328 2329 2330
(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's	2331 2332 2333 2334 2335

license with the proper class or endorsement for the specific 2336
vehicle group being operated or for the passengers or type of 2337
cargo being transported; 2338

(e) Violation of section 4506.03 of the Revised Code or a 2339
substantially similar municipal ordinance or county or township 2340
resolution, or of any similar law of another state or political 2341
subdivision of another state, that involves the operation of a 2342
commercial motor vehicle without a valid commercial driver's 2343
license being in the person's possession; 2344

(f) Violation of section 4511.33 or 4511.34 of the Revised 2345
Code, or any municipal ordinance or county or township resolution 2346
substantially similar to either of those sections, or any 2347
substantially similar law of another state or political 2348
subdivision of another state; 2349

(g) Violation of any other law of this state ~~or an~~, any law 2350
of another state, or any ordinance or resolution relating of a 2351
political subdivision of this state or another state that meets 2352
both of the following requirements: 2353

(i) It relates to traffic control, other than a parking 2354
violation, ~~that~~; 2355

(ii) It is determined to be a serious traffic violation by 2356
the United States secretary of transportation and is designated by 2357
the director ~~designates~~ as such by rule. 2358

~~(HH)~~(JJ) "State" means a state of the United States and 2359
includes the District of Columbia. 2360

~~(II)~~(KK) "Tank vehicle" means any commercial motor vehicle 2361
that is designed to transport any liquid ~~and has a maximum~~ 2362
capacity greater or gaseous materials within a tank or tanks that 2363
are either permanently or temporarily attached to the vehicle or 2364
its chassis and have an individual rated capacity of more than one 2365
~~hundred nineteen gallons or is designed to transport gaseous~~ 2366

~~materials and has a water and an aggregate rated capacity greater~~ 2367
~~than of one thousand pounds within a tank that is either~~ 2368
~~permanently or temporarily attached to the vehicle or its chassis~~ 2369
~~gallons or more. "Tank vehicle" does not include any of the~~ 2370
~~following:~~ 2371

~~(1) Any portable tank having a rated capacity of less than~~ 2372
~~one thousand gallons;~~ 2373

~~(2) Tanks used exclusively as a fuel tank for the motor~~ 2374
~~vehicle to which it is attached;~~ 2375

~~(3) An a commercial motor vehicle transporting an empty~~ 2376
~~storage container tank that is not designed for transportation and~~ 2377
~~that is readily distinguishable from a transportation tank;~~ 2378

~~(4) Ready mix concrete mixers, has a rated capacity of one~~ 2379
~~thousand gallons or more, and is temporarily attached to a flatbed~~ 2380
~~trailer.~~ 2381

~~(JJ)(LL)~~ "Tester" means a person or entity acting pursuant to 2382
a valid agreement entered into pursuant to division (B) of section 2383
4506.09 of the Revised Code. 2384

~~(KK)(MM)~~ "Texting" means manually entering alphanumeric text 2385
into, or reading text from, an electronic device. Texting includes 2386
short message service, e-mail, instant messaging, a command or 2387
request to access a world wide web page, pressing more than a 2388
single button to initiate or terminate a voice communication using 2389
a mobile telephone, or engaging in any other form of electronic 2390
text retrieval or entry, for present or future communication. 2391
Texting does not include the following: 2392

~~(1) Reading, selecting, or entering a telephone number, an~~ 2393
~~extension number, or voicemail retrieval codes and commands into~~ 2394
~~an electronic device for the purpose of initiating or receiving a~~ 2395
~~telephone call or using~~ Using voice commands to initiate or, 2396
receive, or terminate a voice communication using a mobile 2397

telephone call;	2398
(2) Inputting, selecting, or reading information on a global positioning system or navigation system;	2399 2400
<u>(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or</u>	2401 2402
<u>(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.</u>	2403 2404 2405 2406
(LL) (NN) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.	2407 2408 2409 2410 2411 2412 2413 2414
(MM) (OO) "United States" means the fifty states and the District of Columbia.	2415 2416
(NN) (PP) "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A) (2) <u>(1)</u> of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter;	2417 2418 2419 2420 2421
(OO) (QQ) <u>"Use of a handheld mobile telephone" means:</u>	2422
<u>(1) Using at least one hand to hold a mobile telephone to conduct a voice communication;</u>	2423 2424
<u>(2) Dialing or answering a mobile telephone by pressing more than a single button; or</u>	2425 2426
<u>(3) Reaching for a mobile telephone in a manner that requires</u>	2427

a driver to maneuver so that the driver is no longer in a seated 2428
driving position, or restrained by a seat belt that is installed 2429
in accordance with 49 C.F.R. 393.93 and adjusted in accordance 2430
with the vehicle manufacturer's instructions. 2431

(RR) "Vehicle" has the same meaning as in section 4511.01 of 2432
the Revised Code. 2433

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 2434
of this section, the following shall apply: 2435

(1) No person shall drive a commercial motor vehicle on a 2436
highway in this state unless the person holds, and has in the 2437
person's possession, a any of the following: 2438

(a) A valid commercial driver's license with proper 2439
endorsements for the motor vehicle being driven, issued by the 2440
registrar of motor vehicles, ~~a~~ or by another jurisdiction 2441
recognized by this state; 2442

(b) A valid examiner's commercial driving permit issued under 2443
section 4506.13 of the Revised Code, ~~a;~~ 2444

(c) A valid restricted commercial driver's license and waiver 2445
for farm-related service industries issued under section 4506.24 2446
of the Revised Code, ~~or a;~~ 2447

(d) A valid commercial driver's license temporary instruction 2448
permit issued by the registrar ~~and is,~~ provided that the person is 2449
accompanied by an authorized state driver's license examiner or 2450
tester or a person who has been issued and has in the person's 2451
immediate possession a current, valid commercial driver's license 2452
~~with proper endorsements for the motor vehicle being driven and~~ 2453
who meets the requirements of division (B) of section 4506.06 of 2454
the Revised Code. 2455

(2) No ~~person shall be issued a~~ person's commercial driver's 2456
license temporary instruction permit shall be upgraded, and no 2457

commercial driver's license shall be upgraded, renewed, or issued 2458
to a person until the person surrenders to the registrar of motor 2459
vehicles all valid licenses and permits issued to the person by 2460
this state or by another jurisdiction recognized by this state. 2461
~~The~~ If the license or permit was issued by any other state or 2462
another jurisdiction recognized by this state, the registrar shall 2463
report the surrender of a license or permit to the issuing 2464
authority, together with information that a license or permit is 2465
now issued in this state. The registrar shall destroy any such 2466
license or permit that is not returned to the issuing authority. 2467

(3) No person who has been a resident of this state for 2468
thirty days or longer shall drive a commercial motor vehicle under 2469
the authority of a commercial driver's license issued by another 2470
jurisdiction. 2471

(B) Nothing in division (A) of this section applies to any 2472
qualified person when engaged in the operation of any of the 2473
following: 2474

(1) A farm truck; 2475

(2) Fire equipment for a fire department, volunteer or 2476
nonvolunteer fire company, fire district, or joint fire district; 2477

(3) A public safety vehicle used to provide transportation or 2478
emergency medical service for ill or injured persons; 2479

(4) A recreational vehicle; 2480

(5) A commercial motor vehicle within the boundaries of an 2481
eligible unit of local government, if the person is employed by 2482
the eligible unit of local government and is operating the 2483
commercial motor vehicle for the purpose of removing snow or ice 2484
from a roadway by plowing, sanding, or salting, but only if either 2485
the employee who holds a commercial driver's license issued under 2486
this chapter and ordinarily operates a commercial motor vehicle 2487
for these purposes is unable to operate the vehicle, or the 2488

employing eligible unit of local government determines that a snow 2489
or ice emergency exists that requires additional assistance; 2490

(6) A vehicle operated for military purposes by any member or 2491
uniformed employee of the armed forces of the United States or 2492
their reserve components, including the Ohio national guard. This 2493
exception does not apply to United States reserve technicians. 2494

(7) A commercial motor vehicle that is operated for 2495
nonbusiness purposes. "Operated for nonbusiness purposes" means 2496
that the commercial motor vehicle is not used in commerce as 2497
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 2498
regulated by the public utilities commission pursuant to Chapter 2499
4905., 4921., or 4923. of the Revised Code. 2500

(8) A motor vehicle that is designed primarily for the 2501
transportation of goods and not persons, while that motor vehicle 2502
is being used for the occasional transportation of personal 2503
property by individuals not for compensation and not in the 2504
furtherance of a commercial enterprise; 2505

(9) A police SWAT team vehicle; 2506

(10) A police vehicle used to transport prisoners. 2507

(C) Nothing contained in division (B)(5) of this section 2508
shall be construed as preempting or superseding any law, rule, or 2509
regulation of this state concerning the safe operation of 2510
commercial motor vehicles. 2511

(D) Whoever violates this section is guilty of a misdemeanor 2512
of the first degree. 2513

Sec. 4506.05. (A) Notwithstanding any other provision of law, 2514
a person may drive a commercial motor vehicle on a highway in this 2515
state if all of the following conditions are met: 2516

(1) The person has a valid commercial driver's license or 2517
commercial driver's license temporary instruction permit issued by 2518

any state or jurisdiction in accordance with the minimum standards 2519
adopted by the federal motor carrier safety administration under 2520
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 2521
3207-171, 49 U.S.C.A. App. for issuance of commercial driver's 2522
licenses; 2523

(2) The person's commercial driver's license or temporary 2524
instruction permit is not suspended, revoked, or canceled, and the 2525
person has the appropriate endorsements for the vehicle that is 2526
being driven; 2527

(3) The person is not disqualified from driving a commercial 2528
motor vehicle; 2529

(4) The person is not subject to an out-of-service order; 2530

(5) The person is medically certified as physically qualified 2531
to operate a commercial motor vehicle in accordance with this 2532
chapter ~~and is able to verify the medical certification when on~~ 2533
~~duty as follows:~~ 2534

(a) ~~Prior to January 30, 2012, the person shall have in the~~ 2535
~~person's possession the original or copy of the person's current~~ 2536
~~medical examiner's certificate when on duty.~~ 2537

~~(b) On or after January 30, 2012:~~ 2538

~~(i)~~ A person who submitted a medical examiner's certificate 2539
to the registrar in accordance with division (A)~~(2)~~(1) of section 2540
4506.10 of the Revised Code and whose medical certification 2541
information is maintained in the commercial driver's license 2542
information system is not required to have the medical examiner's 2543
certificate in the person's possession when on duty. 2544

~~(ii)~~(b) A person whose medical certification information is 2545
not maintained in the commercial driver's license information 2546
system ~~is required to~~ shall have in the person's possession when 2547
on duty ~~the original or copy of a current medical examiner's~~ 2548

~~certificate that was issued prior to January 30, 2012, except that~~ 2549
~~after January 30, 2014, such person is required to have in the~~ 2550
~~person's possession when on duty,~~ the original or a copy of the 2551
current medical examiner's certificate that was submitted to the 2552
registrar, ~~but.~~ However, the person may operate a commercial motor 2553
vehicle with such proof of medical certification for not more than 2554
fifteen days after the date the current medical examiner's 2555
certificate was issued to the person. 2556

~~(iii)~~(c) A person who has a medical variance shall have in 2557
the person's possession the original or copy of the medical 2558
variance documentation at all times while on duty. 2559

(B) No person shall drive a commercial motor vehicle on a 2560
highway in this state if the person does not meet the conditions 2561
specified in division (A) of this section. 2562

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 391.62, 2563
391.67, and 391.68, no person holding a commercial driver's 2564
license temporary instruction permit or a commercial driver's 2565
license issued under this chapter may drive a commercial motor 2566
vehicle in interstate commerce until the person is at least 2567
twenty-one years of age. 2568

(D)(1) Whoever violates this section is guilty of a 2569
misdemeanor of the first degree. 2570

(2) The offenses established under this section are strict 2571
liability offenses and section 2901.20 of the Revised Code does 2572
not apply. The designation of these offenses as strict liability 2573
offenses shall not be construed to imply that any other offense, 2574
for which there is no specified degree of culpability, is not a 2575
strict liability offense. 2576

Sec. 4506.06. (A) The registrar of motor vehicles, upon 2577
receiving an application for a commercial driver's license 2578

temporary instruction permit, may issue the permit to any person 2579
who is at least eighteen years of age and holds a valid driver's 2580
license, other than a restricted license, issued under Chapter 2581
4507. of the Revised Code. A The registrar shall not issue a 2582
commercial driver's license temporary instruction permit ~~shall not~~ 2583
~~be issued~~ for a period exceeding six months ~~and~~. The registrar 2584
shall grant only one renewal of such a permit ~~shall be granted~~ in 2585
a two-year period. A commercial driver's license temporary 2586
instruction permit is a prerequisite to the initial issuance of a 2587
commercial driver's license and the upgrade of a commercial 2588
driver's license if the upgrade requires a skills test. 2589

(B) The holder of a commercial driver's license temporary 2590
instruction permit, unless otherwise disqualified, may drive a 2591
commercial motor vehicle only when ~~having~~ the holder has the 2592
permit in the holder's actual possession and is accompanied by a 2593
person who ~~holds~~: 2594

(1) Holds a valid commercial driver's license ~~valid~~ and all 2595
necessary endorsements for the type of vehicle being driven ~~and~~ 2596
~~who occupies~~; 2597

(2) Occupies a seat beside the permit holder for the purpose 2598
of giving instruction in driving the motor vehicle; and 2599

(3) Has the permit holder under observation and direct 2600
supervision. 2601

~~(B)~~(C) Whoever violates this section is guilty of a 2602
misdemeanor of the first degree. 2603

Sec. 4506.07. (A) ~~Every application~~ An applicant for a 2604
commercial driver's license, restricted commercial driver's 2605
license, or a commercial driver's license temporary instruction 2606
permit, or a duplicate of such a license or permit, shall ~~be made~~ 2607
submit an application upon a form approved and furnished by the 2608

registrar of motor vehicles. Except as provided in section 4506.24 2609
of the Revised Code in regard to a restricted commercial driver's 2610
license, the applicant shall sign the application ~~shall be signed~~ 2611
~~by the applicant and~~ which shall contain the following 2612
information: 2613

(1) The applicant's name, date of birth, social security 2614
account number, sex, general description including height, weight, 2615
and color of hair and eyes, current residence, duration of 2616
residence in this state, state of domicile, country of 2617
citizenship, and occupation; 2618

(2) Whether the applicant previously has been licensed to 2619
operate a commercial motor vehicle or any other type of motor 2620
vehicle in another state or a foreign jurisdiction and, if so, 2621
when, by what state, and whether the license or driving privileges 2622
currently are suspended or revoked in any jurisdiction, or the 2623
applicant otherwise has been disqualified from operating a 2624
commercial motor vehicle, or is subject to an out-of-service order 2625
issued under this chapter or any similar law of another state or a 2626
foreign jurisdiction and, if so, the date of, locations involved, 2627
and reason for the suspension, revocation, disqualification, or 2628
out-of-service order; 2629

(3) Whether the applicant is afflicted with or suffering from 2630
any physical or mental disability or disease that prevents the 2631
applicant from exercising reasonable and ordinary control over a 2632
motor vehicle while operating it upon a highway or is or has been 2633
subject to any condition resulting in episodic impairment of 2634
consciousness or loss of muscular control and, if so, the nature 2635
and extent of the disability, disease, or condition, and the names 2636
and addresses of the physicians attending the applicant; 2637

(4) Whether the applicant has obtained a medical examiner's 2638
certificate as required by this chapter and, beginning January 30, 2639
2012, the applicant, prior to or at the time of applying, has 2640

self-certified to the registrar the applicable status of the 2641
applicant under division (A)~~(2)~~(1) of section 4506.10 of the 2642
Revised Code; 2643

(5) Whether the applicant has pending a citation for 2644
violation of any motor vehicle law or ordinance except a parking 2645
violation and, if so, a description of the citation, the court 2646
having jurisdiction of the offense, and the date when the offense 2647
occurred; 2648

(6) If an applicant has not certified the applicant's 2649
willingness to make an anatomical gift under section 2108.05 of 2650
the Revised Code, whether the applicant wishes to certify 2651
willingness to make such an anatomical gift, which shall be given 2652
no consideration in the issuance of a license; 2653

(7) ~~On and after May 1, 1993, whether~~ Whether the applicant 2654
has executed a valid durable power of attorney for health care 2655
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 2656
executed a declaration governing the use or continuation, or the 2657
withholding or withdrawal, of life-sustaining treatment pursuant 2658
to sections 2133.01 to 2133.15 of the Revised Code and, if the 2659
applicant has executed either type of instrument, whether the 2660
applicant wishes the license issued to indicate that the applicant 2661
has executed the instrument; 2662

(8) ~~On and after October 7, 2009, whether~~ Whether the 2663
applicant is a veteran, active duty, or reservist of the armed 2664
forces of the United States and, if the applicant is such, whether 2665
the applicant wishes the license issued to indicate that the 2666
applicant is a veteran, active duty, or reservist of the armed 2667
forces of the United States by a military designation on the 2668
license. 2669

(B) Every applicant shall certify, on a form approved and 2670
furnished by the registrar, all of the following: 2671

(1) That the motor vehicle in which the applicant intends to 2672
take the driving skills test is representative of the type of 2673
motor vehicle that the applicant expects to operate as a driver; 2674

(2) That the applicant is not subject to any disqualification 2675
or out-of-service order, or license suspension, revocation, or 2676
cancellation, under the laws of this state, of another state, or 2677
of a foreign jurisdiction and does not have more than one driver's 2678
license issued by this or another state or a foreign jurisdiction; 2679

(3) Any additional information, certification, or evidence 2680
that the registrar requires by rule in order to ensure that the 2681
issuance of a commercial driver's license or commercial driver's 2682
license temporary instruction permit to the applicant is in 2683
compliance with the law of this state and with federal law. 2684

(C) Every applicant shall execute a form, approved and 2685
furnished by the registrar, under which the applicant consents to 2686
the release by the registrar of information from the applicant's 2687
driving record. 2688

(D) The registrar or a deputy registrar, in accordance with 2689
section 3503.11 of the Revised Code, shall register as an elector 2690
any applicant for a commercial driver's license or for a renewal 2691
or duplicate of such a license under this chapter, if the 2692
applicant is eligible and wishes to be registered as an elector. 2693
The decision of an applicant whether to register as an elector 2694
shall be given no consideration in the decision of whether to 2695
issue the applicant a license or a renewal or duplicate. 2696

(E) The registrar or a deputy registrar, in accordance with 2697
section 3503.11 of the Revised Code, shall offer the opportunity 2698
of completing a notice of change of residence or change of name to 2699
any applicant for a commercial driver's license or for a renewal 2700
or duplicate of such a license who is a resident of this state, if 2701
the applicant is a registered elector who has changed the 2702

applicant's residence or name and has not filed such a notice. 2703

(F) In considering any application submitted pursuant to this 2704
section, the bureau of motor vehicles may conduct any inquiries 2705
necessary to ensure that issuance or renewal of a commercial 2706
driver's license would not violate any provision of the Revised 2707
Code or federal law. 2708

(G) In addition to any other information it contains, ~~on and~~ 2709
~~after October 7, 2009,~~ the form approved and furnished by the 2710
registrar of motor vehicles for an application for a commercial 2711
driver's license, restricted commercial driver's license, or a 2712
commercial driver's license temporary instruction permit or an 2713
application for a duplicate of such a license or permit shall 2714
inform applicants that the applicant must present a copy of the 2715
applicant's DD-214 or an equivalent document in order to qualify 2716
to have the license, or permit, or duplicate indicate that the 2717
applicant is a veteran, active duty, or reservist of the armed 2718
forces of the United States based on a request made pursuant to 2719
division (A)(8) of this section. 2720

Sec. 4506.071. On receipt of a notice pursuant to section 2721
3123.54 of the Revised Code, the registrar of motor vehicles shall 2722
comply with sections 3123.53 to 3123.60 of the Revised Code and 2723
any applicable rules adopted under section 3123.63 of the Revised 2724
Code with respect to a commercial driver's license or commercial 2725
driver's license temporary instruction permit issued pursuant to 2726
this chapter. 2727

Sec. 4506.08. (A)(1) Each application for a commercial 2728
driver's license temporary instruction permit shall be accompanied 2729
by a fee of ten dollars. Each application for a commercial 2730
driver's license, restricted commercial driver's license, renewal 2731
of such a license, or waiver for farm-related service industries 2732

shall be accompanied by a fee of twenty-five dollars, except that 2733
an application for a commercial driver's license or restricted 2734
commercial driver's license received pursuant to division (A)(3) 2735
of section 4506.14 of the Revised Code shall be accompanied by a 2736
fee of eighteen dollars and seventy-five cents if the license will 2737
expire on the licensee's birthday three years after the date of 2738
issuance, a fee of twelve dollars and fifty cents if the license 2739
will expire on the licensee's birthday two years after the date of 2740
issuance, and a fee of six dollars and twenty-five cents if the 2741
license will expire on the licensee's birthday one year after the 2742
date of issuance. Each application for a duplicate commercial 2743
driver's license shall be accompanied by a fee of ten dollars. 2744

(2) In addition, the registrar of motor vehicles or deputy 2745
registrar may collect and retain an additional fee of no more than 2746
three dollars and fifty cents for each application for a 2747
commercial driver's license temporary instruction permit, 2748
commercial driver's license, renewal of a commercial driver's 2749
license, or duplicate commercial driver's license received by the 2750
registrar or deputy. 2751

(B) In addition to the fees imposed under division (A) of 2752
this section, the registrar of motor vehicles or deputy registrar 2753
shall collect a fee of twelve dollars for each application for a 2754
commercial driver's license temporary instruction permit, 2755
commercial driver's license, or duplicate commercial driver's 2756
license and for each application for renewal of a commercial 2757
driver's license. The additional fee is for the purpose of 2758
defraying the department of public safety's costs associated with 2759
the administration and enforcement of the motor vehicle and 2760
traffic laws of Ohio. 2761

(C) Each deputy registrar shall transmit the fees collected 2762
under divisions (A)(1) and (B) of this section in the time and 2763
manner prescribed by the registrar. The registrar shall deposit 2764

all moneys collected under division (A)(1) of this section into 2765
the state bureau of motor vehicles fund established in section 2766
4501.25 of the Revised Code. The registrar shall deposit all 2767
moneys collected under division (B) of this section into the state 2768
highway safety fund established in section 4501.06 of the Revised 2769
Code. 2770

(D) ~~Information~~ Upon request and payment of a fee of five 2771
dollars, the registrar shall furnish information regarding the 2772
driving record of any person holding a commercial driver's license 2773
issued by this state ~~shall be furnished by the registrar, upon~~ 2774
~~request and payment of a fee of five dollars,~~ to the employer or 2775
prospective employer of such a person and to any insurer. 2776

~~Of each five dollar fee the~~ The registrar collects under this 2777
~~division, the registrar shall pay two dollars~~ each five-dollar fee 2778
the registrar collects under this division into the state treasury 2779
to the credit of the state bureau of motor vehicles fund 2780
established in section 4501.25 of the Revised Code, ~~sixty cents~~ 2781
~~into the state treasury to the credit of the trauma and emergency~~ 2782
~~medical services fund established in section 4513.263 of the~~ 2783
~~Revised Code, sixty cents into the state treasury to the credit of~~ 2784
~~the homeland security fund established in section 5502.03 of the~~ 2785
~~Revised Code, thirty cents into the state treasury to the credit~~ 2786
~~of the investigations fund established in section 5502.131 of the~~ 2787
~~Revised Code, one dollar and twenty five cents into the state~~ 2788
~~treasury to the credit of the emergency management agency service~~ 2789
~~and reimbursement fund established in section 5502.39 of the~~ 2790
~~Revised Code, and twenty five cents into the state treasury to the~~ 2791
~~credit of the justice program services fund established in section~~ 2792
~~5502.67 of the Revised Code.~~ 2793

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 2794
approval by the director of public safety, shall adopt rules 2795

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

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

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

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

(3) Requires that all examiners of the other party meet the same qualification and training standards as examiners of the department of public safety, including criminal background checks, to the extent necessary to conduct skills tests in the manner required by 49 C.F.R. 383.110 through 383.135+. In accordance with federal guidelines, any examiner employed on the effective date of this amendment shall have a criminal background check conducted at least once, and any examiner hired after the effective date of this amendment shall have a criminal background check conducted after the examiner is initially hired.

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

(5) Unless the other party is a governmental entity, requires the other party to initiate and maintain a bond in an amount determined by the director to sufficiently pay for the retesting of drivers in the event that the other party or its skills test examiners are involved in fraudulent activities related to skills testing;

(6) Requires the other party to use only skills test examiners who have successfully completed a commercial driver's

<u>license examiner training course as prescribed by the director,</u>	2859
<u>and have been certified by the state as a commercial driver's</u>	2860
<u>license skills test examiner qualified to administer skills tests;</u>	2861
<u>(7) Requires the other party to use designated road test</u>	2862
<u>routes that have been approved by the director;</u>	2863
<u>(8) Requires the other party to submit a schedule of skills</u>	2864
<u>test appointments to the director not later than two business days</u>	2865
<u>prior to each skills test;</u>	2866
<u>(9) Requires the other party to maintain copies of the</u>	2867
<u>following records at its principal place of business:</u>	2868
<u>(a) The other party's commercial driver's license skills</u>	2869
<u>testing program certificate;</u>	2870
<u>(b) Each skills test examiner's certificate of authorization</u>	2871
<u>to administer skills tests for the classes and types of commercial</u>	2872
<u>motor vehicles listed in the certificate;</u>	2873
<u>(c) Each completed skills test scoring sheet for the current</u>	2874
<u>calendar year as well as the prior two calendar years;</u>	2875
<u>(d) A complete list of the test routes that have been</u>	2876
<u>approved by the director;</u>	2877
<u>(e) A complete and accurate copy of each examiner's training</u>	2878
<u>record.</u>	2879
<u>(10) If the other party also is a driver training school,</u>	2880
<u>prohibits its skills test examiners from administering skills</u>	2881
<u>tests to applicants that the examiner personally trained;</u>	2882
<u>(11) Requires each skills test examiner to administer a</u>	2883
<u>complete skills test to a minimum of thirty-two different</u>	2884
<u>individuals per calendar year;</u>	2885
<u>(12) Reserves to this state the right to take prompt and</u>	2886
<u>appropriate remedial action against testers of the other party <u>and</u></u>	2887
<u>its skills test examiners if the other party fails <u>or its skills</u></u>	2888

~~test examiners fail~~ to comply with standards of this state or 2889
federal standards for the testing program or with any other terms 2890
of the contract. 2891

(C) The director shall enter into an agreement with the 2892
department of education authorizing the skills test specified in 2893
this section to be administered by the department at any location 2894
operated by the department for purposes of training and testing 2895
school bus drivers, provided that the agreement between the 2896
director and the department complies with the requirements of 2897
division (B) of this section. Skills tests administered by the 2898
department shall be limited to persons applying for a commercial 2899
driver's license with a school bus endorsement. 2900

~~(D) The director shall adopt rules, in accordance with 2901
Chapter 119. of the Revised Code, authorizing waiver of the skills 2902
test specified in this section for any applicant for a commercial 2903
driver's license who meets all of the following requirements:~~ 2904

~~(1) Certifies that, during the two year period immediately 2905
preceding application for a commercial driver's license, all of 2906
the following apply:~~ 2907

~~(a) The applicant has not had more than one license. 2908~~

~~(b) The applicant has not had any license suspended, revoked, 2909
or canceled. 2910~~

~~(c) The applicant has not had any convictions for any type of 2911
motor vehicle for the offenses for which disqualification is 2912
prescribed in section 4506.16 of the Revised Code. 2913~~

~~(d) The applicant has not had any violation of a state or 2914
local law relating to motor vehicle traffic control other than a 2915
parking violation arising in connection with any traffic accident 2916
and has no record of an accident in which the applicant was at 2917
fault. 2918~~

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

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

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

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

~~(E)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements:~~

~~(1) Has been a member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard or the national guard of any other state;~~

(a) As authorized under 49 C.F.R. 383.3(c), the applicant operates a commercial motor vehicle for military purposes and is one of the following:

(i) Active duty military personnel;

(ii) A member of the military reserves;

(iii) A member of the national guard on active duty,

<u>including full-time national guard duty, part-time national guard</u>	2949
<u>training, and national guard military technicians;</u>	2950
<u>(iv) Active duty U.S. coast guard personnel.</u>	2951
(2) Certifies <u>(b) The applicant certifies</u> that, during the	2952
two-year period immediately preceding application for a commercial	2953
driver's license, all of the following apply:	2954
(a)(i) <u>(i)</u> The applicant has not had more than one license,	2955
excluding any military license.	2956
(b)(ii) <u>(ii)</u> The applicant has not had any license suspended,	2957
revoked, or canceled.	2958
(c)(iii) <u>(iii)</u> The applicant has not had any convictions for any	2959
type of motor vehicle for the offenses for which disqualification	2960
is prescribed in section 4506.16 of the Revised Code.	2961
(d)(iv) <u>(iv)</u> The applicant has not had more than one conviction	2962
for any type of motor vehicle for a serious traffic violation.	2963
(e)(v) <u>(v)</u> The applicant has not had any violation of a state or	2964
local law relating to motor vehicle traffic control other than a	2965
parking violation arising in connection with any traffic accident	2966
and has no record of an accident in which the applicant was at	2967
fault.	2968
(3)(c) <u>(c)</u> In accordance with rules adopted by the director, <u>the</u>	2969
<u>applicant</u> certifies and also provides evidence of all of the	2970
following:	2971
(a)(i) <u>(i)</u> That the applicant is or was regularly employed in a	2972
military position requiring operation of a commercial motor	2973
vehicle;	2974
(b)(ii) <u>(ii)</u> That the applicant was exempt from the requirements	2975
of this chapter under division (B)(6) of section 4506.03 of the	2976
Revised Code;	2977
(c)(iii) <u>(iii)</u> That, for at least two years immediately preceding	2978

the date of application or at least two years immediately 2979
preceding the date the applicant separated from military service 2980
or employment, the applicant regularly operated a vehicle 2981
representative of the commercial motor vehicle type that the 2982
applicant operates or expects to operate. 2983

(2) The waiver established under division (D)(1) of this 2984
section does not apply to United States reserve technicians. 2985

~~(F)~~(E)(1) The department of public safety may charge and 2986
collect a divisible fee of fifty dollars for each skills test 2987
given as part of a commercial driver's license examination. The 2988
fee shall consist of ten dollars for the pre-trip inspection 2989
portion of the test, ten dollars for the off-road maneuvering 2990
portion of the test, and thirty dollars for the on-road portion of 2991
the test. 2992

(2) No applicant is eligible to take the skills test until a 2993
minimum of fourteen days have elapsed since the initial issuance 2994
of a commercial driver's license temporary instruction permit to 2995
the applicant. The director may require an applicant for a 2996
commercial driver's license who schedules an appointment with the 2997
highway patrol or other authorized employee of the department of 2998
public safety to take all portions of the skills test, and to pay 2999
an appointment fee of fifty dollars at the time of scheduling the 3000
appointment. If the applicant appears at the time and location 3001
specified for the appointment and takes all portions of the skills 3002
test during that appointment, the appointment fee ~~shall serve~~ 3003
serves as the skills test fee. If the applicant schedules an 3004
appointment to take all portions of the skills test and fails to 3005
appear at the time and location specified for the appointment, ~~ne~~ 3006
the director shall not refund any portion of the appointment fee 3007
~~shall be refunded~~. If the applicant schedules an appointment to 3008
take all portions of the skills test and appears at the time and 3009
location specified for the appointment, but declines or is unable 3010

to take all portions of the skills test, ~~no~~ the director shall not
refund any portion of the appointment fee ~~shall be refunded~~. If
the applicant cancels a scheduled appointment forty-eight hours or
more prior to the time of the appointment time, the applicant
shall not forfeit the appointment fee.

An applicant for a commercial driver's license who schedules
an appointment to take one or more, but not all, portions of the
skills test ~~shall be~~ is required to pay an appointment fee equal to
the costs of each test scheduled, as prescribed in division
(~~F~~)(E)(1) of this section, when scheduling such an appointment. If
the applicant appears at the time and location specified for the
appointment and takes all the portions of the skills test during
that appointment that the applicant was scheduled to take, the
appointment fee ~~shall serve~~ serves as the skills test fee. If the
applicant schedules an appointment to take one or more, but not
all, portions of the skills test and fails to appear at the time
and location specified for the appointment, ~~no~~ the director shall
not refund any portion of the appointment fee ~~shall be refunded~~.
If the applicant schedules an appointment to take one or more, but
not all, portions of the skills test and appears at the time and
location specified for the appointment, but declines or is unable
to take all portions of the skills test that the applicant was
scheduled to take, ~~no~~ the director shall not refund any portion of
the appointment fee ~~shall be refunded~~. If the applicant cancels a
scheduled appointment forty-eight hours or more prior to the time
of the appointment time, the applicant shall not forfeit the
appointment fee.

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

(F) A person who has successfully completed commercial

driver's license training in this state but seeks a commercial 3043
driver's license in another state where the person is domiciled 3044
may schedule an appointment to take the skills test in this state 3045
and shall pay the appropriate appointment fee. Upon the person's 3046
completion of the skills test, this state shall electronically 3047
transmit the applicant's results to the state where the person is 3048
domiciled. If a person who is domiciled in this state takes a 3049
skills test in another state, this state shall accept the results 3050
of the skills test from the other state. If the person passed the 3051
other state's skills test and meets all of the other licensing 3052
requirements set forth in this chapter and rules adopted under 3053
this chapter, the registrar of motor vehicles or a deputy 3054
registrar shall issue a commercial driver's license to that 3055
person. 3056

(G) Unless otherwise specified, the director or the 3057
director's representative shall conduct the examinations, 3058
inspections, audits, and test monitoring set forth in divisions 3059
(B)(2), (3), and (4) of this section at least annually. If the 3060
other party or any of its skills test examiners fail to comply 3061
with state or federal standards for the skills testing program, 3062
the director or the director's representative shall take prompt 3063
and appropriate remedial action against the party and its skills 3064
test examiners. Remedial action may include termination of the 3065
agreement or revocation of a skills test examiner's certification. 3066

(H) As used in this section, "skills test" means a test of an 3067
applicant's ability to drive the type of commercial motor vehicle 3068
for which the applicant seeks a commercial driver's license by 3069
having the applicant drive such a motor vehicle while under the 3070
supervision of an authorized state driver's license examiner or 3071
tester. 3072

Sec. 4506.10. (A) No person who holds a valid commercial 3073

driver's license shall drive a commercial motor vehicle unless the 3074
person is physically qualified to do so. 3075

~~(1) Prior to January 30, 2012, each person who drives or 3076
expects to drive a commercial motor vehicle in interstate or 3077
foreign commerce or is otherwise subject to 49 C.F.R. 391, et 3078
seq., as amended, shall certify to the registrar of motor vehicles 3079
at the time of application for a commercial driver's license that 3080
the person is in compliance with these standards. Any person who 3081
is not subject to 49 C.F.R. 391, et seq., as amended, also shall 3082
certify at the time of application that the person is not subject 3083
to these standards. 3084~~

~~(2) Beginning on January 30, 2012, any Any person applying 3085
for a commercial driver's license or commercial driver's license 3086
temporary instruction permit, renewing the renewal or upgrade of a 3087
commercial driver's license or commercial driver's license 3088
temporary instruction permit, or transferring the transfer of a 3089
commercial driver's license from out of state shall self-certify 3090
to the registrar for purposes of 49 C.F.R. 383.71, one of the 3091
following in regard to the applicant's operation of a commercial 3092
motor vehicle, as applicable: 3093~~

~~(a)(i) If the applicant operates or expects to operate a 3094
commercial motor vehicle in interstate or foreign commerce and is 3095
subject to and meets the requirements under 49 C.F.R. part 391, 3096
the applicant shall self-certify that the applicant is 3097
non-excepted interstate and shall provide the registrar with the 3098
original or a copy of a medical examiner's certificate and each 3099
subsequently issued medical examiner's certificate prepared by a 3100
qualified medical examiner to maintain a medically certified 3101
status on the applicant's commercial driver licensing system 3102
driver record; 3103~~

~~(ii) If the applicant operates or expects to operate a 3104
commercial motor vehicle in interstate commerce, but engages in 3105~~

transportation or operations excepted under 49 C.F.R. 390.3(f), 3106
391.2, 391.68, or 398.3 from all or parts of the qualification 3107
requirements of 49 C.F.R. part 391, the applicant shall 3108
self-certify that the applicant is excepted interstate and is not 3109
required to obtain a medical examiner's certificate. 3110

(b)(i) If the applicant operates only in intrastate commerce 3111
and is subject to state driver qualification requirements, the 3112
applicant shall self-certify that the applicant is non-excepted 3113
intrastate; 3114

(ii) If the applicant operates only in intrastate commerce 3115
and is excepted from all or parts of the state driver 3116
qualification requirements, the applicant shall self-certify that 3117
the applicant is excepted intrastate. 3118

~~(3)(2)~~ Notwithstanding the expiration date on a person's 3119
commercial driver's license or commercial driver's license 3120
temporary instruction permit, every commercial driver's license or 3121
commercial driver's license temporary instruction permit holder 3122
shall provide the registrar with the certification required by 3123
this section, on or after January 30, 2012, but prior to January 3124
30, 2014. 3125

(B) A person is qualified to drive a school bus if the person 3126
holds a valid commercial driver's license along with the proper 3127
endorsements, and if the person has been certified as medically 3128
qualified in accordance with rules adopted by the department of 3129
education. 3130

(C)(1) Except as provided in division (C)(2) of this section, 3131
~~any~~ only a medical examiner who is listed on the national registry 3132
of certified medical examiners established by the federal motor 3133
carrier safety administration shall perform a medical examination 3134
required by this section ~~shall be performed only by one of the~~ 3135
~~following:~~ 3136

~~(a) A person licensed under Chapter 4731. of the Revised Code to practice medicine or surgery or osteopathic medicine and surgery in this state, or licensed under any similar law of another state;~~ 3137
3138
3139
3140

~~(b) A physician assistant who is authorized by the supervising physician to perform such a medical examination;~~ 3141
3142

~~(c) A certified nurse practitioner, a clinical nurse specialist, or a certified nurse midwife;~~ 3143
3144

~~(d) A doctor of chiropractic.~~ 3145

(2) ~~Any part of an examination required by this section that pertains to visual acuity, field of vision, and the ability to recognize colors may be performed by a~~ 3146
3147
3148
3149
3150
3151
3152
3153
A person licensed under Chapter 4725. of the Revised Code to practice optometry in this state, or licensed under any similar law of another state, may perform any part of an examination required by this section that pertains to visual acuity, field of vision, and the ability to recognize colors.

(3) ~~Any~~ The individual who performed an examination conducted pursuant to this section shall complete any written documentation of a physical examination conducted pursuant to this section shall be completed by the individual who performed the examination on a form that substantially complies with the requirements of 49 C.F.R. 391.43(h). 3154
3155
3156
3157
3158
3159

(D) Whenever good cause appears, the registrar, upon issuing a commercial driver's license or commercial driver's license temporary instruction permit under this chapter, may impose restrictions suitable to the licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle that the licensee may operate, or such other restrictions applicable to the licensee as the registrar determines to be necessary. 3160
3161
3162
3163
3164
3165
3166
3167

The registrar may either issue a special restricted license 3168
or may set forth upon the usual license form the restrictions 3169
imposed. 3170

The registrar, upon receiving satisfactory evidence of any 3171
violation of the restrictions of the license, may impose a class D 3172
license suspension of the license for the period of time specified 3173
in division (B)(4) of section 4510.02 of the Revised Code. 3174

The registrar, upon receiving satisfactory evidence that an 3175
applicant or holder of a commercial driver's license or commercial 3176
driver's license temporary instruction permit has violated 3177
division (A)(4) of section 4506.04 of the Revised Code and 3178
knowingly given false information in any application or 3179
certification required by section 4506.07 of the Revised Code, 3180
shall cancel the person's commercial driver's license ~~of the~~ 3181
~~person~~ or commercial driver's license temporary instruction permit 3182
or any pending application from the person for a commercial 3183
driver's license, commercial driver's license temporary 3184
instruction permit, or class D driver's license for a period of at 3185
least sixty days, during which time no application for a 3186
commercial driver's license, commercial driver's license temporary 3187
instruction permit, or class D driver's license shall be received 3188
from the person. 3189

(E) Whoever violates this section is guilty of a misdemeanor 3190
of the first degree. 3191

Sec. 4506.12. (A) Commercial driver's licenses shall be 3192
issued in the following classes and shall include any endorsements 3193
and restrictions that are applicable. Subject to any such 3194
endorsements and restrictions, the holder of a valid commercial 3195
driver's license may drive all commercial motor vehicles in the 3196
class for which that license is issued and all lesser classes of 3197
vehicles, except that the holder shall not operate a motorcycle 3198

unless the holder is licensed to do so under Chapter 4507. of the 3199
Revised Code. 3200

(B) The classes of commercial driver's licenses and the 3201
commercial motor vehicles that they authorize the operation of are 3202
as follows: 3203

(1) Class A--any combination of vehicles with a combined 3204
gross vehicle weight or combined gross vehicle weight rating of 3205
twenty-six thousand one pounds or more, if the gross vehicle 3206
weight or gross vehicle weight rating of the vehicle or vehicles 3207
being towed is in excess of ten thousand pounds. 3208

(2) Class B--any single vehicle with a gross vehicle weight 3209
or gross vehicle weight rating of twenty-six thousand one pounds 3210
or more or any such vehicle towing a vehicle having a gross 3211
vehicle weight or gross vehicle weight rating that is not in 3212
excess of ten thousand pounds. 3213

(3) Class C--any single vehicle, or combination of vehicles, 3214
that is not a class A or class B vehicle, but that is designed to 3215
transport sixteen or more passengers, including the driver, or is 3216
transporting hazardous materials in an amount requiring 3217
placarding, or any school bus with a gross vehicle weight or gross 3218
vehicle weight rating of less than twenty-six thousand one pounds 3219
that is designed to transport fewer than sixteen passengers 3220
including the driver. 3221

(C) The following endorsements ~~and restrictions~~ apply to 3222
commercial drivers' licenses: 3223

(1) H--authorizes the driver to drive a vehicle transporting 3224
hazardous materials in an amount requiring placarding; 3225

(2) ~~K--restricts the driver to only intrastate operation;~~ 3226

(3) ~~L--restricts the driver to vehicles not equipped with air~~ 3227
~~brakes;~~ 3228

(4) T--authorizes the driver to drive a vehicle configured with double or triple trailers that create more than one articulation point for the combination;	3229 3230 3231
(5) <u>(3)</u> P--authorizes the driver to drive vehicles designed to transport sixteen or more passengers, including the driver;	3232 3233
(6) P1--authorizes the driver to drive class A vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;	3234 3235 3236 3237
(7) P2--authorizes the driver to drive class A or B vehicles designed for fewer than sixteen passengers, including the driver, and all lesser classes of vehicles without restriction as to the designed passenger capacity of the vehicle;	3238 3239 3240 3241
(8) P4--Restricts the driver to driving class C school buses designed to transport fewer than sixteen passengers including the driver.	3242 3243 3244
(9) <u>(4)</u> N--authorizes the driver to drive tank vehicles;	3245
(10) <u>(5)</u> S--authorizes the driver to drive school buses transporting children;	3246 3247
(11) <u>(6)</u> X--authorizes the driver to drive tank vehicles transporting hazardous materials in a quantity requiring placarding;	3248 3249 3250
(12) W--restricts the driver to the operation of commercial motor vehicles in accordance with a waiver for farm related service industries issued under section 4506.24 of the Revised Code;	3251 3252 3253 3254
(13) V--indicates the existence of a medical variance on the driver's commercial driver's license information system driver record.	3255 3256 3257
(D) <u>The following restrictions apply to commercial driver's</u>	3258

<u>licenses:</u>	3259
<u>(1) E--restricts the driver to vehicles equipped with an automatic transmission;</u>	3260 3261
<u>(2) K--restricts the driver to only intrastate operation;</u>	3262
<u>(3) L--restricts the driver to vehicles not equipped with air brakes;</u>	3263 3264
<u>(4) M--restricts the driver from operating class A passenger vehicles;</u>	3265 3266
<u>(5) N--restricts the driver from operating class A and B passenger vehicles;</u>	3267 3268
<u>(6) O--restricts the driver from operating tractor-trailer commercial motor vehicles;</u>	3269 3270
<u>(7) V--indicates the existence of a medical variance on the driver's commercial driver's license information system driver record;</u>	3271 3272 3273
<u>(8) W--restricts the driver to the operation of commercial motor vehicles in accordance with a waiver for farm-related service industries issued under section 4506.24 of the Revised Code;</u>	3274 3275 3276 3277
<u>(9) Z--restricts the driver to vehicles not equipped with full air brakes.</u>	3278 3279
<u>(E) In addition to any endorsement that otherwise may apply, a person who is engaged in the towing of a disabled or wrecked motor vehicle shall hold a commercial driver's license bearing any endorsement required to drive the towed vehicle except the driver is not required to have either of the following:</u>	3280 3281 3282 3283 3284
(1) A passenger endorsement to tow an unoccupied passenger vehicle;	3285 3286
(2) Any endorsement required for the wrecked or disabled	3287

vehicle when the driver initially removes a vehicle from the site	3288
of the emergency where the vehicle became wrecked or disabled to	3289
the nearest appropriate repair, disposal, or storage facility, as	3290
applicable.	3291
<u>(E)(F) The following endorsements apply to commercial</u>	3292
<u>driver's license temporary instruction permits:</u>	3293
<u>(1) N--authorizes the holder to drive tank vehicles;</u>	3294
<u>(2) P--authorizes the permit holder to drive vehicles</u>	3295
<u>designed to transport sixteen or more passengers, including the</u>	3296
<u>driver;</u>	3297
<u>(3) S--authorizes the holder to drive school buses</u>	3298
<u>transporting children.</u>	3299
<u>(G) The following restrictions apply to commercial driver's</u>	3300
<u>license temporary instruction permits:</u>	3301
<u>(1) K--restricts the driver to only intrastate operation;</u>	3302
<u>(2) L--restricts the driver to vehicles not equipped with air</u>	3303
<u>brakes;</u>	3304
<u>(3) M--restricts the driver from operating class A passenger</u>	3305
<u>vehicles;</u>	3306
<u>(4) N--restricts the driver from operating class A and B</u>	3307
<u>passenger vehicles;</u>	3308
<u>(5) P--restricts the driver from transporting passengers in a</u>	3309
<u>commercial motor vehicle bus;</u>	3310
<u>(6) V--indicates the existence of a medical variance on the</u>	3311
<u>driver's commercial driver's license information system driver</u>	3312
<u>record;</u>	3313
<u>(7) X--restricts the driver from transporting cargo in a tank</u>	3314
<u>vehicle.</u>	3315
<u>(H) A commercial driver's license temporary instruction</u>	3316

permit holder shall not have an endorsement other than an 3317
endorsement set forth in division (F) of this section. A 3318
commercial driver's license temporary instruction permit holder 3319
with a tank vehicle (N) endorsement may only operate an empty tank 3320
vehicle, and is prohibited from operating any tank vehicle that 3321
previously contained hazardous materials that have not been purged 3322
from the tank vehicle. A commercial driver's license temporary 3323
instruction permit holder with a passenger (P) or school bus (S) 3324
endorsement is prohibited from operating a school bus or 3325
commercial motor vehicle carrying passengers. 3326

(I) No person shall drive any commercial motor vehicle for 3327
which an endorsement is required under this section unless the 3328
proper endorsement appears on the person's commercial driver's 3329
license or commercial driver's license temporary instruction 3330
permit. No person shall drive a commercial motor vehicle in 3331
violation of a restriction established under this section that 3332
appears on the person's commercial driver's license or commercial 3333
driver's license temporary instruction permit. 3334

~~(F)~~(J)(1) Whoever violates this section is guilty of a 3335
misdemeanor of the first degree. 3336

(2) The offenses established under division (I) of this 3337
section are strict liability offenses and section 2901.20 of the 3338
Revised Code does not apply. The designation of these offenses as 3339
strict liability offenses shall not be construed to imply that any 3340
other offense for which there is no specified degree of 3341
culpability, whether in this section or another section of the 3342
Revised Code, is not a strict liability offense. 3343

Sec. 4506.13. (A) The registrar of motor vehicles may 3344
authorize the highway patrol or any other employee of the 3345
department of public safety to issue an examiner's commercial 3346
examinations passed form to an applicant who has passed the 3347

required examinations. The examiner's commercial examinations 3348
passed form shall be used, ~~once it has been validated,~~ to indicate 3349
the examinations taken and passed by the commercial driver's 3350
license applicant. 3351

(B)(1) Before issuing, renewing, transferring, or upgrading a 3352
commercial driver's license, the registrar of motor vehicles shall 3353
obtain information about the applicant's driving record through 3354
the commercial driver's license information system, the 3355
applicant's state of licensure, and when available, the national 3356
driver register. In addition, ~~beginning January 30, 2012, before~~ 3357
~~issuing, renewing, transferring, or upgrading a commercial~~ 3358
~~driver's license~~ the registrar shall check the applicant's driver 3359
record to ensure that an applicant who self-certified under 3360
division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code 3361
that the applicant's operation of a commercial motor vehicle is 3362
non-excepted interstate, is medically certified. 3363

(2) The registrar shall not issue, renew, upgrade, or 3364
transfer the applicant's commercial driver's license if any of the 3365
following apply: 3366

(a) The registrar obtains adverse information regarding the 3367
applicant's driving record. 3368

(b) There is no information regarding the driver's 3369
self-certification type as required by division (A)~~(2)~~(1) of 3370
section 4506.10 of the Revised Code. 3371

(c) The applicant's medical status is not certified, when 3372
required to be certified under division (A)~~(2)~~(1)(a)(i) of section 3373
4506.10 of the Revised Code. 3374

(3) If the record check reveals information that the 3375
applicant claims is outdated, contested, or invalid, the registrar 3376
shall deny the application until the applicant can resolve the 3377
conflict. 3378

(C)~~(1)~~ Within The registrar shall do all of the following: 3379

(1) Within ten days after issuing a commercial driver's 3380
license, ~~the registrar shall~~ notify the commercial driver's 3381
license information system, when available, of that fact and ~~shall~~ 3382
provide all information required to ensure identification of the 3383
licensee. If the registrar is notified that driver has been issued 3384
a medical variance, the registrar shall indicate the existence of 3385
the medical variance on the commercial driver's license holder's 3386
commercial driver's license information system driver record. 3387

~~(2) Beginning on January 30, 2012, the registrar shall do all~~ 3388
~~of the following:~~ 3389

~~(a)~~ For those ~~driver's~~ drivers self-certifying under division 3390
(A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code as 3391
non-excepted interstate, post the applicant's medical status as 3392
certified or non-certified on the applicant's commercial driver's 3393
license information system driver record upon receiving a valid 3394
original or copy of the medical examiner's certificate; 3395

~~(b)~~(3) Post the driver's self-certification type as set forth 3396
in division (A)~~(2)~~(1) of section 4506.10 of the Revised Code; 3397

~~(c)~~(4) Post information from the medical examiner's 3398
certificate, if applicable, on the commercial driver's license 3399
holder's commercial driver's license information system driver 3400
record within ten business days of issuing the commercial driver's 3401
license; 3402

~~(d)~~(5) Retain the original or a copy of the commercial 3403
driver's license holder's medical certificate for a minimum of 3404
three years after the date the certificate was issued; 3405

~~(3)~~ ~~The registrar shall post~~ (6) Post and maintain as part of 3406
the commercial driver's license information system driver record 3407
all convictions, disqualifications, and other licensing actions 3408
for violations of any state or municipal ordinances related to 3409

motor vehicle traffic control, other than parking violations for 3410
all persons who hold a commercial driver's license or operate a 3411
motor vehicle for which a commercial driver's license is required- 3412

~~(4) Beginning January 30, 2014, the registrar shall post;~~ 3413

(7) Post an applicant's status of medically non-certified on 3414
the applicant's commercial driver's license information system 3415
driver record and ~~shall~~ downgrade the ~~commercial driver's license~~ 3416
~~holder's~~ applicant's commercial driver's license in accordance 3417
with division (D) of this section if either of the following 3418
applies: 3419

(a) The commercial driver's license holder fails to provide 3420
the driver's self-certification type as required by division 3421
(A)~~(2)~~(1) of section 4506.10 of the Revised Code. 3422

(b) The commercial driver's license holder self-certifying 3423
under division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised 3424
Code as non-excepted interstate fails to provide the registrar 3425
with a current medical examiner's certificate. 3426

~~(5) The registrar shall mark~~ (8) Mark the commercial driver's 3427
license information system driver record as non-certified for any 3428
commercial driver's license holder who has not self-certified 3429
under division (A)~~(2)~~(1) of section 4506.10 of the Revised Code by 3430
January 30, 2014 and ~~shall~~ initiate the commercial driver's 3431
license commercial driver's license downgrade procedures described 3432
in division (D) of this section- 3433

~~(6) Beginning on January 30, 2012, within;~~ 3434

(9) Within ten days after a commercial driver's license 3435
holder's medical certification status expires or a medical 3436
variance expires or is rescinded, ~~the registrar shall~~ update the 3437
person's medical certification status to non-certified. ~~Within;~~ 3438

(10) Within ten calendar days after receiving information 3439

from the federal motor carrier safety administration regarding 3440
issuance or renewal of a medical variance for a driver, ~~the~~ 3441
~~registrar shall~~ update the driver's commercial driver's license 3442
information system driver record to include the medical variance 3443
information provided by the federal motor carrier safety 3444
administration. 3445

(D) If a driver's medical certification or medical variance 3446
expires or the federal motor carrier safety administration 3447
notifies the registrar that a medical variance was removed or 3448
rescinded, the registrar shall do the following: 3449

(1) Send notice to the commercial driver's license holder of 3450
the holder's medically not certified status. The notice shall 3451
inform the driver that the driver's commercial driver's license 3452
privileges will be removed unless the driver resolves the medical 3453
certification or medical variance defect by submitting a current 3454
medical certificate or medical variance, as applicable, or 3455
changing the driver's self-certification under division (A)~~(2)~~(1) 3456
of section 4506.10 of the Revised Code to driving only in excepted 3457
interstate or excepted intrastate commerce within sixty days. 3458

(2) Sixty days after the change to a medically not certified 3459
status, if the commercial driver's license holder has not resolved 3460
the medical certification or medical variance defect as described 3461
in division (D)(1) of this section, the registrar shall change the 3462
person's commercial driver's license status to reflect no 3463
commercial driver's license privileges and shall send the person a 3464
second notice informing the person that the commercial driver's 3465
license privilege has been removed from the driver's license ~~and~~ 3466
~~that, unless the driver resolves the medical certification or~~ 3467
~~medical variance defect by submitting a current medical~~ 3468
~~certificate or medical variance, as applicable, or changing the~~ 3469
~~driver's self-certification under division (A)(2) of section~~ 3470
~~4506.10 of the Revised Code to driving only in excepted interstate~~ 3471

~~or excepted intrastate commerce within one hundred eighty days,~~ 3472
~~the person's commercial driver's license will be downgraded to a~~ 3473
~~noncommercial driver's license class of license.~~ 3474

(E) To the extent permitted by federal and state law, the 3475
registrar shall provide records from the commercial driver's 3476
license information system regarding a commercial driver's license 3477
holder or commercial motor vehicle operator to the following 3478
individuals and entities or their authorized agents within ten 3479
days of the receipt of conviction or disqualification information 3480
concerning the holder or operator from another state or within ten 3481
days of the date of conviction or disqualification of the holder 3482
or operator if it occurred in this state, as applicable: 3483

(1) Other states; 3484

(2) The secretary of the United States department of 3485
transportation; 3486

(3) The commercial driver's license holder or commercial 3487
motor vehicle operator referenced in the records; 3488

(4) A motor carrier that is a current or prospective employer 3489
of the commercial driver's license holder or commercial motor 3490
vehicle operator referenced in the records. 3491

Sec. 4506.15. (A) No person who holds a commercial driver's 3492
license or commercial driver's license temporary instruction 3493
permit or who operates a motor vehicle for which a commercial 3494
driver's license or permit is required shall do any of the 3495
following: 3496

(1) Drive a commercial motor vehicle while having a 3497
measurable or detectable amount of alcohol or of a controlled 3498
substance in the person's blood, breath, or urine; 3499

(2) Drive a commercial motor vehicle while having an alcohol 3500
concentration of four-hundredths of one per cent or more by whole 3501

blood or breath;	3502
(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;	3503 3504 3505
(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;	3506 3507 3508
(5) Drive a motor vehicle while under the influence of a controlled substance;	3509 3510
(6) Drive a motor vehicle in violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code;	3511 3512 3513
(7) Use a motor vehicle in the commission of a felony;	3514
(8) Refuse to submit to a test under section 4506.17 or 4511.191 of the Revised Code;	3515 3516
(9) Operate a commercial motor vehicle while the person's <u>commercial driver's license or permit or other</u> commercial driving privileges are revoked, suspended, canceled, or disqualified;	3517 3518 3519
(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;	3520 3521 3522 3523
(11) Fail to stop after an accident in violation of sections 4549.02 to 4549.03 of the Revised Code;	3524 3525
(12) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or ordinance pertaining to railroad-highway grade crossings;	3526 3527 3528 3529
(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a	3530 3531

controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4506.16. (A) Any person who is found to have been convicted of a violation of an out-of-service order shall be disqualified by the registrar of motor vehicles as follows:

(1) If the person has not been convicted previously of a violation of an out-of-service order, the period of disqualification is one hundred eighty days.

(2) If, during any ten-year period, the driver is convicted of a second violation of an out-of-service order in an incident separate from the incident that resulted in the first violation, the period of disqualification is two years.

(3) If, during any ten-year period, the driver is convicted of a third or subsequent violation of an out-of-service order in an incident separate from the incidents that resulted in the previous violations during that ten-year period, the period of disqualification is three years.

(B)(1) A driver is disqualified for one hundred eighty days if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver.

(2) A driver is disqualified for a period of three years if, during any ten-year period, the driver is convicted of a second or subsequent violation, in an incident separate from the incident

that resulted in a previous violation during that ten-year period, 3562
of an out-of-service order while transporting hazardous materials 3563
required to be placarded under that act, or while operating a 3564
motor vehicle designed to transport sixteen or more passengers, 3565
including the driver. 3566

(C) Whoever violates division (A)(1) of section 4506.15 of 3567
the Revised Code or a similar law of another state or a foreign 3568
jurisdiction, immediately shall be placed out-of-service for 3569
twenty-four hours, in addition to any disqualification required by 3570
this section and any other penalty imposed by the Revised Code. 3571

(D) The registrar of motor vehicles shall disqualify any 3572
holder of a commercial driver's license or commercial driver's 3573
license temporary instruction permit, or any operator of a 3574
commercial motor vehicle for which a commercial driver's license 3575
or permit is required, from operating a commercial motor vehicle 3576
as follows: 3577

(1) Upon a first conviction for a violation of any provision 3578
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 3579
or a similar law of another state or a foreign jurisdiction, or 3580
upon a first suspension imposed under section 4511.191 of the 3581
Revised Code or a similar law of another state or foreign 3582
jurisdiction, one year; 3583

(2) Upon a second conviction for a violation of any provision 3584
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 3585
or a similar law of another state or a foreign jurisdiction, or 3586
upon a second suspension imposed under section 4511.191 of the 3587
Revised Code or a similar law of another state or foreign 3588
jurisdiction, or any combination of such violations arising from 3589
two or more separate incidents, the person shall be disqualified 3590
for life or for any other period of time as determined by the 3591
United States secretary of transportation and designated by the 3592
director of public safety by rule; 3593

(3) Upon a first conviction for any of the following	3594
violations while transporting hazardous materials, three years:	3595
(a) Divisions (A)(2) to (12) of section 4506.15 of the	3596
Revised Code;	3597
(b) A similar law of another state or a foreign jurisdiction.	3598
(4) Upon conviction of a violation of division (A)(13) of	3599
section 4506.15 of the Revised Code or a similar law of another	3600
state or a foreign jurisdiction, the person shall be disqualified	3601
for life;	3602
(5)(a) Upon conviction of two serious traffic violations	3603
involving the operation of a commercial motor vehicle by the	3604
person and arising from separate incidents occurring in a	3605
three-year period, the person shall be disqualified for sixty	3606
days, which disqualification shall be imposed consecutively to any	3607
other separate disqualification imposed under division (D)(5) or	3608
(6) of this section;	3609
(b) Upon conviction of three <u>or more</u> serious traffic	3610
violations involving the operation of a commercial motor vehicle	3611
by the person and arising from separate incidents occurring in a	3612
three-year period, the person shall be disqualified for one	3613
hundred twenty days, which disqualification shall be imposed	3614
consecutively to any other separate disqualification imposed under	3615
division (D)(5) or (6) of this section;	3616
(6)(a) Upon conviction of two serious traffic violations	3617
involving the operation of a vehicle other than a commercial motor	3618
vehicle by the person and arising from separate incidents	3619
occurring in a three-year period, the person shall be disqualified	3620
for sixty days if the conviction results in the suspension,	3621
cancellation, or revocation of the holder's commercial driver's	3622
license <u>or commercial driver's license temporary instruction</u>	3623
<u>permit</u> , or noncommercial motor vehicle driving privileges, which	3624

disqualification shall be imposed consecutively to any other 3625
separate disqualification imposed under division (D)(5) or (6) of 3626
this section; 3627

(b) Upon conviction of three or more serious traffic 3628
violations involving the operation of a vehicle other than a 3629
commercial motor vehicle by the person and arising from separate 3630
incidents occurring in a three-year period, the person shall be 3631
disqualified for one hundred twenty days if the conviction results 3632
in the suspension, cancellation, or revocation of the holder's 3633
commercial driver's license or permit, or noncommercial motor 3634
vehicle driving privileges, which disqualification shall be 3635
imposed consecutively to any other separate disqualification 3636
imposed under division (D)(5) or (6) of this section. 3637

(7) Upon a first conviction involving the operation of a 3638
commercial motor vehicle in violation of any provisions of 3639
sections 4511.61 to 4511.63 of the Revised Code or a similar law 3640
of another state or foreign jurisdiction, not less than sixty 3641
days; 3642

(8) Upon a second conviction involving the operation of a 3643
commercial motor vehicle in violation of any provisions of 3644
sections 4511.61 to 4511.63 of the Revised Code or a similar law 3645
of another state or foreign jurisdiction within three years of the 3646
first such conviction, not less than one hundred twenty days; 3647

(9) Upon a third or subsequent conviction involving the 3648
operation of a commercial motor vehicle in violation of any 3649
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 3650
similar law of another state or foreign jurisdiction within three 3651
years of the first such conviction, not less than one year; 3652

(10) Upon receiving notification from the federal motor 3653
carrier safety administration, the registrar immediately, prior to 3654
any hearing, shall disqualify any commercial motor vehicle driver 3655

whose driving is determined to constitute an imminent hazard as 3656
defined under federal motor carrier safety regulation 49 C.F.R. 3657
383.52. 3658

(E) For the purposes of this section, conviction of a 3659
violation for which disqualification is required includes 3660
conviction under any municipal ordinance that is substantially 3661
similar to any section of the Revised Code that is set forth in 3662
division (D) of this section and may be evidenced by any of the 3663
following: 3664

(1) A judgment entry of a court of competent jurisdiction in 3665
this or any other state; 3666

(2) An administrative order of a state agency of this or any 3667
other state having statutory jurisdiction over commercial drivers; 3668

(3) A computer record obtained from or through the commercial 3669
driver's license information system; 3670

(4) A computer record obtained from or through a state agency 3671
of this or any other state having statutory jurisdiction over 3672
commercial drivers or the records of commercial drivers. 3673

(F) For purposes of this section, conviction of disqualifying 3674
offenses committed in a noncommercial motor vehicle are included 3675
if either of the following applies: 3676

(1) The offense occurred after the person obtained the 3677
person's commercial driver's license or commercial driver's 3678
license temporary instruction permit. 3679

(2) The offense occurs on or after September 30, 2005. 3680

(G) If a person commits a serious traffic violation by 3681
operating a commercial motor vehicle without having a commercial 3682
driver's license or commercial driver's license temporary 3683
instruction permit in the person's possession as described in 3684
division ~~(CC)~~(II)(3)(e) of section 4506.01 of the Revised Code and 3685

the person then submits proof to either the enforcement agency 3686
that issued the citation for the violation or to the court with 3687
jurisdiction over the case before the date of the person's initial 3688
appearance that shows that the person held a valid commercial 3689
driver's license or permit at the time of the violation, the 3690
violation shall not be deemed to be a serious traffic violation. 3691

(H) Any record described in division (C) of this section 3692
shall be deemed to be self-authenticating when it is received by 3693
the bureau of motor vehicles. 3694

(I) When disqualifying a driver, the registrar shall cause 3695
the records of the bureau to be updated to reflect that action 3696
within ten days after it occurs. 3697

(J) The registrar immediately shall notify a driver who is 3698
finally convicted of any offense described in section 4506.15 of 3699
the Revised Code or division ~~(B)~~(D)(4), (5), or (6) of this 3700
section and thereby is subject to disqualification, of the offense 3701
or offenses involved, of the length of time for which 3702
disqualification is to be imposed, and that the driver may request 3703
a hearing within thirty days of the mailing of the notice to show 3704
cause why the driver should not be disqualified from operating a 3705
commercial motor vehicle. If a request for such a hearing is not 3706
made within thirty days of the mailing of the notice, the order of 3707
disqualification is final. The registrar may designate hearing 3708
examiners who, after affording all parties reasonable notice, 3709
shall conduct a hearing to determine whether the disqualification 3710
order is supported by reliable evidence. The registrar shall adopt 3711
rules to implement this division. 3712

(K) Any person who is disqualified from operating a 3713
commercial motor vehicle under this section may apply to the 3714
registrar for a driver's license to operate a motor vehicle other 3715
than a commercial motor vehicle, provided the person's commercial 3716
driver's license is not otherwise suspended. A person whose 3717

commercial driver's license is suspended shall not apply to the 3718
registrar for or receive a driver's license under Chapter 4507. of 3719
the Revised Code during the period of suspension. 3720

(L) The disqualifications imposed under this section are in 3721
addition to any other penalty imposed by the Revised Code. 3722

(M) Any conviction for an offense that would lead to 3723
disqualification as specified in this section, whether committed 3724
in a commercial motor vehicle or a vehicle other than a commercial 3725
motor vehicle, shall be counted for the purposes of determining 3726
the number of violations and the appropriate disqualification 3727
period under this section. 3728

Sec. 4506.17. (A) Any person who holds a commercial driver's 3729
license or commercial driver's license temporary instruction 3730
permit, or who operates a commercial motor vehicle requiring a 3731
commercial driver's license or permit within this state, shall be 3732
deemed to have given consent to a test or tests of the person's 3733
whole blood, blood serum or plasma, breath, or urine for the 3734
purpose of determining the person's alcohol concentration or the 3735
presence of any controlled substance or a metabolite of a 3736
controlled substance. 3737

(B) A test or tests as provided in division (A) of this 3738
section may be administered at the direction of a peace officer 3739
having reasonable ground to stop or detain the person and, after 3740
investigating the circumstances surrounding the operation of the 3741
commercial motor vehicle, also having reasonable ground to believe 3742
the person was driving the commercial vehicle while having a 3743
measurable or detectable amount of alcohol or of a controlled 3744
substance or a metabolite of a controlled substance in the 3745
person's whole blood, blood serum or plasma, breath, or urine. Any 3746
such test shall be given within two hours of the time of the 3747
alleged violation. 3748

(C) A person requested by a peace officer to submit to a test 3749
under division (A) of this section shall be advised by the peace 3750
officer ~~requesting the test~~ that a refusal to submit to the test 3751
will result in the person immediately being placed out-of-service 3752
for a period of twenty-four hours and being disqualified from 3753
operating a commercial motor vehicle for a period of not less than 3754
one year, and that the person is required to surrender the 3755
person's commercial driver's license or permit to the peace 3756
officer. 3757

(D) If a person refuses to submit to a test after being 3758
warned as provided in division (C) of this section or submits to a 3759
test that discloses the presence of an amount of alcohol or a 3760
controlled substance prohibited by divisions (A)(1) to (5) of 3761
section 4506.15 of the Revised Code or a metabolite of a 3762
controlled substance, the person immediately shall surrender the 3763
person's commercial driver's license or permit to the peace 3764
officer. The peace officer shall forward the license or permit, 3765
together with a sworn report, to the registrar of motor vehicles 3766
certifying that the test was requested pursuant to division (A) of 3767
this section and that the person either refused to submit to 3768
testing or submitted to a test that disclosed the presence of one 3769
of the prohibited concentrations of a substance listed in 3770
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 3771
a metabolite of a controlled substance. The form and contents of 3772
the report required by this section shall be established by the 3773
registrar by rule, but shall contain the advice to be read to the 3774
driver and a statement to be signed by the driver acknowledging 3775
that the driver has been read the advice and that the form was 3776
shown to the driver. 3777

(E) Upon receipt of a sworn report from a peace officer as 3778
provided in division (D) of this section, or upon receipt of 3779
notification that a person has been disqualified under a similar 3780

law of another state or foreign jurisdiction, the registrar shall 3781
disqualify the person named in the report from driving a 3782
commercial motor vehicle for the period described below: 3783

(1) Upon a first incident, one year; 3784

(2) Upon an incident of refusal or of a prohibited 3785
concentration of alcohol, a controlled substance, or a metabolite 3786
of a controlled substance after one or more previous incidents of 3787
either refusal or of a prohibited concentration of alcohol, a 3788
controlled substance, or a metabolite of a controlled substance, 3789
the person shall be disqualified for life or such lesser period as 3790
prescribed by rule by the registrar. 3791

(F) A test of a person's whole blood or a person's blood 3792
serum or plasma given under this section shall comply with the 3793
applicable provisions of division (D) of section 4511.19 of the 3794
Revised Code and any physician, registered nurse, emergency 3795
medical technician-intermediate, emergency medical 3796
technician-paramedic, or qualified technician, chemist, or 3797
phlebotomist who withdraws whole blood or blood serum or plasma 3798
from a person under this section, and any hospital, first-aid 3799
station, clinic, or other facility at which whole blood or blood 3800
serum or plasma is withdrawn from a person pursuant to this 3801
section, is immune from criminal liability, and from civil 3802
liability that is based upon a claim of assault and battery or 3803
based upon any other claim of malpractice, for any act performed 3804
in withdrawing whole blood or blood serum or plasma from the 3805
person. The immunity provided in this division also extends to an 3806
emergency medical service organization that employs an emergency 3807
medical technician-intermediate or emergency medical 3808
technician-paramedic who withdraws blood under this section. 3809

(G) When a person submits to a test under this section, the 3810
results of the test, at the person's request, shall be made 3811
available to the person, the person's attorney, or the person's 3812

agent, immediately upon completion of the chemical test analysis. 3813
The person also may have an additional test administered by a 3814
physician, a registered nurse, or a qualified technician, chemist, 3815
or phlebotomist of the person's own choosing as provided in 3816
division (D) of section 4511.19 of the Revised Code for tests 3817
administered under that section, and the failure to obtain such a 3818
test has the same effect as in that division. 3819

(H) No person shall refuse to immediately surrender the 3820
person's commercial driver's license or permit to a peace officer 3821
when required to do so by this section. 3822

(I) A peace officer issuing an out-of-service order or 3823
receiving a commercial driver's license or permit surrendered 3824
under this section may remove or arrange for the removal of any 3825
commercial motor vehicle affected by the issuance of that order or 3826
the surrender of that license. 3827

(J)(1) Except for civil actions arising out of the operation 3828
of a motor vehicle and civil actions in which the state is a 3829
plaintiff, no peace officer of any law enforcement agency within 3830
this state is liable in compensatory damages in any civil action 3831
that arises under the Revised Code or common law of this state for 3832
an injury, death, or loss to person or property caused in the 3833
performance of official duties under this section and rules 3834
adopted under this section, unless the officer's actions were 3835
manifestly outside the scope of the officer's employment or 3836
official responsibilities, or unless the officer acted with 3837
malicious purpose, in bad faith, or in a wanton or reckless 3838
manner. 3839

(2) Except for civil actions that arise out of the operation 3840
of a motor vehicle and civil actions in which the state is a 3841
plaintiff, no peace officer of any law enforcement agency within 3842
this state is liable in punitive or exemplary damages in any civil 3843
action that arises under the Revised Code or common law of this 3844

state for any injury, death, or loss to person or property caused 3845
in the performance of official duties under this section of the 3846
Revised Code and rules adopted under this section, unless the 3847
officer's actions were manifestly outside the scope of the 3848
officer's employment or official responsibilities, or unless the 3849
officer acted with malicious purpose, in bad faith, or in a wanton 3850
or reckless manner. 3851

(K) When disqualifying a driver, the registrar shall cause 3852
the records of the bureau of motor vehicles to be updated to 3853
reflect the disqualification within ten days after it occurs. 3854

(L) The registrar immediately shall notify a driver who is 3855
subject to disqualification of the disqualification, of the length 3856
of the disqualification, and that the driver may request a hearing 3857
within thirty days of the mailing of the notice to show cause why 3858
the driver should not be disqualified from operating a commercial 3859
motor vehicle. If a request for such a hearing is not made within 3860
thirty days of the mailing of the notice, the order of 3861
disqualification is final. The registrar may designate hearing 3862
examiners who, after affording all parties reasonable notice, 3863
shall conduct a hearing to determine whether the disqualification 3864
order is supported by reliable evidence. The registrar shall adopt 3865
rules to implement this division. 3866

(M) Any person who is disqualified from operating a 3867
commercial motor vehicle under this section may apply to the 3868
registrar for a driver's license to operate a motor vehicle other 3869
than a commercial motor vehicle, provided the person's commercial 3870
driver's license or permit is not otherwise suspended. A person 3871
whose commercial driver's license or permit is suspended shall not 3872
apply to the registrar for or receive a driver's license under 3873
Chapter 4507. of the Revised Code during the period of suspension. 3874

(N) Whoever violates division (H) of this section is guilty 3875
of a misdemeanor of the first degree. 3876

(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

Sec. 4506.20. (A) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;

(2) The dates the applicant was employed by these employers;

(3) The reason for leaving each of these employers.

(B) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

(1) The driver's commercial driver's license is suspended, revoked, or canceled by any state or a foreign jurisdiction;

(2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;

(3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;

(4) The driver has more than one driver's license.

(C) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of section

4506.15 of the Revised Code. 3906

(D) No employer shall knowingly permit or authorize a driver 3907
to operate a commercial motor vehicle if the driver does not hold 3908
a valid, current commercial driver's license or commercial 3909
driver's license temporary instruction permit bearing the proper 3910
class or endorsements for the vehicle. No employer shall knowingly 3911
permit or authorize a driver to operate a commercial motor vehicle 3912
in violation of the restrictions on the driver's commercial 3913
driver's license or commercial driver's license temporary 3914
instruction permit. 3915

(E)(1) Whoever violates division (A) ~~or~~, (B), or (D) of this 3916
section is guilty of a misdemeanor of the first degree. 3917

(2) Whoever violates division (C) of this section may be 3918
assessed a fine not to exceed ten thousand dollars. 3919

Sec. 4506.21. Within ten days after receiving a report of the 3920
final judgment of a conviction of any nonresident the holder of an 3921
out-of-state commercial driver's license or commercial driver's 3922
license temporary instruction permit in any type of vehicle, or 3923
the conviction of the holder of an out-of-state noncommercial 3924
driver's license in a commercial motor vehicle for a violation of 3925
a state law or local ordinance or resolution relating to traffic 3926
control, other than parking violations, ~~committed in a commercial~~ 3927
~~motor vehicle,~~ the registrar of motor vehicles shall notify the 3928
driver licensing authority in the holder's state or jurisdiction 3929
~~in which the person resides and the driver licensing authority~~ 3930
~~that issued the nonresident's commercial driver's license, if~~ 3931
different from the state of residence of licensure. For purposes 3932
of this section, a judgment of conviction is not final until it is 3933
entered into the court journal by the clerk of courts pursuant to 3934
Rule 32 of the Rules of Criminal Procedure. 3935

Sec. 4507.071. (A) ~~No~~ The registrar of motor vehicles or any 3936
deputy registrar shall not issue a driver's license ~~shall be~~ 3937
~~issued~~ to any person under eighteen years of age, except that the 3938
registrar or a deputy registrar may issue a probationary license 3939
~~may be issued~~ to a person who is at least sixteen years of age and 3940
has held a temporary instruction permit for a period of at least 3941
six months. 3942

(B)(1)~~(a)~~ No holder of a probationary driver's license ~~who~~ 3943
~~has not attained the age of seventeen years~~ shall operate a motor 3944
vehicle upon a highway or any public or private property used by 3945
the public for purposes of vehicular travel or parking between the 3946
hours of midnight and six a.m. unless the holder is accompanied by 3947
the holder's parent or guardian. 3948

~~(b) No holder of a probationary driver's license who has~~ 3949
~~attained the age of seventeen years but has not attained the age~~ 3950
~~of eighteen years shall operate a motor vehicle upon a highway or~~ 3951
~~any public or private property used by the public for purposes of~~ 3952
~~vehicular travel or parking between the hours of one a.m. and five~~ 3953
~~a.m. unless the holder is accompanied by the holder's parent or~~ 3954
~~guardian.~~ 3955

(2)~~(a)~~ Subject to division (D)(1)~~(a)~~ of this section, 3956
division (B)(1)~~(a)~~ of this section does not apply to the holder of 3957
a probationary driver's license who is traveling to or from work 3958
between the hours of midnight and six a.m. and has in the holder's 3959
immediate possession written documentation from the holder's 3960
employer. 3961

~~(b) Division (B)(1)(b) of this section does not apply to the~~ 3962
~~holder of a probationary driver's license who is traveling to or~~ 3963
~~from work between the hours of one a.m. and five a.m. and has in~~ 3964
~~the holder's immediate possession written documentation from the~~ 3965
~~holder's employer.~~ 3966

(3) An employer is not liable in damages in a civil action 3967
for any injury, death, or loss to person or property that 3968
allegedly arises from, or is related to, the fact that the 3969
employer provided an employee who is the holder of a probationary 3970
driver's license with the written documentation described in 3971
division (B)(2) of this section. 3972

The registrar of motor vehicles shall make available at no 3973
cost a form to serve as the written documentation described in 3974
division (B)(2) of this section, and employers and holders of 3975
probationary driver's licenses may utilize that form or may choose 3976
to utilize any other written documentation to meet the 3977
requirements of that division. 3978

(4) No holder of a probationary driver's license ~~who is less~~ 3979
~~than seventeen years of age~~ shall operate a motor vehicle upon a 3980
highway or any public or private property used by the public for 3981
purposes of vehicular travel or parking with more than one person 3982
who is not a family member occupying the vehicle unless the 3983
probationary license holder is accompanied by the probationary 3984
license holder's parent, guardian, or custodian. 3985

(C) It is an affirmative defense to a violation of division 3986
(B)(1)~~(a) or (b)~~ of this section if, at the time of the violation, 3987
the holder of the probationary driver's license was traveling to 3988
or from an official function sponsored by the school the holder 3989
attends, or an emergency existed that required the holder to 3990
operate a motor vehicle in violation of division (B)(1)~~(a) or (b)~~ 3991
of this section, or the holder was an emancipated minor. 3992

(D)(1)~~(a)~~ Except as otherwise provided in division (D)(2) of 3993
this section, ~~if a person is issued~~ who holds a probationary 3994
driver's license ~~prior to attaining the age of seventeen years~~ and 3995
~~the person~~ who pleads guilty to, is convicted of, or is 3996
adjudicated in juvenile court of having committed a moving 3997
violation ~~during the six-month period commencing on the date on~~ 3998

~~which the person is issued the probationary driver's license, the~~ 3999
~~holder must be~~ shall not operate a motor vehicle upon a highway or 4000
any public or private property used by the public for purposes of 4001
vehicular travel or parking unless accompanied by the holder's 4002
parent or guardian ~~whenever the holder is operating a motor~~ 4003
~~vehicle upon a highway or any public or private property used by~~ 4004
~~the public for purposes of vehicular travel or parking during~~ 4005
~~whichever~~ one of the following time periods applies, whichever is 4006
applicable: 4007

~~(i)~~(a) If, on the date the holder of the probationary 4008
driver's license pleads guilty to, is convicted of, or is 4009
adjudicated in juvenile court of having committed the moving 4010
violation, the holder has not attained the age of ~~sixteen~~ 4011
seventeen years six months, during the six-month period commencing 4012
on that date; 4013

~~(ii)~~(b) If, on the date the holder pleads guilty to, is 4014
convicted of, or is adjudicated in juvenile court of having 4015
committed the moving violation, the holder has attained the age of 4016
~~sixteen~~ seventeen years six months but not ~~seventeen~~ eighteen 4017
years, until the person attains the age of ~~seventeen~~ eighteen 4018
years. 4019

~~(b) If the holder of a probationary driver's license commits~~ 4020
~~a moving violation during the six month period after the person is~~ 4021
~~issued the probationary driver's license and before the person~~ 4022
~~attains the age of seventeen years and on the date the person~~ 4023
~~pleads guilty to, is convicted of, or is adjudicated in juvenile~~ 4024
~~court of having committed the moving violation the person has~~ 4025
~~attained the age of seventeen years, or if the person commits the~~ 4026
~~moving violation during the six month period after the person is~~ 4027
~~issued the probationary driver's license and after the person~~ 4028
~~attains the age of seventeen years, the holder is not subject to~~ 4029
~~the restriction described in divisions (D)(1)(a)(i) and (ii) of~~ 4030

~~this section unless the court or juvenile court imposes such a~~ 4031
~~restriction upon the holder.~~ 4032

(2) Any person who is subject to the operating restrictions 4033
established under division (D)(1) of this section as a result of a 4034
first moving violation may petition the court for occupational or 4035
educational driving privileges without being accompanied by the 4036
holder's parent or guardian during the period of time specified in 4037
that division. The court may grant the person such driving 4038
privileges if the court finds reasonable cause to believe that the 4039
restrictions established in division (D)(1) of this section will 4040
seriously affect the person's ability to continue in employment or 4041
educational training or will cause undue hardship on the license 4042
holder or a family member of the license holder. In granting the 4043
driving privileges, the court shall specify the purposes, times, 4044
and places of the privileges and shall issue the person 4045
appropriate forms setting forth the privileges granted. 4046
Occupational or educational driving privileges under ~~this~~ division 4047
(D)(2) of this section shall not be granted to the same person 4048
more than once. If a person is convicted of, pleads guilty to, or 4049
is adjudicated in juvenile court of having committed a second or 4050
subsequent moving violation, any driving privileges previously 4051
granted under this division are terminated upon the subsequent 4052
conviction, plea, or adjudication. 4053

(3) No person shall violate division (D)(1)~~(a)~~ of this 4054
section. 4055

(E) No holder of a probationary license shall operate a motor 4056
vehicle upon a highway or any public or private property used by 4057
the public for purposes of vehicular travel or parking unless the 4058
total number of occupants of the vehicle does not exceed the total 4059
number of occupant restraining devices originally installed in the 4060
motor vehicle by its manufacturer, and each occupant of the 4061
vehicle is wearing all of the available elements of a properly 4062

adjusted occupant restraining device. 4063

(F) A restricted license may be issued to a person who is 4064
fourteen or fifteen years of age upon proof of hardship 4065
satisfactory to the registrar of motor vehicles. 4066

(G) Notwithstanding any other provision of law to the 4067
contrary, no law enforcement officer shall cause the operator of a 4068
motor vehicle being operated on any street or highway to stop the 4069
motor vehicle for the sole purpose of determining whether each 4070
occupant of the motor vehicle is wearing all of the available 4071
elements of a properly adjusted occupant restraining device as 4072
required by division (E) of this section, or for the sole purpose 4073
of issuing a ticket, citation, or summons if the requirement in 4074
that division has been or is being violated, or for causing the 4075
arrest of or commencing a prosecution of a person for a violation 4076
of that requirement. 4077

(H) Notwithstanding any other provision of law to the 4078
contrary, no law enforcement officer shall cause the operator of a 4079
motor vehicle being operated on any street or highway to stop the 4080
motor vehicle for the sole purpose of determining whether a 4081
violation of division (B)(1)(~~a~~) or (~~b~~) of this section has been or 4082
is being committed or for the sole purpose of issuing a ticket, 4083
citation, or summons for such a violation or for causing the 4084
arrest of or commencing a prosecution of a person for such 4085
violation. 4086

(I) As used in this section: 4087

(1) "Occupant restraining device" has the same meaning as in 4088
section 4513.263 of the Revised Code. 4089

(2) "Family member" of a probationary license holder includes 4090
any of the following: 4091

(a) A spouse; 4092

(b) A child or stepchild;	4093
(c) A parent, stepparent, grandparent, or parent-in-law;	4094
(d) An aunt or uncle;	4095
(e) A sibling, whether of the whole or half blood or by adoption, a brother-in-law, or a sister-in-law;	4096 4097
(f) A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;	4098 4099 4100
(g) An eligible adult, as defined in section 4507.05 of the Revised Code.	4101 4102
(3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Revised Code or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.	4103 4104 4105 4106 4107 4108 4109 4110
(J) Whoever violates division (B)(1) or (4), (D)(3), or (E) of this section is guilty of a minor misdemeanor.	4111 4112
Sec. 4507.11. (A) <u>(1)</u> The registrar of motor vehicles shall conduct all necessary examinations of applicants for temporary instruction permits, drivers' licenses, or motorcycle operators' endorsements. The examination shall include a test of the applicant's knowledge of motor vehicle laws, including the laws on <u>governing</u> stopping for school buses, a test of the applicant's physical fitness to drive, and a test of the applicant's ability to understand highway traffic control devices. The <u>registrar may conduct the</u> examination may be conducted in such a manner that applicants who are illiterate or limited in their knowledge of the	4113 4114 4115 4116 4117 4118 4119 4120 4121 4122

English language ~~may be~~ are tested by methods that would indicate 4123
to the examining officer that the applicant has a reasonable 4124
knowledge of motor vehicle laws and understands highway traffic 4125
control devices. ~~An~~ 4126

(2) Except as provided in division (C) of this section, an 4127
applicant for a driver's license shall give an actual 4128
demonstration of the ability to exercise ordinary and reasonable 4129
control in the operation of a motor vehicle by driving ~~the same a~~ 4130
motor vehicle under the supervision of an examining officer. 4131
~~Except~~ The demonstration shall consist of a maneuverability test 4132
and a road test. The director of public safety shall determine the 4133
formats of the tests. In addition, the director may require every 4134
applicant for an initial driver's license to demonstrate the 4135
ability to exercise ordinary and reasonable control in the 4136
operation of a motor vehicle by using a driving simulator under 4137
the supervision of an examining officer. If the director requires 4138
a simulated driving test, the applicant shall successfully 4139
complete such test before taking the required maneuverability and 4140
road tests. 4141

(3) Except as provided in division (B) of this section, an 4142
applicant for a motorcycle operator's endorsement or a restricted 4143
license that permits only the operation of a motorcycle shall give 4144
an actual demonstration of the ability to exercise ordinary and 4145
reasonable control in the operation of a motorcycle by driving ~~the~~ 4146
~~same~~ a motorcycle under the supervision of an examining officer. 4147
~~Except~~ 4148

(4) Except as provided in section 4507.12 of the Revised 4149
Code, the registrar shall designate the highway patrol, any law 4150
enforcement body, or any other employee of the department of 4151
public safety to supervise and conduct examinations for temporary 4152
instruction permits, drivers' licenses, and motorcycle operators' 4153
endorsements and shall provide the necessary rules and forms to 4154

properly conduct the examinations. ~~The A deputy registrar shall~~ 4155
~~forward to the registrar the~~ records of the examinations, together 4156
with the application for a temporary instruction permit, driver's 4157
license, or motorcycle operator's endorsement, ~~shall be forwarded~~ 4158
~~to the registrar by the deputy registrar, and, if.~~ If in the 4159
opinion of the registrar the applicant is qualified to operate a 4160
motor vehicle, the registrar shall issue the permit, license, or 4161
endorsement. 4162

(5) The registrar may authorize the highway patrol, other 4163
designated law enforcement body, or other designated employee of 4164
the department of public safety to issue an examiner's driving 4165
permit to an applicant who has passed the required examination, 4166
authorizing that applicant to operate a motor vehicle while the 4167
registrar is completing an investigation relative to that 4168
applicant's qualifications to receive a temporary instruction 4169
permit, driver's license, or motorcycle operator's endorsement. 4170
The applicant shall keep the examiner's driving permit ~~shall be~~ in 4171
the applicant's immediate possession ~~of the applicant~~ while 4172
operating a motor vehicle ~~and shall be.~~ The examiner's driving 4173
permit is effective until final action and notification has been 4174
given by the registrar, but in no event longer than sixty days 4175
from its date of issuance. 4176

(B)(1) An applicant for a motorcycle operator's endorsement 4177
or a restricted license that permits only the operation of a 4178
motorcycle who presents to the registrar of motor vehicles or a 4179
deputy registrar a form approved by the director of public safety 4180
attesting to the applicant's successful completion within the 4181
preceding sixty days of a course of basic instruction provided by 4182
the motorcycle safety and education program approved by the 4183
director pursuant to section 4508.08 of the Revised Code shall not 4184
be required to give an actual demonstration of the ability to 4185
operate a motorcycle by driving a motorcycle under the supervision 4186

of an examining officer, as described in division (A) of this 4187
section. Upon presentation of the form described in division 4188
(B)(1) of this section and compliance with all other requirements 4189
relating to the issuance of a motorcycle operator's endorsement or 4190
a restricted license that permits only the operation of a 4191
motorcycle, the registrar or deputy registrar shall issue to the 4192
applicant the endorsement or restricted license, as the case may 4193
be. 4194

(2) A person who has not attained eighteen years of age and 4195
presents an application for a motorcycle operator's endorsement or 4196
a restricted license under division (B)(1) of this section also 4197
shall comply with the requirements of section 4507.21 of the 4198
Revised Code. 4199

(C) An applicant for a driver's license who has completed an 4200
advanced driver skills course approved by the director of public 4201
safety pursuant to division (A)(3) of section 4508.02 of the 4202
Revised Code may request a waiver of the maneuverability and road 4203
tests required by division (A) of this section. The applicant 4204
shall submit such a waiver to the registrar or a deputy registrar 4205
in writing. The applicant shall include with the waiver a valid 4206
certificate of completion of the advanced driver skills course 4207
issued by a driver training school in accordance with section 4208
4508.10 of the Revised Code. Upon receipt of a written waiver 4209
request and a valid certificate of completion of the advanced 4210
driver skills course, the registrar shall waive or direct the 4211
deputy registrar to waive the maneuverability and road tests 4212
required by division (A) of this section. 4213

(D) If the director requires applicants for initial driver's 4214
licenses to complete the simulated driving test described in 4215
division (A) of this section, the registrar shall adopt rules 4216
governing the specifications for the driving simulators and the 4217
standards for the simulated driving test. 4218

Sec. 4507.21. (A) Each applicant for a driver's license shall 4219
file an application in the office of the registrar of motor 4220
vehicles or of a deputy registrar. 4221

(B)(1) Each ~~person under eighteen years of age applying~~ 4222
~~applicant~~ for a an initial driver's license ~~issued in this state~~ 4223
shall present satisfactory evidence of having successfully 4224
completed any one of the following: 4225

(a) A driver education course approved by the state 4226
department of education prior to December 31, 2003. 4227

(b) A driver training course approved by the director of 4228
public safety. 4229

(c) A driver training course comparable to a driver education 4230
or driver training course described in division (B)(1)(a) or (b) 4231
of this section and administered by a branch of the armed forces 4232
of the United States and completed by the applicant while residing 4233
outside this state for the purpose of being with or near any 4234
person serving in the armed forces of the United States. 4235

(2) Each person under eighteen years of age applying for a 4236
driver's license ~~also~~ shall present, on a form prescribed by the 4237
registrar, an affidavit signed by an eligible adult attesting that 4238
the person has acquired at least fifty hours of actual driving 4239
experience, with at least ten of those hours being at night. 4240

(C) If the registrar or deputy registrar determines that the 4241
applicant is entitled to the driver's license, it shall be issued. 4242
If the application shows that the applicant's license has been 4243
previously canceled or suspended, the deputy registrar shall 4244
forward the application to the registrar, who shall determine 4245
whether the license shall be granted. 4246

(D) ~~All applications~~ An applicant shall ~~be filed~~ file an 4247
application in duplicate, and the deputy registrar issuing the 4248

license shall immediately forward to the office of the registrar 4249
the original copy of the application, together with the duplicate 4250
copy of the certificate of completion specified under division (B) 4251
of this section, if issued. The registrar shall prescribe rules as 4252
to the manner in which the deputy registrar files and maintains 4253
the applications and other records. The registrar shall file every 4254
application for a driver's or commercial driver's license and 4255
index them by name and number, and shall maintain a suitable 4256
record of all licenses issued, all convictions and bond 4257
forfeitures, all applications for licenses denied, and all 4258
licenses that have been suspended or canceled. 4259

(E) For purposes of section 2313.06 of the Revised Code, the 4260
registrar shall maintain accurate and current lists of the 4261
residents of each county who are eighteen years of age or older, 4262
have been issued, on and after January 1, 1984, driver's or 4263
commercial driver's licenses that are valid and current, and would 4264
be electors if they were registered to vote, regardless of whether 4265
they actually are registered to vote. The lists shall contain the 4266
names, addresses, dates of birth, duration of residence in this 4267
state, citizenship status, and social security numbers, if the 4268
numbers are available, of the licensees, and may contain any other 4269
information that the registrar considers suitable. 4270

(F) Each person under eighteen years of age applying for a 4271
motorcycle operator's endorsement or a restricted license enabling 4272
the applicant to operate a motorcycle shall present satisfactory 4273
evidence of having completed the courses of instruction in the 4274
motorcycle safety and education program described in section 4275
4508.08 of the Revised Code or a comparable course of instruction 4276
administered by a branch of the armed forces of the United States 4277
and completed by the applicant while residing outside this state 4278
for the purpose of being with or near any person serving in the 4279
armed forces of the United States. If the registrar or deputy 4280

registrar then determines that the applicant is entitled to the 4281
endorsement or restricted license, it shall be issued. 4282

(G) In addition to the courses described in division (B)(1) 4283
of this section, a person may complete an advanced driver skills 4284
course approved by the director pursuant to division (A)(3) of 4285
section 4508.02 of the Revised Code. A person who successfully 4286
completes such a course may submit to the registrar or a deputy 4287
registrar the person's valid certificate of completion of the 4288
advanced driver skills course and a written application for a 4289
waiver of the maneuverability and road tests required by division 4290
(A) of section 4507.11 of the Revised Code. 4291

(H) No person shall knowingly make a false statement in an 4292
affidavit presented in accordance with division (B)(2) of this 4293
section. 4294

~~(H)~~(I) As used in this section, "eligible adult" means any of 4295
the following persons: 4296

(1) A parent, guardian, or custodian of the applicant; 4297

(2) A person over the age of twenty-one who acts in loco 4298
parentis of the applicant and who maintains proof of financial 4299
responsibility with respect to the operation of a motor vehicle 4300
owned by the applicant or with respect to the applicant's 4301
operation of any motor vehicle. 4302

~~(I)~~(J) Whoever violates division ~~(G)~~(H) of this section is 4303
guilty of a minor misdemeanor and shall be fined one hundred 4304
dollars. 4305

Sec. 4508.01. As used in this chapter: 4306

(A) "Beginning driver" means any person being trained to 4307
drive a particular motor vehicle who has not been previously 4308
licensed to drive that motor vehicle by any state or country. 4309

(B) "Disabled person" means a person who, in the opinion of 4310

the registrar of motor vehicles, is afflicted with or suffering 4311
from a physical or mental disability or disease that prevents the 4312
person, in the absence of special training or equipment, from 4313
exercising reasonable and ordinary control over a motor vehicle 4314
while operating the vehicle upon the highways. "Disabled person" 4315
does not mean any person who is or has been subject to any 4316
condition resulting in episodic impairment of consciousness or 4317
loss of muscular control and whose condition, in the opinion of 4318
the registrar, is dormant or is sufficiently under medical control 4319
that the person is capable of exercising reasonable and ordinary 4320
control over a motor vehicle. 4321

(C) "Driver training school" or "school" means any of the 4322
following: 4323

(1) A private business enterprise conducted by an individual, 4324
association, partnership, or corporation for the education and 4325
training of persons to operate or drive motor vehicles, that ~~uses~~ 4326
does any of the following: 4327

(a) Uses public streets or highways to provide training, and 4328
~~that~~ charges a consideration or tuition for such services; 4329

(b) Provides an online driver education course approved by 4330
the director of public safety pursuant to division (A)(2) of 4331
section 4508.02 of the Revised Code and charges a consideration or 4332
tuition for the course; 4333

(c) Provides an advanced driver skills course approved by the 4334
director pursuant to division (A)(3) of section 4508.02 of the 4335
Revised Code and charges a consideration or tuition for the 4336
course. 4337

(2) A lead school district as provided in section 4508.09 of 4338
the Revised Code; 4339

(3) A board of education of a city, exempted village, local, 4340
or joint vocational school district or the governing board of an 4341

educational service center that offers a driver education course 4342
for high school students enrolled in the district or in a district 4343
served by the educational service center. 4344

(D) "Instructor" means any person, whether acting for self as 4345
operator of a driver training school or for such a school for 4346
compensation, who teaches, conducts classes of, gives 4347
demonstrations to, or supervises practice of, persons learning to 4348
operate or drive motor vehicles. 4349

(E) "Lead school district" means a school district, including 4350
a joint vocational school district, designated by the department 4351
of education as either a vocational education planning district 4352
itself or as responsible for providing primary vocational 4353
education leadership within a vocational education planning 4354
district that is composed of a group of districts. A "vocational 4355
education planning district" is a school district or group of 4356
school districts designated by the department as responsible for 4357
planning and providing vocational education services to students 4358
within the district or group of districts. 4359

Sec. 4508.02. (A)(1) The director of public safety, subject 4360
to Chapter 119. of the Revised Code, shall adopt and prescribe 4361
such rules concerning the administration and enforcement of this 4362
chapter as are necessary to protect the public. The rules shall 4363
require an assessment of the holder of a probationary instructor 4364
license. The director shall inspect the school facilities and 4365
equipment of applicants and licensees and examine applicants for 4366
instructor's licenses. 4367

(2) The director shall adopt rules governing online driver 4368
education courses that may be completed via the internet to 4369
satisfy the classroom instruction under division (C) of this 4370
section. The rules shall do all of the following: 4371

(a) Establish standards that an online driver training 4372

enterprise must satisfy to be licensed to offer an online driver 4373
education course via the internet, including, at a minimum, proven 4374
expertise in providing driver education and an acceptable 4375
infrastructure capable of providing secure online driver education 4376
in accord with advances in internet technology. The rules shall 4377
allow an online driver training enterprise to be affiliated with a 4378
licensed driver training school offering in-person classroom 4379
instruction, but shall not require such an affiliation. 4380

(b) Establish content requirements that an online driver 4381
education course must satisfy to be approved as equivalent to 4382
twenty-four hours of in-person classroom instruction; 4383

(c) Establish attendance standards, including a maximum 4384
number of course hours that may be completed in a twenty-four-hour 4385
period; 4386

(d) Allow an enrolled applicant to begin the required ~~eight~~ 4387
ten hours of actual behind-the-wheel instruction upon completing 4388
at least two hours of course instruction and being issued a 4389
certificate of enrollment by a licensed online driver training 4390
enterprise; 4391

(e) Establish any other requirements necessary to regulate 4392
online driver education. 4393

(B) The director shall administer and enforce this chapter. 4394

(C) The rules shall require twenty-four hours of in-person 4395
classroom instruction or completion of an approved, equivalent 4396
online driver education course offered via the internet by a 4397
licensed online driver training enterprise, and ~~eight~~ ten hours of 4398
actual behind-the-wheel instruction conducted on public streets 4399
and highways of this state for all beginning drivers of 4400
noncommercial motor vehicles who are under age eighteen. The rules 4401
also shall require the classroom instruction or online driver 4402
education course for such drivers to include instruction in the 4403

dangers of driving a motor vehicle while using an electronic 4404
wireless communications device to write, send, or read a 4405
text-based communication. 4406

(D) The rules shall state the minimum hours for classroom and 4407
behind-the-wheel instruction required for beginning drivers of 4408
commercial trucks, commercial cars, buses, and commercial 4409
tractors, trailers, and semitrailers. 4410

(E)(1) The department of public safety may charge a fee to 4411
each online driver training enterprise in an amount sufficient to 4412
pay the actual expenses the department incurs in the regulation of 4413
online driver education courses. 4414

(2) The department shall supply to each licensed online 4415
driver training enterprise certificates to be used for certifying 4416
an applicant's enrollment in an approved online driver education 4417
course and a separate certificate to be issued upon successful 4418
completion of an approved online driver education course. The 4419
certificates shall be numbered serially. The department may charge 4420
a fee to each online driver training enterprise per certificate 4421
supplied to pay the actual expenses the department incurs in 4422
supplying the certificates. 4423

(F) The director shall adopt rules in accordance with Chapter 4424
119. of the Revised Code governing an advanced driver skills 4425
course that may be completed in order to waive the maneuverability 4426
and road test requirements prescribed in section 4507.11 of the 4427
Revised Code. The director shall ensure that the rules shall do 4428
all of the following: 4429

(a) Establish minimum standards that a driver training school 4430
must meet in order to offer the advanced driver skills course; 4431

(b) Establish minimum standards a person must meet in order 4432
to act as an instructor for the advanced driver skills course; 4433

(c) Establish minimum qualifications and skills required for 4434

student admission to the course; 4435

(d) Establish topics of instruction. The director shall 4436
design the topics to ensure that a person completing the course is 4437
qualified to obtain a driver's license. 4438

(e) Set forth the minimum hours of instruction, which shall 4439
include a combination of classroom and behind-the-wheel 4440
instruction for a minimum of six hours of combined instruction; 4441

(f) Establish requirements for driving exercises, including 4442
exercise dimensions, surface conditions, and runoff areas; 4443

(g) Set forth standards for determining successful completion 4444
of the course. 4445

Sec. 4508.03. (A) No person shall establish a driver training 4446
school ~~shall be established nor any such~~ or continue the operation 4447
of an existing school ~~continued~~ unless the ~~school~~ person applies 4448
for and obtains from the director of public safety a license in 4449
the manner and form prescribed by the director. 4450

The director shall adopt rules ~~shall state that establish~~ the 4451
requirements for a school license, including requirements 4452
concerning location, equipment, courses of instruction, 4453
instructors, previous records of the school and instructors, 4454
financial statements, schedule of fees and charges, character and 4455
reputation of the operators, insurance in the sum and with those 4456
provisions as the director considers necessary to protect 4457
adequately the interests of the public, and any other matters as 4458
the director may prescribe for the protection of the public. The 4459
rules also shall require financial responsibility information as 4460
part of the driver education curriculum. 4461

(B) Any school that offers a driver training program for 4462
disabled persons shall provide specially trained instructors for 4463
the driver training of such persons. No school shall operate a 4464

driver training program for disabled persons after June 30, 1978, 4465
unless it has been licensed for such operation by the director. No 4466
person shall act as a specially trained instructor in a driver 4467
training program for disabled persons operated by a school after 4468
June 30, 1978, unless that person has been licensed by the 4469
director. 4470

(C) The director shall certify instructors to teach driver 4471
training to disabled persons in accordance with training program 4472
requirements established by the department of public safety. 4473

(D) No person shall operate a driver training school unless 4474
the person has a valid license issued by the director under this 4475
section. 4476

(E) Whoever violates division (D) of this section is guilty 4477
of operating a driver training school without a valid license, a 4478
~~minor~~ misdemeanor of the second degree. On a second or subsequent 4479
offense within two years after the first offense, the person is 4480
guilty of a misdemeanor of the ~~fourth~~ first degree. 4481

Sec. 4508.04. (A) No person shall act as a driver training 4482
instructor and on and after June 30, 1978, and no person shall act 4483
as a driver training instructor for disabled persons unless such 4484
person applies for and obtains from the director of public safety 4485
a license in the manner and form prescribed by the director. The 4486
director shall provide by rule for instructors' license 4487
requirements including moral character, physical condition, 4488
knowledge of the courses of instruction, motor vehicle laws and 4489
safety principles, previous personal and employment records, and 4490
such other matters as the director may prescribe for the 4491
protection of the public. Driver training instructors for disabled 4492
persons shall meet such additional requirements and receive such 4493
additional classroom and practical instruction as the director 4494
shall prescribe by rule. 4495

(B)(1) ~~No~~ The director shall not issue a license ~~shall be~~ 4496
~~issued~~ under this section to a person if, within ten years of the 4497
date of application for the license, the person has pleaded guilty 4498
to or been convicted of a felony under the laws of this state or 4499
the comparable laws of another jurisdiction. 4500

(2) ~~No~~ The director shall not issue a license ~~shall be issued~~ 4501
under this section to a person if, within five years of the date 4502
of application for the license, the person has pleaded guilty to 4503
or been convicted of a misdemeanor of the first or second degree 4504
that is reasonably related to the person's fitness to be issued 4505
such a license. 4506

(C) No person shall knowingly make a false statement on a 4507
license application submitted under this section. 4508

(D) Upon successful completion of all requirements for an 4509
initial instructor license, the director shall issue an applicant 4510
a probationary license, which expires one hundred eighty days from 4511
the date of issuance. In order to receive a driver training 4512
instructor license, a person issued a probationary license shall 4513
pass an assessment prescribed in rules adopted by the director 4514
pursuant to section 4508.02 of the Revised Code. The person shall 4515
pass the assessment prior to expiration of the probationary 4516
license. If the person fails to pass the assessment, or fails to 4517
meet any standards required for a driver training instructor 4518
license, the director may extend the expiration date of the 4519
person's probationary license. Upon successful completion of the 4520
assessment and approval of the director, the director shall issue 4521
to the person a driver training instructor license. 4522

(E)(1) Whoever violates division (A) of this section is 4523
guilty of acting as a driver training instructor without a valid 4524
license, a misdemeanor of the ~~fourth~~ first degree. 4525

(2) Whoever violates division (C) of this section may be 4526

charged with falsification under section 2921.13 of the Revised Code. 4527
4528

Sec. 4508.05. All nonprobationary licenses ~~shall~~ expire on 4529
the last day of the calendar year and a person may ~~be renewed~~ 4530
renew such a license upon application to the director of public 4531
safety, either annually or biennially, as prescribed in rules 4532
adopted by the director. ~~Each application~~ An applicant for an 4533
original school license shall ~~be accompanied by~~ include with the 4534
application a fee of two hundred fifty dollars, and ~~each~~ 4535
~~application~~ an applicant for a renewal school license shall ~~be~~ 4536
~~accompanied by~~ include with the application a fee of fifty dollars 4537
for each calendar year. ~~Each application~~ An applicant for an 4538
original instructor's license shall ~~be accompanied by~~ include with 4539
the application a fee of twenty-five dollars, and ~~each application~~ 4540
an applicant for a renewal instructor's license shall ~~be~~ 4541
~~accompanied by~~ include with the application a fee of ten dollars 4542
for each calendar year. ~~Such~~ 4543

Such fees ~~shall be~~ are payable to the treasurer of state and 4544
shall be credited to the state highway safety fund established in 4545
section 4501.06 of the Revised Code. ~~No~~ The director of public 4546
safety shall not refund any license fees ~~shall be refunded~~ in the 4547
event ~~any~~ a license is rejected, suspended, or revoked. 4548

Sec. 4508.06. (A) The director of public safety may refuse to 4549
issue, or may suspend or revoke, a license or may impose a fine of 4550
not more than ten thousand dollars per occurrence in any case in 4551
which the director finds the applicant or licensee has violated 4552
any of the provisions of this chapter, or any of the rules adopted 4553
by the director, or has failed to pay a fine imposed under this 4554
division. No person whose license has been suspended or revoked 4555
under this section shall fail to return the license to the 4556
director. 4557

(B) In addition to the reasons for a suspension under 4558
division (A) of this section, the director may suspend a driver 4559
training instructor license without a prior hearing if the 4560
director believes there exists clear and convincing evidence of 4561
any of the following: 4562

(1) The license holder has engaged in conduct that presents a 4563
clear and present danger to a student or students. 4564

(2) The license holder has engaged in inappropriate contact 4565
with a student. "Inappropriate contact" means any of the 4566
following: 4567

(a) Causing or attempting to cause "physical harm," as 4568
defined in division (A)(3) of section 2901.01 of the Revised Code; 4569

(b) "Sexual activity," as defined in division (C) of section 4570
2907.01 of the Revised Code; 4571

(c) Engaging in any communication, either directly or through 4572
"telecommunication," as defined in division (X) of section 2913.01 4573
of the Revised Code, that is of a sexual nature or intended to 4574
abuse, threaten, or harass the student. 4575

(3) The license holder has been convicted of a felony, or a 4576
misdemeanor that directly relates to the fitness of that person to 4577
provide driving instruction. 4578

(C) In addition to the reasons for a suspension under 4579
division (A) of this section, the director may suspend a driver 4580
training school license without a prior hearing if the director 4581
believes there exists clear and convincing evidence of any of the 4582
following: 4583

(1) There exists a clear and present danger to the health, 4584
safety, or welfare of students should the school be permitted to 4585
continue operation. 4586

(2) At the time the contract for training was signed, there 4587

was no intention to provide training, or no ability to provide 4588
training to students. 4589

(3) The school official(s) knowingly allowed inappropriate 4590
contact, as defined in division (B)(2) of this section, between 4591
instructors and students. 4592

(D) Immediately following a decision to impose a suspension 4593
without a prior hearing under division (B) or (C) of this section, 4594
the director, in accordance with section 119.07 of the Revised 4595
Code, shall issue a written order of suspension, cause it to be 4596
delivered to the license holder, and notify the license holder of 4597
the opportunity for a hearing. If timely requested by the license 4598
holder, a hearing shall be conducted in accordance with Chapter 4599
119. of the Revised Code. 4600

(E) The director shall deposit all fines collected under 4601
division (A) of this section into the state treasury to the credit 4602
of the state highway safety fund created by section 4501.06 of the 4603
Revised Code. 4604

~~(C)~~(F) Whoever fails to return a license that has been 4605
suspended or revoked under division (A), (B), or (C) of this 4606
section is guilty of failing to return a suspended or revoked 4607
license, a minor misdemeanor or, on a second or subsequent offense 4608
within two years after the first offense, a misdemeanor of the 4609
fourth degree. 4610

Sec. 4508.10. (A) A driver training school shall issue a 4611
certificate of completion to each person who successfully 4612
completes a course of instruction necessary to obtain or maintain 4613
a driver's license. The department of public safety shall provide 4614
each driver training school with the certificate of completion 4615
forms. 4616

(B) The fee for each driver's license certificate of 4617

completion provided by the department to a driver training school 4618
is four dollars. A driver training school shall remit payment for 4619
certificates at the time they are requested from the department. 4620
Failure to timely remit payment to the department is grounds for 4621
the director of public safety to take action against the school 4622
pursuant to section 4508.06 of the Revised Code. The director of ~~of~~ 4623
~~public safety~~ shall deposit the fees collected under this section 4624
into the state treasury to the credit of the state highway safety 4625
fund created in section 4501.06 of the Revised Code. 4626

(C) As used in this section, "driver's license" has the same 4627
meaning as in section 4507.01 of the Revised Code. 4628

Sec. 4508.11. The attorney general, the prosecuting attorney 4629
of the county, or the city director of law, upon complaint of the 4630
director of public safety, shall prosecute to termination or bring 4631
an action for injunction against any person violating this chapter 4632
or the rules adopted under it. The court of common pleas in which 4633
an action for an injunction is filed has jurisdiction to grant 4634
injunctive relief upon a showing that the respondent named in the 4635
complaint is in violation of this chapter or the rules adopted 4636
under it. 4637

Sec. 4509.05. (A) Upon request, the registrar of motor 4638
vehicles shall search and furnish a certified abstract of the 4639
following information with respect to any person: 4640

(1) An enumeration of the motor vehicle accidents in which 4641
such person has been involved except accidents certified as 4642
described in division (D) of section 3937.41 of the Revised Code; 4643

(2) Such person's record of convictions for violation of the 4644
motor vehicle laws. 4645

(B) The registrar shall collect for each abstract a fee of 4646
five dollars. 4647

(C) The registrar may permit deputy registrars to perform a search and furnish a certified abstract under this section. A deputy registrar performing this function shall comply with section 4501.27 of the Revised Code concerning the disclosure of personal information, shall collect and transmit to the registrar the five-dollar fee established under division (B) of this section, and may collect and retain a service fee of three dollars and fifty cents.

~~Of each five dollar fee the registrar collects under this division, the~~ The registrar shall pay two dollars each five-dollar fee collected under this section into the state treasury to the credit of the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code, ~~sixty cents into the state treasury to the credit of the trauma and emergency medical services fund established in section 4513.263 of the Revised Code, sixty cents into the state treasury to the credit of the homeland security fund established in section 5502.03 of the Revised Code, thirty cents into the state treasury to the credit of the investigations fund established in section 5502.131 of the Revised Code, one dollar and twenty five cents into the state treasury to the credit of the emergency management agency service and reimbursement fund established in section 5502.39 of the Revised Code, and twenty five cents into the state treasury to the credit of the justice program services fund established in section 5502.67 of the Revised Code.~~

Sec. 4509.101. (A)(1) No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle.

(2) Whoever violates division (A)(1) of this section shall be 4679
subject to the following civil penalties: 4680

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 4681
class (F) suspension of the person's driver's license, commercial 4682
driver's license, temporary instruction permit, probationary 4683
license, or nonresident operating privilege for the period of time 4684
specified in division (B)(6) of section 4510.02 of the Revised 4685
Code and impoundment of the person's license. 4686

(b) If, within five years of the violation, the person's 4687
operating privileges are again suspended and the person's license 4688
again is impounded for a violation of division (A)(1) of this 4689
section, a class C suspension of the person's driver's license, 4690
commercial driver's license, temporary instruction permit, 4691
probationary license, or nonresident operating privilege for the 4692
period of time specified in division (B)(3) of section 4510.02 of 4693
the Revised Code. The court may grant limited driving privileges 4694
to the person only if the person presents proof of financial 4695
responsibility and has complied with division (A)(5) of this 4696
section, and no court may grant limited driving privileges for the 4697
first fifteen days of the suspension. 4698

(c) If, within five years of the violation, the person's 4699
operating privileges are suspended and the person's license is 4700
impounded two or more times for a violation of division (A)(1) of 4701
this section, a class B suspension of the person's driver's 4702
license, commercial driver's license, temporary instruction 4703
permit, probationary license, or nonresident operating privilege 4704
for the period of time specified in division (B)(2) of section 4705
4510.02 of the Revised Code. The court may grant limited driving 4706
privileges to the person only if the person presents proof of 4707
financial responsibility and has complied with division (A)(5) of 4708
this section, except that no court may grant limited driving 4709
privileges for the first thirty days of the suspension. 4710

(d) In addition to the suspension of an owner's license under 4711
division (A)(2)(a), (b), or (c) of this section, the suspension of 4712
the rights of the owner to register the motor vehicle and the 4713
impoundment of the owner's certificate of registration and license 4714
plates until the owner complies with division (A)(5) of this 4715
section. 4716

(3) A person to whom this state has issued a certificate of 4717
registration for a motor vehicle or a license to operate a motor 4718
vehicle or who is determined to have operated any motor vehicle or 4719
permitted the operation in this state of a motor vehicle owned by 4720
the person shall be required to verify the existence of proof of 4721
financial responsibility covering the operation of the motor 4722
vehicle or the person's operation of the motor vehicle under any 4723
of the following circumstances: 4724

(a) The person or a motor vehicle owned by the person is 4725
involved in a traffic accident that requires the filing of an 4726
accident report under section 4509.06 of the Revised Code. 4727

(b) The person receives a traffic ticket indicating that 4728
proof of the maintenance of financial responsibility was not 4729
produced upon the request of a peace officer or state highway 4730
patrol trooper made in accordance with division (D)(2) of this 4731
section. 4732

(c) Whenever, in accordance with rules adopted by the 4733
registrar, the person is randomly selected by the registrar and 4734
requested to provide such verification. 4735

(4) An order of the registrar that suspends and impounds a 4736
license or registration, or both, shall state the date on or 4737
before which the person is required to surrender the person's 4738
license or certificate of registration and license plates. The 4739
person is deemed to have surrendered the license or certificate of 4740
registration and license plates, in compliance with the order, if 4741

the person does either of the following: 4742

(a) On or before the date specified in the order, personally 4743
delivers the license or certificate of registration and license 4744
plates, or causes the delivery of the items, to the registrar; 4745

(b) Mails the license or certificate of registration and 4746
license plates to the registrar in an envelope or container 4747
bearing a postmark showing a date no later than the date specified 4748
in the order. 4749

(5) Except as provided in division (A)(6) or (L) of this 4750
section, the registrar shall not restore any operating privileges 4751
or registration rights suspended under this section, return any 4752
license, certificate of registration, or license plates impounded 4753
under this section, or reissue license plates under section 4754
4503.232 of the Revised Code, if the registrar destroyed the 4755
impounded license plates under that section, or reissue a license 4756
under section 4510.52 of the Revised Code, if the registrar 4757
destroyed the suspended license under that section, unless the 4758
rights are not subject to suspension or revocation under any other 4759
law and unless the person, in addition to complying with all other 4760
conditions required by law for reinstatement of the operating 4761
privileges or registration rights, complies with all of the 4762
following: 4763

(a) Pays to the registrar or an eligible deputy registrar a 4764
financial responsibility reinstatement fee of one hundred dollars 4765
for the first violation of division (A)(1) of this section, three 4766
hundred dollars for a second violation of that division, and six 4767
hundred dollars for a third or subsequent violation of that 4768
division; 4769

(b) If the person has not voluntarily surrendered the 4770
license, certificate, or license plates in compliance with the 4771
order, pays to the registrar or an eligible deputy registrar a 4772

financial responsibility nonvoluntary compliance fee in an amount, 4773
not to exceed fifty dollars, determined by the registrar; 4774

(c) Files and continuously maintains proof of financial 4775
responsibility under sections 4509.44 to 4509.65 of the Revised 4776
Code; 4777

(d) Pays a deputy registrar a service fee of ten dollars to 4778
compensate the deputy registrar for services performed under this 4779
section. The deputy registrar shall retain eight dollars of the 4780
service fee and shall transmit the reinstatement fee, any 4781
nonvoluntary compliance fee, and two dollars of the service fee to 4782
the registrar in the manner the registrar shall determine. 4783

(6) If the registrar issues an order under division (A)(2) of 4784
this section resulting from the failure of a person to respond to 4785
a financial responsibility random verification request under 4786
division (A)(3)(c) of this section and the person successfully 4787
maintains an affirmative defense to a violation of section 4510.16 4788
of the Revised Code or is determined by the registrar or a deputy 4789
registrar to have been in compliance with division (A)(1) of this 4790
section at the time of the initial financial responsibility random 4791
verification request, the registrar shall do both of the 4792
following: 4793

(a) Terminate the order of suspension or impoundment; 4794

(b) Restore the operating privileges and registration rights 4795
of the person without payment of the fees established in divisions 4796
(A)(5)(a) and (b) of this section and without a requirement to 4797
file proof of financial responsibility. 4798

(B)(1) Every party required to file an accident report under 4799
section 4509.06 of the Revised Code also shall include with the 4800
report a document described in division (G)(1) of this section. 4801

If the registrar determines, within forty-five days after the 4802
report is filed, that an operator or owner has violated division 4803

(A)(1) of this section, the registrar shall do all of the 4804
following: 4805

(a) Order the impoundment, with respect to the motor vehicle 4806
involved, required under division (A)(2)(d) of this section, of 4807
the certificate of registration and license plates of any owner 4808
who has violated division (A)(1) of this section; 4809

(b) Order the suspension required under division (A)(2)(a), 4810
(b), or (c) of this section of the license of any operator or 4811
owner who has violated division (A)(1) of this section; 4812

(c) Record the name and address of the person whose 4813
certificate of registration and license plates have been impounded 4814
or are under an order of impoundment, or whose license has been 4815
suspended or is under an order of suspension; the serial number of 4816
the person's license; the serial numbers of the person's 4817
certificate of registration and license plates; and the person's 4818
social security account number, if assigned, or, where the motor 4819
vehicle is used for hire or principally in connection with any 4820
established business, the person's federal taxpayer identification 4821
number. The information shall be recorded in such a manner that it 4822
becomes a part of the person's permanent record, and assists the 4823
registrar in monitoring compliance with the orders of suspension 4824
or impoundment. 4825

(d) Send written notification to every person to whom the 4826
order pertains, at the person's last known address as shown on the 4827
records of the bureau. The person, within ten days after the date 4828
of the mailing of the notification, shall surrender to the 4829
registrar, in a manner set forth in division (A)(4) of this 4830
section, any certificate of registration and registration plates 4831
under an order of impoundment, or any license under an order of 4832
suspension. 4833

(2) The registrar shall issue any order under division (B)(1) 4834

of this section without a hearing. Any person adversely affected 4835
by the order, within ten days after the issuance of the order, may 4836
request an administrative hearing before the registrar, who shall 4837
provide the person with an opportunity for a hearing in accordance 4838
with this paragraph. A request for a hearing does not operate as a 4839
suspension of the order. The scope of the hearing shall be limited 4840
to whether the person in fact demonstrated to the registrar proof 4841
of financial responsibility in accordance with this section. The 4842
registrar shall determine the date, time, and place of any 4843
hearing, provided that the hearing shall be held, and an order 4844
issued or findings made, within thirty days after the registrar 4845
receives a request for a hearing. If requested by the person in 4846
writing, the registrar may designate as the place of hearing the 4847
county seat of the county in which the person resides or a place 4848
within fifty miles of the person's residence. The person shall pay 4849
the cost of the hearing before the registrar, if the registrar's 4850
order of suspension or impoundment is upheld. 4851

(C) Any order of suspension or impoundment issued under this 4852
section or division (B) of section 4509.37 of the Revised Code may 4853
be terminated at any time if the registrar determines upon a 4854
showing of proof of financial responsibility that the operator or 4855
owner of the motor vehicle was in compliance with division (A)(1) 4856
of this section at the time of the traffic offense, motor vehicle 4857
inspection, or accident that resulted in the order against the 4858
person. A determination may be made without a hearing. This 4859
division does not apply unless the person shows good cause for the 4860
person's failure to present satisfactory proof of financial 4861
responsibility to the registrar prior to the issuance of the 4862
order. 4863

(D)(1) For the purpose of enforcing this section, every peace 4864
officer is deemed an agent of the registrar. 4865

(a) Except as provided in division (D)(1)(b) of this section, 4866

any peace officer who, in the performance of the peace officer's 4867
duties as authorized by law, becomes aware of a person whose 4868
license is under an order of suspension, or whose certificate of 4869
registration and license plates are under an order of impoundment, 4870
pursuant to this section, may confiscate the license, certificate 4871
of registration, and license plates, and return them to the 4872
registrar. 4873

(b) Any peace officer who, in the performance of the peace 4874
officer's duties as authorized by law, becomes aware of a person 4875
whose license is under an order of suspension, or whose 4876
certificate of registration and license plates are under an order 4877
of impoundment resulting from failure to respond to a financial 4878
responsibility random verification, shall not, for that reason, 4879
arrest the owner or operator or seize the vehicle or license 4880
plates. Instead, the peace officer shall issue a citation for a 4881
violation of section 4510.16 of the Revised Code specifying the 4882
circumstances as failure to respond to a financial responsibility 4883
random verification. 4884

(2) A peace officer shall request the owner or operator of a 4885
motor vehicle to produce proof of financial responsibility in a 4886
manner described in division (G) of this section at the time the 4887
peace officer acts to enforce the traffic laws of this state and 4888
during motor vehicle inspections conducted pursuant to section 4889
4513.02 of the Revised Code. 4890

(3) A peace officer shall indicate on every traffic ticket 4891
whether the person receiving the traffic ticket produced proof of 4892
the maintenance of financial responsibility in response to the 4893
officer's request under division (D)(2) of this section. The peace 4894
officer shall inform every person who receives a traffic ticket 4895
and who has failed to produce proof of the maintenance of 4896
financial responsibility that the person must submit proof to the 4897
traffic violations bureau with any payment of a fine and costs for 4898

the ticketed violation or, if the person is to appear in court for 4899
the violation, the person must submit proof to the court. 4900

(4)(a) If a person who has failed to produce proof of the 4901
maintenance of financial responsibility appears in court for a 4902
ticketed violation, the court may permit the defendant to present 4903
evidence of proof of financial responsibility to the court at such 4904
time and in such manner as the court determines to be necessary or 4905
appropriate. In a manner prescribed by the registrar, the clerk of 4906
courts shall provide the registrar with the identity of any person 4907
who fails to submit proof of the maintenance of financial 4908
responsibility pursuant to division (D)(3) of this section. 4909

(b) If a person who has failed to produce proof of the 4910
maintenance of financial responsibility also fails to submit that 4911
proof to the traffic violations bureau with payment of a fine and 4912
costs for the ticketed violation, the traffic violations bureau, 4913
in a manner prescribed by the registrar, shall notify the 4914
registrar of the identity of that person. 4915

(5)(a) Upon receiving notice from a clerk of courts or 4916
traffic violations bureau pursuant to division (D)(4) of this 4917
section, the registrar shall order the suspension of the license 4918
of the person required under division (A)(2)(a), (b), or (c) of 4919
this section and the impoundment of the person's certificate of 4920
registration and license plates required under division (A)(2)(d) 4921
of this section, effective thirty days after the date of the 4922
mailing of notification. The registrar also shall notify the 4923
person that the person must present the registrar with proof of 4924
financial responsibility in accordance with this section, 4925
surrender to the registrar the person's certificate of 4926
registration, license plates, and license, or submit a statement 4927
subject to section 2921.13 of the Revised Code that the person did 4928
not operate or permit the operation of the motor vehicle at the 4929
time of the offense. Notification shall be in writing and shall be 4930

sent to the person at the person's last known address as shown on 4931
the records of the bureau of motor vehicles. The person, within 4932
fifteen days after the date of the mailing of notification, shall 4933
present proof of financial responsibility, surrender the 4934
certificate of registration, license plates, and license to the 4935
registrar in a manner set forth in division (A)(4) of this 4936
section, or submit the statement required under this section 4937
together with other information the person considers appropriate. 4938

If the registrar does not receive proof or the person does 4939
not surrender the certificate of registration, license plates, and 4940
license, in accordance with this division, the registrar shall 4941
permit the order for the suspension of the license of the person 4942
and the impoundment of the person's certificate of registration 4943
and license plates to take effect. 4944

(b) In the case of a person who presents, within the 4945
fifteen-day period, documents to show proof of financial 4946
responsibility, the registrar shall terminate the order of 4947
suspension and the impoundment of the registration and license 4948
plates required under division (A)(2)(d) of this section and shall 4949
send written notification to the person, at the person's last 4950
known address as shown on the records of the bureau. 4951

(c) Any person adversely affected by the order of the 4952
registrar under division (D)(5)(a) or (b) of this section, within 4953
ten days after the issuance of the order, may request an 4954
administrative hearing before the registrar, who shall provide the 4955
person with an opportunity for a hearing in accordance with this 4956
paragraph. A request for a hearing does not operate as a 4957
suspension of the order. The scope of the hearing shall be limited 4958
to whether, at the time of the hearing, the person presents proof 4959
of financial responsibility covering the vehicle and whether the 4960
person is eligible for an exemption in accordance with this 4961
section or any rule adopted under it. The registrar shall 4962

determine the date, time, and place of any hearing; provided, that 4963
the hearing shall be held, and an order issued or findings made, 4964
within thirty days after the registrar receives a request for a 4965
hearing. If requested by the person in writing, the registrar may 4966
designate as the place of hearing the county seat of the county in 4967
which the person resides or a place within fifty miles of the 4968
person's residence. Such person shall pay the cost of the hearing 4969
before the registrar, if the registrar's order of suspension or 4970
impoundment under division (D)(5)(a) or (b) of this section is 4971
upheld. 4972

(6) A peace officer may charge an owner or operator of a 4973
motor vehicle with a violation of section 4510.16 of the Revised 4974
Code when the owner or operator fails to show proof of the 4975
maintenance of financial responsibility pursuant to a peace 4976
officer's request under division (D)(2) of this section, if a 4977
check of the owner or operator's driving record indicates that the 4978
owner or operator, at the time of the operation of the motor 4979
vehicle, is required to file and maintain proof of financial 4980
responsibility under section 4509.45 of the Revised Code for a 4981
previous violation of this chapter. 4982

(7) Any forms used by law enforcement agencies in 4983
administering this section shall be prescribed, supplied, and paid 4984
for by the registrar. 4985

(8) No peace officer, law enforcement agency employing a 4986
peace officer, or political subdivision or governmental agency 4987
that employs a peace officer shall be liable in a civil action for 4988
damages or loss to persons arising out of the performance of any 4989
duty required or authorized by this section. 4990

(9) As used in this division and divisions (E) and (G) of 4991
this section, "peace officer" has the meaning set forth in section 4992
2935.01 of the Revised Code. 4993

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the ~~financial responsibility compliance fund~~. The ~~financial responsibility compliance fund shall be~~ state bureau of motor vehicles fund established in section 4501.25 of the Revised Code and used ~~exclusively~~ to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section, ~~except that the director of budget and management may transfer excess money from the financial responsibility compliance fund to the state bureau of motor vehicles fund if the registrar determines that the amount of money in the financial responsibility compliance fund exceeds the amount required to cover such costs incurred by the bureau or a law enforcement agency and requests the director to make the transfer.~~

Of each financial responsibility reinstatement fee the registrar collects pursuant to division (A)(5)(a) of this section or receives from a deputy registrar under division (A)(5)(d) of this section, the registrar shall deposit twenty-five dollars of each one-hundred-dollar reinstatement fee, fifty dollars of each three-hundred-dollar reinstatement fee, and one hundred dollars of each six-hundred-dollar reinstatement fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code.

~~All investment earnings of the financial responsibility compliance fund shall be credited to the fund.~~

(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not

clearly inconsistent with this section. 5026

(G)(1) The registrar, court, traffic violations bureau, or 5027
peace officer may require proof of financial responsibility to be 5028
demonstrated by use of a standard form prescribed by the 5029
registrar. If the use of a standard form is not required, a person 5030
may demonstrate proof of financial responsibility under this 5031
section by presenting to the traffic violations bureau, court, 5032
registrar, or peace officer any of the following documents or a 5033
copy of the documents: 5034

(a) A financial responsibility identification card as 5035
provided in section 4509.103 of the Revised Code; 5036

(b) A certificate of proof of financial responsibility on a 5037
form provided and approved by the registrar for the filing of an 5038
accident report required to be filed under section 4509.06 of the 5039
Revised Code; 5040

(c) A policy of liability insurance, a declaration page of a 5041
policy of liability insurance, or liability bond, if the policy or 5042
bond complies with section 4509.20 or sections 4509.49 to 4509.61 5043
of the Revised Code; 5044

(d) A bond or certification of the issuance of a bond as 5045
provided in section 4509.59 of the Revised Code; 5046

(e) A certificate of deposit of money or securities as 5047
provided in section 4509.62 of the Revised Code; 5048

(f) A certificate of self-insurance as provided in section 5049
4509.72 of the Revised Code. 5050

(2) If a person fails to demonstrate proof of financial 5051
responsibility in a manner described in division (G)(1) of this 5052
section, the person may demonstrate proof of financial 5053
responsibility under this section by any other method that the 5054
court or the bureau, by reason of circumstances in a particular 5055

case, may consider appropriate. 5056

(3) A motor carrier certificated by the interstate commerce 5057
commission or by the public utilities commission may demonstrate 5058
proof of financial responsibility by providing a statement 5059
designating the motor carrier's operating authority and averring 5060
that the insurance coverage required by the certificating 5061
authority is in full force and effect. 5062

(4)(a) A finding by the registrar or court that a person is 5063
covered by proof of financial responsibility in the form of an 5064
insurance policy or surety bond is not binding upon the named 5065
insurer or surety or any of its officers, employees, agents, or 5066
representatives and has no legal effect except for the purpose of 5067
administering this section. 5068

(b) The preparation and delivery of a financial 5069
responsibility identification card or any other document 5070
authorized to be used as proof of financial responsibility under 5071
this division does not do any of the following: 5072

(i) Create any liability or estoppel against an insurer or 5073
surety, or any of its officers, employees, agents, or 5074
representatives; 5075

(ii) Constitute an admission of the existence of, or of any 5076
liability or coverage under, any policy or bond; 5077

(iii) Waive any defenses or counterclaims available to an 5078
insurer, surety, agent, employee, or representative in an action 5079
commenced by an insured or third-party claimant upon a cause of 5080
action alleged to have arisen under an insurance policy or surety 5081
bond or by reason of the preparation and delivery of a document 5082
for use as proof of financial responsibility. 5083

(c) Whenever it is determined by a final judgment in a 5084
judicial proceeding that an insurer or surety, which has been 5085
named on a document accepted by a court or the registrar as proof 5086

of financial responsibility covering the operation of a motor 5087
vehicle at the time of an accident or offense, is not liable to 5088
pay a judgment for injuries or damages resulting from such 5089
operation, the registrar, notwithstanding any previous contrary 5090
finding, shall forthwith suspend the operating privileges and 5091
registration rights of the person against whom the judgment was 5092
rendered as provided in division (A)(2) of this section. 5093

(H) In order for any document described in division (G)(1)(b) 5094
of this section to be used for the demonstration of proof of 5095
financial responsibility under this section, the document shall 5096
state the name of the insured or obligor, the name of the insurer 5097
or surety company, and the effective and expiration dates of the 5098
financial responsibility, and designate by explicit description or 5099
by appropriate reference all motor vehicles covered which may 5100
include a reference to fleet insurance coverage. 5101

(I) For purposes of this section, "owner" does not include a 5102
licensed motor vehicle leasing dealer as defined in section 5103
4517.01 of the Revised Code, but does include a motor vehicle 5104
renting dealer as defined in section 4549.65 of the Revised Code. 5105
Nothing in this section or in section 4509.51 of the Revised Code 5106
shall be construed to prohibit a motor vehicle renting dealer from 5107
entering into a contractual agreement with a person whereby the 5108
person renting the motor vehicle agrees to be solely responsible 5109
for maintaining proof of financial responsibility, in accordance 5110
with this section, with respect to the operation, maintenance, or 5111
use of the motor vehicle during the period of the motor vehicle's 5112
rental. 5113

(J) The purpose of this section is to require the maintenance 5114
of proof of financial responsibility with respect to the operation 5115
of motor vehicles on the highways of this state, so as to minimize 5116
those situations in which persons are not compensated for injuries 5117
and damages sustained in motor vehicle accidents. The general 5118

assembly finds that this section contains reasonable civil 5119
penalties and procedures for achieving this purpose. 5120

(K) Nothing in this section shall be construed to be subject 5121
to section 4509.78 of the Revised Code. 5122

(L)(1) The registrar may terminate any suspension imposed 5123
under this section and not require the owner to comply with 5124
divisions (A)(5)(a), (b), and (c) of this section if the registrar 5125
with or without a hearing determines that the owner of the vehicle 5126
has established by clear and convincing evidence that all of the 5127
following apply: 5128

(a) The owner customarily maintains proof of financial 5129
responsibility. 5130

(b) Proof of financial responsibility was not in effect for 5131
the vehicle on the date in question for one of the following 5132
reasons: 5133

(i) The vehicle was inoperable. 5134

(ii) The vehicle is operated only seasonally, and the date in 5135
question was outside the season of operation. 5136

(iii) A person other than the vehicle owner or driver was at 5137
fault for the lapse of proof of financial responsibility through 5138
no fault of the owner or driver. 5139

(iv) The lapse of proof of financial responsibility was 5140
caused by excusable neglect under circumstances that are not 5141
likely to recur and do not suggest a purpose to evade the 5142
requirements of this chapter. 5143

(2) The registrar may grant an owner or driver relief for a 5144
reason specified in division (L)(1)(b)(i) or (ii) of this section 5145
whenever the owner or driver is randomly selected to verify the 5146
existence of proof of financial responsibility for such a vehicle. 5147
However, the registrar may grant an owner or driver relief for a 5148

reason specified in division (L)(1)(b)(iii) or (iv) of this 5149
section only if the owner or driver has not previously been 5150
granted relief under division (L)(1)(b)(iii) or (iv) of this 5151
section. 5152

(M) The registrar shall adopt rules in accordance with 5153
Chapter 119. of the Revised Code that are necessary to administer 5154
and enforce this section. The rules shall include procedures for 5155
the surrender of license plates upon failure to maintain proof of 5156
financial responsibility and provisions relating to reinstatement 5157
of registration rights, acceptable forms of proof of financial 5158
responsibility, and verification of the existence of financial 5159
responsibility during the period of registration. 5160

Sec. 4509.81. (A) Upon receipt of a notification of violation 5161
as provided in division (C) of section 4509.80 of the Revised 5162
Code; upon failure of a timely surrender of the livery license 5163
plate sticker as required by division (D) of section 4509.80 of 5164
the Revised Code; or if the registrar of motor vehicles, upon 5165
receipt of notification from an insurer of the imminent 5166
cancellation or termination of coverage required by section 5167
4509.80 of the Revised Code, fails to receive evidence of a 5168
continuation or substitution of coverage prior to the cancellation 5169
or termination date, the registrar shall order the immediate 5170
suspension of the rights of the owner of the chauffeured limousine 5171
described in the notice to register the limousine and the 5172
impoundment of the certificate of registration and registration 5173
plates for the limousine. The registrar shall notify the owner 5174
that the owner must surrender the certificate of registration and 5175
registration plates to the registrar. The notification shall be in 5176
writing and sent to the owner at the owner's last known address as 5177
shown in the records of the bureau of motor vehicles. Proceedings 5178
under this section are deemed special, summary statutory 5179
proceedings. 5180

(B) The order of suspension and impoundment of a registration 5181
shall state the date on or before which the owner of the 5182
chauffeured limousine involved is required to surrender the 5183
certificate of registration and registration plates to the 5184
registrar. The owner shall be deemed to have surrendered the 5185
certificate of registration and registration plates if the owner 5186
causes the items to be delivered to the registrar on or before the 5187
date specified in the order or mails the items to the registrar in 5188
an envelope or container bearing a postmark showing a date no 5189
later than the date specified in the order. 5190

(C) The registrar shall not restore any registration rights 5191
suspended under this section, return any certificate of 5192
registration or registration plates impounded under this section, 5193
or reissue registration plates under section 4503.232 of the 5194
Revised Code, if the registrar destroyed the impounded 5195
registration plates under that section, unless those rights are 5196
not subject to suspension under any other law and unless the owner 5197
complies with both of the following: 5198

(1) Pays to the registrar or an eligible deputy registrar a 5199
financial responsibility reinstatement fee of thirty dollars. The 5200
reinstatement fee may be increased, upon approval of the 5201
controlling board, up to an amount not exceeding fifty dollars. In 5202
addition, pays a service fee of ten dollars to each deputy 5203
registrar to compensate the deputy registrar for services 5204
performed under this section. The deputy registrar shall retain 5205
eight dollars of the service fee and shall transmit the 5206
reinstatement fee and two dollars of the service fee to the 5207
registrar in the manner the registrar shall determine. 5208

(2) Files and maintains proof of financial responsibility 5209
under section 4509.80 of the Revised Code. 5210

(D) Any owner adversely affected by the order of the 5211
registrar under this section may, within ten days after the 5212

issuance of the order, request an administrative hearing before 5213
the registrar, who shall provide the owner with an opportunity for 5214
a hearing in accordance with this division. A request for a 5215
hearing does not operate as a suspension of the order unless the 5216
owner establishes to the satisfaction of the registrar that the 5217
operation of the owner's chauffeured limousine will be covered by 5218
proof of financial responsibility during the pendency of the 5219
appeal. The scope of the hearing shall be limited to whether the 5220
owner in fact demonstrated to the registrar proof of financial 5221
responsibility in accordance with section 4509.80 of the Revised 5222
Code. The registrar shall determine the date, time, and place of 5223
any hearing, provided that the hearing shall be held and an order 5224
issued or findings made within thirty days after the registrar 5225
receives a request for a hearing. If requested by the owner in 5226
writing, the registrar may designate as the place of hearing the 5227
county seat of the county in which the owner resides or a place 5228
within fifty miles of the owner's residence. The owner shall pay 5229
the cost of the hearing before the registrar, if the registrar's 5230
order of suspension or impoundment is upheld. 5231

(E) Any order of suspension or impoundment issued under this 5232
section may be terminated at any time if the registrar determines 5233
upon a showing of proof of financial responsibility that the owner 5234
of the limousine was in compliance with section 4509.80 of the 5235
Revised Code at the time of the incident that resulted in the 5236
order against the owner. Such a determination may be made without 5237
a hearing. 5238

(F) All fees ~~except the two dollar service fee~~ transmitted to 5239
the registrar by a deputy registrar, that are collected by the 5240
registrar or transmitted to the registrar under this section shall 5241
be paid into the state treasury to the credit of the ~~financial~~ 5242
~~responsibility compliance~~ state bureau of motor vehicles fund 5243
created by section ~~4509.101~~ 4501.25 of the Revised Code. 5244

(G) Chapter 119. of the Revised Code applies to this section 5245
only to the extent that any provision in that chapter is not 5246
clearly inconsistent with this section. 5247

(H)(1) Proof of financial responsibility may be demonstrated 5248
by any of the methods authorized in section 4509.80 of the Revised 5249
Code. 5250

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the 5251
Revised Code apply to any finding by the registrar under this 5252
section that an owner is covered by proof of financial 5253
responsibility. 5254

Sec. 4511.043. (A)(1) No law enforcement officer who stops 5255
the operator of a motor vehicle in the course of an authorized 5256
sobriety or other motor vehicle checkpoint operation or a motor 5257
vehicle safety inspection shall issue a ticket, citation, or 5258
summons for a secondary traffic offense unless in the course of 5259
the checkpoint operation or safety inspection the officer first 5260
determines that an offense other than a secondary traffic offense 5261
has occurred and either places the operator or a vehicle occupant 5262
under arrest or issues a ticket, citation, or summons to the 5263
operator or a vehicle occupant for an offense other than a 5264
secondary offense. 5265

(2) A law enforcement agency that operates a motor vehicle 5266
checkpoint for an express purpose related to a secondary traffic 5267
offense shall not issue a ticket, citation, or summons for any 5268
secondary traffic offense at such a checkpoint, but may use such a 5269
checkpoint operation to conduct a public awareness campaign and 5270
distribute information. 5271

(B) As used in this section, "secondary traffic offense" 5272
means a violation of division (A) or (F)(2) of section 4507.05, 5273
division (B)(1)~~(a) or (b)~~ or (E) of section 4507.071, division (A) 5274
of section 4511.204, division (C) or (D) of section 4511.81, 5275

division (A)(3) of section 4513.03, or division (B) of section 4513.263 of the Revised Code. 5276
5277

Sec. 4511.206. (A) As used in this section: 5278

(1) "Electronic wireless communications device" has the same meaning as in section 4511.204 of the Revised Code. 5279
5280

(2) "Moving violation" has the same meaning as in section 4510.01 of the Revised Code. 5281
5282

(B) No person shall commit a moving violation while doing either of the following: 5283
5284

(1) Using in any manner an electronic communications device; 5285

(2) Engaging in any activity that is not necessary to the driving of a motor vehicle and impairs, or reasonably would be expected to impair, the ability of the person to drive the motor vehicle safely. 5286
5287
5288
5289

(C) No person shall violate section 2903.06 of the Revised Code while doing either of the following: 5290
5291

(1) Using in any manner an electronic wireless communications device; 5292
5293

(2) Engaging in any activity that is not necessary to the driving of a motor vehicle and impairs, or reasonably would be expected to impair, the ability of the person to drive the motor vehicle safely. 5294
5295
5296
5297

(D) Whoever violates division (B) or (C) of this section is guilty of distracted driving, a misdemeanor. 5298
5299

(E) A person who pleads guilty to or is convicted of distracted driving under division (B) of this section is subject to the following penalties: 5300
5301
5302

(1) A fine of one hundred dollars on a first offense; 5303

(2) A fine of three hundred dollars for a second or 5304
subsequent offense. 5305

The court shall impose the applicable penalty under division 5306
(E) of this section in addition to any penalties the court imposes 5307
for the underlying moving violation. 5308

(F) A person who pleads guilty to or is convicted of 5309
distracted driving under division (C) of this section, is subject 5310
to the following penalties: 5311

(1) A fine that is twice the maximum amount permitted under 5312
the Revised Code for a violation of division (A)(3) of section 5313
2903.06 of the Revised Code; 5314

(2) A jail or prison term that is twice the maximum term 5315
permitted for a violation of division (A)(3) of section 2903.06 of 5316
the Revised Code. 5317

The court shall impose the applicable penalty under division 5318
(F) of this section in addition to any penalties the court imposes 5319
for the violation of section 2903.06 of the Revised Code. 5320

(G) If a law enforcement officer issues a person a ticket, 5321
citation, or summons for a moving violation and also for the 5322
offense of distracted driving, the officer shall specify on the 5323
front side of the ticket, citation, or summons whether the person 5324
is charged with a violation of division (B) of this section. The 5325
person is not permitted to enter a written plea of guilty and 5326
waive the person's right to contest the ticket, citation, or 5327
summons in a trial but instead is required to appear in person in 5328
the proper court to answer the charge. 5329

(H) The offenses established under this section are strict 5330
liability offenses and section 2901.20 of the Revised Code does 5331
not apply. The designation of these offenses as strict liability 5332
offenses shall not be construed to imply that any other offense, 5333
for which there is no specified degree of culpability, is not a 5334

strict liability offense. 5335

(I) There is hereby created in the state treasury the driver 5336
education fund. All fines collected pursuant to this section shall 5337
be deposited into the state treasury to the credit of the fund. 5338
The department of public safety shall use all money in the fund to 5339
pay for the driver safety activities and programs of the 5340
department, as prescribed in rules the department shall adopt in 5341
accordance with Chapter 119. of the Revised Code. 5342

Sec. 4513.263. (A) As used in this section and in section 5343
4513.99 of the Revised Code: 5344

(1) "Automobile" means any commercial tractor, passenger car, 5345
commercial car, or truck that is required to be factory-equipped 5346
with an occupant restraining device for the operator or any 5347
passenger by regulations adopted by the United States secretary of 5348
transportation pursuant to the "National Traffic and Motor Vehicle 5349
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 5350

(2) "Occupant restraining device" means a seat safety belt, 5351
shoulder belt, harness, or other safety device for restraining a 5352
person who is an operator of or passenger in an automobile and 5353
that satisfies the minimum federal vehicle safety standards 5354
established by the United States department of transportation. 5355

(3) "Passenger" means any person in an automobile, other than 5356
its operator, who is occupying a seating position for which an 5357
occupant restraining device is provided. 5358

(4) "Commercial tractor," "passenger car," and "commercial 5359
car" have the same meanings as in section 4501.01 of the Revised 5360
Code. 5361

(5) "Vehicle" and "motor vehicle," as used in the definitions 5362
of the terms set forth in division (A)(4) of this section, have 5363
the same meanings as in section 4511.01 of the Revised Code. 5364

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

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

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

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

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

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

(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code to be secured in a child restraint device or booster seat. Division (B)(1) of this section does not apply to a person who is an employee of the United States postal service or of a newspaper

home delivery service, during any period in which the person is 5396
engaged in the operation of an automobile to deliver mail or 5397
newspapers to addressees. Divisions (B)(1) and (3) of this section 5398
do not apply to a person who has an affidavit signed by a 5399
physician licensed to practice in this state under Chapter 4731. 5400
of the Revised Code or a chiropractor licensed to practice in this 5401
state under Chapter 4734. of the Revised Code that states that the 5402
person has a physical impairment that makes use of an occupant 5403
restraining device impossible or impractical. 5404

(D) Notwithstanding any provision of law to the contrary, no 5405
law enforcement officer shall cause an operator of an automobile 5406
being operated on any street or highway to stop the automobile for 5407
the sole purpose of determining whether a violation of division 5408
(B) of this section has been or is being committed or for the sole 5409
purpose of issuing a ticket, citation, or summons for a violation 5410
of that nature or causing the arrest of or commencing a 5411
prosecution of a person for a violation of that nature, and no law 5412
enforcement officer shall view the interior or visually inspect 5413
any automobile being operated on any street or highway for the 5414
sole purpose of determining whether a violation of that nature has 5415
been or is being committed. 5416

(E) All fines collected for violations of division (B) of 5417
this section, or for violations of any ordinance or resolution of 5418
a political subdivision that is substantively comparable to that 5419
division, shall be forwarded to the treasurer of state for deposit 5420
into the state treasury to the credit of the trauma and emergency 5421
medical services fund, which is hereby created. In addition, ~~sixty~~ 5422
~~cents of each fee collected under sections 4501.34, 4503.26,~~ 5423
~~4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as~~ 5424
~~specified in those sections, plus~~ the portion of the driver's 5425
license reinstatement fee described in division (F)(2)(g) of 5426
section 4511.191 of the Revised Code, plus all fees collected 5427

under section 4765.11 of the Revised Code, plus all fines imposed 5428
under section 4765.55 of the Revised Code, plus the fees and other 5429
moneys specified in section 4766.05 of the Revised Code, and plus 5430
five per cent of fines and moneys arising from bail forfeitures as 5431
directed by section 5503.04 of the Revised Code, also shall be 5432
deposited into the trauma and emergency medical services fund. All 5433
money deposited into the trauma and emergency medical services 5434
fund shall be used by the department of public safety for the 5435
administration and operation of the division of emergency medical 5436
services and the state board of emergency medical, fire, and 5437
transportation services, and by the state board of emergency 5438
medical, fire, and transportation services to make grants, in 5439
accordance with section 4765.07 of the Revised Code and rules the 5440
board adopts under section 4765.11 of the Revised Code. The 5441
director of budget and management may transfer excess money from 5442
the trauma and emergency medical services fund to the state 5443
highway safety fund if the director of public safety determines 5444
that the amount of money in the trauma and emergency medical 5445
services fund exceeds the amount required to cover such costs 5446
incurred by the emergency medical services agency and the grants 5447
made by the state board of emergency medical, fire, and 5448
transportation services and requests the director of budget and 5449
management to make the transfer. 5450

(F)(1) Subject to division (F)(2) of this section, the 5451
failure of a person to wear all of the available elements of a 5452
properly adjusted occupant restraining device in violation of 5453
division (B)(1) or (3) of this section or the failure of a person 5454
to ensure that each minor who is a passenger of an automobile 5455
being operated by that person is wearing all of the available 5456
elements of a properly adjusted occupant restraining device in 5457
violation of division (B)(2) of this section shall not be 5458
considered or used by the trier of fact in a tort action as 5459
evidence of negligence or contributory negligence. But, the trier 5460

of fact may determine based on evidence admitted consistent with 5461
the Ohio Rules of Evidence that the failure contributed to the 5462
harm alleged in the tort action and may diminish a recovery of 5463
compensatory damages that represents noneconomic loss, as defined 5464
in section 2307.011 of the Revised Code, in a tort action that 5465
could have been recovered but for the plaintiff's failure to wear 5466
all of the available elements of a properly adjusted occupant 5467
restraining device. Evidence of that failure shall not be used as 5468
a basis for a criminal prosecution of the person other than a 5469
prosecution for a violation of this section; and shall not be 5470
admissible as evidence in a criminal action involving the person 5471
other than a prosecution for a violation of this section. 5472

(2) If, at the time of an accident involving a passenger car 5473
equipped with occupant restraining devices, any occupant of the 5474
passenger car who sustained injury or death was not wearing an 5475
available occupant restraining device, was not wearing all of the 5476
available elements of such a device, or was not wearing such a 5477
device as properly adjusted, then, consistent with the Rules of 5478
Evidence, the fact that the occupant was not wearing the available 5479
occupant restraining device, was not wearing all of the available 5480
elements of such a device, or was not wearing such a device as 5481
properly adjusted is admissible in evidence in relation to any 5482
claim for relief in a tort action to the extent that the claim for 5483
relief satisfies all of the following: 5484

(a) It seeks to recover damages for injury or death to the 5485
occupant. 5486

(b) The defendant in question is the manufacturer, designer, 5487
distributor, or seller of the passenger car. 5488

(c) The claim for relief against the defendant in question is 5489
that the injury or death sustained by the occupant was enhanced or 5490
aggravated by some design defect in the passenger car or that the 5491
passenger car was not crashworthy. 5492

(G)(1) Whoever violates division (B)(1) of this section shall 5493
be fined thirty dollars. 5494

(2) Whoever violates division (B)(3) of this section shall be 5495
fined twenty dollars. 5496

(3) Except as otherwise provided in this division, whoever 5497
violates division (B)(4) of this section is guilty of a minor 5498
misdemeanor. If the offender previously has been convicted of or 5499
pleaded guilty to a violation of division (B)(4) of this section, 5500
whoever violates division (B)(4) of this section is guilty of a 5501
misdemeanor of the third degree. 5502

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 5503
shall charge and retain fees as follows: 5504

(a) Fifteen dollars for each certificate of title or 5505
duplicate certificate of title including the issuance of a 5506
memorandum certificate of title, authorization to print a 5507
non-negotiable evidence of ownership described in division (D) of 5508
section 4519.58 of the Revised Code, non-negotiable evidence of 5509
ownership printed by the clerk under division (E) of that section, 5510
and notation of any lien on a certificate of title that is applied 5511
for at the same time as the certificate of title. The clerk shall 5512
retain eleven dollars and fifty cents of that fee for each 5513
certificate of title when there is a notation of a lien or 5514
security interest on the certificate of title, twelve dollars and 5515
twenty-five cents when there is no lien or security interest noted 5516
on the certificate of title, and eleven dollars and fifty cents 5517
for each duplicate certificate of title. 5518

(b) Five dollars for each certificate of title with no 5519
security interest noted that is issued to a licensed motor vehicle 5520
dealer for resale purposes. The clerk shall retain two dollars and 5521
twenty-five cents of that fee. 5522

(c) Five dollars for each memorandum certificate of title or 5523
non-negotiable evidence of ownership that is applied for 5524
separately. The clerk shall retain that entire fee. 5525

(2) The fees that are not retained by the clerk shall be paid 5526
to the registrar of motor vehicles by monthly returns, which shall 5527
be forwarded to the registrar not later than the fifth day of the 5528
month next succeeding that in which the certificate is forwarded 5529
or that in which the registrar is notified of a lien or 5530
cancellation of a lien. 5531

(B)(1) The registrar shall pay ~~twenty-five~~ twenty-nine cents 5532
of the amount received for each certificate of title that is 5533
issued to a motor vehicle dealer for resale, one dollar and four 5534
cents for certificates of title issued with a lien or security 5535
interest noted on the certificate of title, and ~~twenty-five~~ 5536
twenty-nine cents for each certificate of title with no lien or 5537
security interest noted on the certificate of title into the state 5538
bureau of motor vehicles fund established in section 4501.25 of 5539
the Revised Code. 5540

(2) ~~Fifty~~ Forty-six cents of the amount received for each 5541
certificate of title shall be paid by the registrar as follows: 5542

(a) ~~Four cents shall be paid into the state treasury to the~~ 5543
~~credit of the motor vehicle dealers board fund created in section~~ 5544
~~4505.09 of the Revised Code, for use as described in division~~ 5545
~~(B)(2)(a) of that section.~~ 5546

~~(b)~~ Twenty-one cents shall be paid into the highway operating 5547
fund. 5548

~~(c)~~ (b) Twenty-five cents shall be paid into the state 5549
treasury to the credit of the motor vehicle sales audit fund 5550
created in section 4505.09 of the Revised Code, for use as 5551
described in division (B)(2)(c) of that section. 5552

(3) Two dollars of the amount received by the registrar for 5553

each certificate of title shall be paid into the state treasury to 5554
the credit of the automated title processing fund created in 5555
section 4505.09 of the Revised Code, for use as described in 5556
divisions (B)(3)(a) and (c) of that section. 5557

Sec. 4519.63. (A) The registrar of motor vehicles or the 5558
clerk of the court of common pleas, upon the application of any 5559
person and payment of the proper fee, may prepare and furnish 5560
title information regarding off-highway motorcycles and 5561
all-purpose vehicles in the form and subject to any territorial 5562
division or other classification as they may direct. The registrar 5563
or the clerk may search the records of the bureau of motor 5564
vehicles regarding off-highway motorcycles and all-purpose 5565
vehicles and furnish reports of those records under the signature 5566
of the registrar or the clerk. 5567

(B)(1) Fees for lists containing title information shall be 5568
charged and collected as follows: 5569

(a) For lists containing three thousand titles or more, 5570
twenty-five dollars per thousand or part thereof; 5571

(b) For each report of a search of the records, ~~two dollars~~ 5572
~~per copy except that on and after October 1, 2009, the fee shall~~ 5573
~~be~~ is five dollars per copy. The registrar and clerk may certify 5574
copies of records generated by an automated title processing 5575
system. 5576

(2) A copy of any such report shall be taken as prima-facie 5577
evidence of the facts therein stated in any court of the state. 5578
The registrar and the clerk shall furnish information on any title 5579
without charge to state highway patrol troopers, sheriffs, chiefs 5580
of police, or the attorney general. The clerk also may provide a 5581
copy of a certificate of title to a public agency without charge. 5582

(C)(1) Those fees collected by the registrar as provided in 5583

division (B)(1)(a) of this section shall be paid to the treasurer 5584
of state to the credit of the state bureau of motor vehicles fund 5585
established in section 4501.25 of the Revised Code. Those fees 5586
collected by the clerk as provided in division (B)(1)(a) of this 5587
section shall be paid to the certificate of title administration 5588
fund created by section 325.33 of the Revised Code. 5589

~~(2) Prior to October 1, 2009, the registrar shall pay those 5590
fees the registrar collects under division (B)(1)(b) of this 5591
section into the state treasury to the credit of the state bureau 5592
of motor vehicles fund established in section 4501.25 of the 5593
Revised Code. Prior to October 1, 2009, the clerk shall pay those 5594
fees the clerk collects under division (B)(1)(b) of this section 5595
to the certificate of title administration fund created by section 5596
325.33 of the Revised Code. 5597~~

~~(3) On and after October 1, 2009, the The registrar shall pay 5598
two dollars of each five-dollar fee the registrar collects under 5599
division (B)(1)(b) of this section into the state treasury to the 5600
credit of the state bureau of motor vehicles fund established in 5601
section 4501.25 of the Revised Code. ~~Of the remaining three 5602
dollars of each such fee the registrar collects, the registrar 5603
shall deposit sixty cents into the state treasury to the credit of 5604
the trauma and emergency medical services fund established in 5605
section 4513.263 of the Revised Code, sixty cents into the state 5606
treasury to the credit of the homeland security fund established 5607
under section 5502.03 of the Revised Code, thirty cents into the 5608
state treasury to the credit of the investigations fund 5609
established in section 5502.131 of the Revised Code, one dollar 5610
and twenty five cents into the state treasury to the credit of the 5611
emergency management agency service and reimbursement fund 5612
established in section 5502.39 of the Revised Code, and 5613
twenty five cents into the state treasury to the credit of the 5614
justice program services fund established in section 5502.67 of 5615~~~~

~~the Revised Code.~~ 5616

~~(4) On and after October 1, 2009, the (3) The~~ clerk of the 5617
court of common pleas shall retain two dollars of each fee the 5618
clerk collects under division (B)(1)(b) of this section and 5619
deposit that two dollars into the certificate of title 5620
administration fund created by section 325.33 of the Revised Code. 5621
The clerk shall forward the remaining three dollars to the 5622
registrar not later than the fifth day of the month next 5623
succeeding that in which the transaction occurred. ~~Of that~~ 5624
~~remaining three dollars, the~~ The registrar shall deposit ~~sixty~~ 5625
~~cents~~ the three-dollar portion of each fee into the state treasury 5626
to the credit of the ~~trauma and emergency medical services~~ state 5627
bureau of motor vehicles fund established in section ~~4513.263~~ 5628
4501.25 of the Revised Code, ~~sixty cents into the state treasury~~ 5629
~~to the credit of the homeland security fund established under~~ 5630
~~section 5502.03 of the Revised Code, thirty cents into the state~~ 5631
~~treasury to the credit of the investigations fund established in~~ 5632
~~section 5502.131 of the Revised Code, one dollar and twenty five~~ 5633
~~cents into the state treasury to the credit of the emergency~~ 5634
~~management agency service and reimbursement fund established in~~ 5635
~~section 5502.39 of the Revised Code, and twenty five cents into~~ 5636
~~the state treasury to the credit of the justice program services~~ 5637
~~fund established in section 5502.67 of the Revised Code.~~ 5638

Sec. 4749.07. (A) After refund of any license fees as 5639
required by section 4749.03 of the Revised Code, the department of 5640
public safety shall pay all fees and penalties received pursuant 5641
to this chapter to the treasurer of state, to be credited to the 5642
private investigator and security guard provider fund, which is 5643
hereby created. 5644

(B) Moneys received in payment of fines levied pursuant to 5645
section 4749.99 of the Revised Code shall be distributed as 5646

follows:	5647
(1) One-third to the general fund of the municipal corporation or township in which the prosecution occurs;	5648 5649
(2) One-third to the general fund of the county in which the prosecution occurs;	5650 5651
(3) One-third to the private investigator and security guard provider fund.	5652 5653
Sec. 5501.03. (A) The department of transportation shall:	5654
(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;	5655 5656 5657 5658
(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;	5659 5660 5661 5662 5663 5664
(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;	5665 5666 5667 5668 5669
(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;	5670 5671 5672 5673
(5) Cooperate with and assist the Ohio power siting board in the board's administration of Chapter 4906. of the Revised Code;	5674 5675

(6) Give particular consideration to the development of 5676
policy and planning for public transportation facilities, and to 5677
the coordination of associated activities relating thereto, as 5678
prescribed under divisions (A)(2) and (3) of this section; 5679

(7) Conduct, in cooperation with the Ohio legislative service 5680
commission, any studies or comparisons of state traffic laws and 5681
local traffic ordinances with model laws and ordinances that may 5682
be required to meet program standards adopted by the United States 5683
department of transportation pursuant to the "Highway Safety Act 5684
of 1966," 80 Stat. 731, U.S.C.A. 401; 5685

(8) Prepare, print, distribute, and advertise books, maps, 5686
pamphlets, and other information that, in the judgment of the 5687
director, will inform the public and other governmental 5688
departments, agencies, and authorities as to the duties, powers, 5689
and functions of the department; 5690

(9) In its research and development program, consider 5691
technologies for improving safety, mobility, aviation and aviation 5692
education, transportation facilities, roadways, including 5693
construction techniques and materials to prolong project life, 5694
being used or developed by other states that have geographic, 5695
geologic, or climatic features similar to this state's, and 5696
collaborate with those states in that development. 5697

(B) Nothing contained in this section shall be held to in any 5698
manner affect, limit, restrict, or otherwise interfere with the 5699
exercise of powers relating to transportation facilities by 5700
appropriate agencies of the federal government, or by counties, 5701
municipal corporations, or other political subdivisions or special 5702
districts in this state authorized by law to exercise such powers. 5703

(C) The department may use all appropriate sources of revenue 5704
to assist in the development and implementation of rail service as 5705
defined by division (C) of section ~~4981.01~~ 5501.57 of the Revised 5706

Code. 5707

(D) The director of transportation may enter into contracts 5708
with public agencies including political subdivisions, other state 5709
agencies, boards, commissions, regional transit authorities, 5710
county transit boards, and port authorities, to administer the 5711
design, qualification of bidders, competitive bid letting, 5712
construction inspection, research, and acceptance of any projects 5713
or transportation facilities administered by the department, 5714
provided the administration of such projects or transportation 5715
facilities is performed in accordance with all applicable state 5716
and federal laws and regulations with oversight by the department. 5717

(E) The director may enter into cooperative or contractual 5718
agreements with any individual, organization, or business related 5719
to the creation or promotion of a traveler information program. 5720
The traveler information program shall provide real-time traffic 5721
conditions and travel time information to travelers by telephone, 5722
text message, internet, or other similar means at no cost to the 5723
traveler. The director may contract with a program manager for the 5724
traveler information program. The program manager shall be 5725
responsible for all costs associated with the development and 5726
operation of the traveler information program. The compensation 5727
due to a program manager or vendor under any of these agreements 5728
may include deferred compensation in an amount determined by the 5729
director. Excess revenue shall be remitted to the department for 5730
deposit into the highway operating fund. 5731

(F) Any materials or data submitted to, made available to, or 5732
received by the director of transportation, to the extent that the 5733
materials or data consist of trade secrets, as defined in section 5734
1333.61 of the Revised Code, or commercial or financial 5735
information, are confidential and are not public records for the 5736
purposes of section 149.43 of the Revised Code. 5737

Sec. 5501.55. (A) The department of transportation is the 5738
designated state agency responsible for overseeing the safety 5739
practices of rail fixed guideway systems and the administration of 5740
49 U.S.C. 5329 and 5330. The director of transportation shall 5741
develop any guidelines necessary to oversee the safety practices 5742
of rail fixed guideway systems that are consistent with the 5743
federal act and rules adopted thereunder. 5744

(B) In accordance with guidelines developed by the director, 5745
the department shall do all of the following: 5746

(1) Establish a safety program ~~plan~~ documentation standard 5747
for transit agencies operating ~~a~~, implementing, or significantly 5748
enhancing an applicable rail fixed guideway system within the 5749
state; 5750

(2) ~~Adopt~~ Oversee adoption of standards and oversee 5751
enforcement of laws for the personal safety and security of 5752
passengers and employees of rail fixed guideway systems; 5753

(3) Review and approve or disapprove the annual internal 5754
safety audit conducted by a transit agency under section 5501.56 5755
of the Revised Code; 5756

(4) Periodically, conduct an on-site safety review of each 5757
transit agency safety program based on the agency's safety program 5758
documentation and make recommendations ~~based on the review of~~ for 5759
changes or enhancements to the ~~system~~ transit agency safety 5760
program ~~plan~~; 5761

(5)(a) Establish procedures for the investigation of 5762
accidents and ~~unacceptable~~ hazardous conditions, and for 5763
coordinating and addressing immediate conditions at a transit 5764
agency, as defined in the guidelines developed by the director; 5765

(b) Investigate accidents and ~~unacceptable~~ hazardous 5766
conditions at transit agencies; 5767

(c) Approve or disapprove any corrective action plan of a transit agency intended to minimize, control, correct, or eliminate any investigated hazard; 5768
5769
5770

(d) Enforce the correction of identified hazardous conditions and plans to minimize, control, correct, or eliminate those identified hazardous conditions in a timely manner agreed upon within corrective action plans. 5771
5772
5773
5774

(6) Submit to the federal transit administration any reports or other information necessary to remain in compliance with 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ thereunder; 5775
5776
5777

(7) Approve or disapprove, oversee, and enforce the development, updating, and implementation of the transit agency's public transportation safety plan as defined and required by the federal transit administration. 5778
5779
5780
5781

(C) The department may use a contractor to act on its behalf in carrying out the duties of the ~~Department~~ department under this section and section 5501.56 of the Revised Code and 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ thereunder. 5782
5783
5784
5785

(D)(1) Reports of any investigation or audit conducted by the department, a transit agency operating a rail fixed guideway system, or a contractor acting on behalf of the department or such a transit agency are confidential and are not subject to disclosure, inspection, or copying under section 149.43 of the Revised Code. Information contained in investigative files shall be disclosed only at the discretion of the director or as otherwise provided in this section. 5786
5787
5788
5789
5790
5791
5792
5793

(2) Reports of any investigation or audit conducted by the department, a transit agency operating a rail fixed guideway system, or a contractor acting on behalf of the department or such a transit agency shall not be admitted in evidence or used for any purpose in any action or proceeding arising out of any matter 5794
5795
5796
5797
5798

referred to in the investigation or audit, except in actions or 5799
proceedings instituted by the state or by the department on behalf 5800
of the state, nor shall any member of the department or its 5801
employees, a transit agency acting on behalf of the department, or 5802
a contractor acting on behalf of the department or such a transit 5803
agency be required to testify to any facts ascertained in, or 5804
information obtained by reason of, the person's official capacity, 5805
or to testify as an expert witness in any action or proceeding 5806
involving or pertaining to rail fixed guideway systems to which 5807
the state is not a party. 5808

(E) In accordance with the guidelines developed by the 5809
director, the department may establish such programs, procedures, 5810
and administrative mandates as may be necessary to carry out its 5811
duties under this section and section 5501.56 of the Revised Code 5812
and 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ 5813
thereunder. 5814

(F) As used in this section and in section 5501.56 of the 5815
Revised Code: 5816

(1) "Rail fixed guideway system" means any light, heavy, or 5817
rapid rail system, monorail, inclined plane, funicular, trolley, 5818
or automated guideway that is included in the federal transit 5819
administration's calculation of fixed guideway route miles or 5820
receives funding for urbanized areas under 49 U.S.C. 5336 and is 5821
not regulated by the federal railroad administration. 5822

(2) "Transit agency" means an entity operating a rail fixed 5823
guideway system. 5824

Sec. 5501.56. (A) Each transit agency shall do all of the 5825
following: 5826

(1) Develop a system safety program ~~plan~~ documentation that 5827
complies with the safety program ~~plan~~ documentation standards 5828

adopted by the department of transportation under section 5501.55 5829
of the Revised Code and includes standards and laws for the 5830
personal safety and security of passengers and employees; 5831

(2) Conduct an annual internal safety audit and submit the 5832
audit to the department for input and approval; 5833

(3) Report accidents and ~~unacceptable~~ hazardous conditions, 5834
as defined in the guidelines developed by the director of 5835
transportation under section 5501.55 of the Revised Code, to the 5836
department within a time period specified by the department; 5837

(4) Minimize, control, correct, or eliminate any identified 5838
and investigated ~~unacceptable~~ hazardous condition within a time 5839
period specified by the department and in accordance with a plan 5840
approved by the department; 5841

(5) Provide all necessary assistance to the department as 5842
required to allow the department to conduct or participate in 5843
appropriate on-site investigations of accidents and ~~unacceptable~~ 5844
hazardous conditions or audits at the transit ~~system~~ agency. 5845

(B) Any part of a transit agency's system safety program ~~plan~~ 5846
that concerns security for the system is confidential and is not 5847
subject to disclosure, inspection, or copying under section 149.43 5848
of the Revised Code. Security information shall be disclosed only 5849
at the discretion of the director or as otherwise provided in 5850
section 5501.55 of the Revised Code. 5851

Sec. ~~4981.01~~ 5501.57. As used in sections ~~4981.01~~ 5501.57 to 5852
~~4981.34~~ 5501.661 of the Revised Code: 5853

(A) "Person" means, in addition to the meaning given that 5854
term in division (C) of section 1.59 of the Revised Code, any unit 5855
of local government, any local or regional transportation 5856
authority, and any private corporation or organization. 5857

(B) "Rail property" means any asset or right that is used or 5858

is useful in providing rail service, including tracks, rolling 5859
stock, rights-of-way, bridges, grade crossing equipment, 5860
terminals, stations, parking facilities, and other rail 5861
facilities. 5862

(C) "Rail service" means freight, intercity passenger, 5863
commuter, and high speed rail transportation service. 5864

(D) "Regional rail reorganization act" means the "Regional 5865
Rail Reorganization Act of 1973," 87 Stat. 986, 45 U.S.C.A. 701, 5866
as amended. 5867

(E) "Local or regional transportation authority" includes a 5868
county transit board, a board of county commissioners operating a 5869
county transit system, a regional transit authority, a regional 5870
transit commission, or any other local or regional transportation 5871
authority or agency. 5872

(F) "Qualifying subdivision" means a county, township, or 5873
municipal corporation in this state that is levying a tax for the 5874
purpose of acquiring, rehabilitating, or developing rail service 5875
or rail property pursuant to division (CC) of section 5705.19 of 5876
the Revised Code. 5877

(G) "Ancillary system facilities" means all facilities 5878
desirable in connection with the operation and maintenance of a 5879
rail system such as parking lots, retail establishments, 5880
restaurants, hotels, offices, and other commercial or support 5881
facilities, located within or outside the right-of-way of the rail 5882
system. 5883

(H) "Corridor" means a designated portion of a rail system 5884
serving two or more designated urban areas. 5885

(I) "Franchise" means a license approved by the ~~Ohio rail~~ 5886
~~development commission~~ division of freight that grants exclusive 5887
rights to a private corporation or organization to plan, 5888
construct, finance, lease, improve, use, operate, maintain, and 5889

set and collect charges for the use of a rail system or a portion 5890
of a rail system, such as a corridor, for a period of years as 5891
permitted by section ~~4981.29~~ 5501.651 of the Revised Code, as 5892
system owner or as lessee from or agent of the commission. 5893

(J) "Franchise agreement" means the agreement executed 5894
between the ~~Ohio rail development commission~~ division of freight 5895
and a person to whom a franchise is awarded. 5896

(K) "3-C corridor" means the corridor connecting Cincinnati, 5897
Columbus, and Cleveland. 5898

Sec. ~~4981.02~~ 5501.58. ~~(A)~~ There is hereby created the ~~Ohio~~ 5899
~~rail development commission, as an independent agency of the state~~ 5900
division of freight within the department of transportation, 5901
~~consisting of seven members appointed by the governor with the~~ 5902
~~advice and consent of the senate, two members of the Ohio senate,~~ 5903
~~one of whom shall be appointed by and serve at the pleasure of the~~ 5904
~~president of the senate and one of whom shall be appointed by and~~ 5905
~~serve at the pleasure of the minority leader of the senate, two~~ 5906
~~members of the Ohio house of representatives, one of whom shall be~~ 5907
~~appointed by and serve at the pleasure of the speaker of the house~~ 5908
~~of representatives and one of whom shall be appointed by and serve~~ 5909
~~at the pleasure of the minority leader of the house of~~ 5910
~~representatives, and two members representing the general public,~~ 5911
~~one of whom shall be appointed by the president of the senate and~~ 5912
~~one of whom shall be appointed by the speaker of the house of~~ 5913
~~representatives. The director of transportation and the director~~ 5914
~~of development, or their designees, shall be ex officio members of~~ 5915
~~the commission. Of the members appointed by the governor, one~~ 5916
~~shall serve as chairman of the commission, one shall represent the~~ 5917
~~interests of a freight rail company, one shall represent the~~ 5918
~~interests of passenger rail service, one shall have expertise in~~ 5919
~~infrastructure financing, one shall represent the interests of~~ 5920

~~organized labor, one shall represent the interests of~~ 5921
~~manufacturers, and one shall represent the general public. All~~ 5922
~~members shall be reimbursed for actual expenses incurred in the~~ 5923
~~performance of their duties. The members of the commission from~~ 5924
~~the Ohio senate and the Ohio house of representatives shall serve~~ 5925
~~as nonvoting members. No more than four members of the seven~~ 5926
~~appointed to the commission by the governor shall be from the same~~ 5927
~~political party. Each member of the commission shall be a resident~~ 5928
~~of this state. The division shall be responsible for any duty or~~ 5929
~~obligation with regard to rail service as specified under sections~~ 5930
~~5501.57 to 5501.661 of the Revised Code as well as any duty or~~ 5931
~~obligation delegated to the division by the director of~~ 5932
~~transportation in accordance with section 5501.04 of the Revised~~ 5933
~~Code, including those related to the intermodal transportation of~~ 5934
~~freight. Any duty or obligation of the division is under the~~ 5935
~~purview of the director of transportation, and the director has~~ 5936
~~the authority to approve or disapprove any action of the division.~~ 5937
~~The director may appoint a deputy director of the division to~~ 5938
~~serve at the pleasure of the director. The deputy director is~~ 5939
~~responsible, to the extent authorized by the director, for the~~ 5940
~~organization, direction, and supervision of the work of the~~ 5941
~~division. The deputy director also may exercise any powers and~~ 5942
~~perform any duties of the division under sections 5501.57 to~~ 5943
~~5501.661 of the Revised Code, as authorized by the director.~~ 5944
~~Subject to Chapter 124. of the Revised Code and any civil service~~ 5945
~~regulations, the deputy director, with the approval of the~~ 5946
~~director, shall select and appoint any necessary employees. The~~ 5947
~~director also may employ experts for assistance in any specific~~ 5948
~~manner at a reasonable rate of compensation.~~ 5949

~~(B) Within sixty days after the effective date of this~~ 5950
~~amendment, the governor shall make initial appointments to the~~ 5951
~~commission. Of the initial appointments made to the commission,~~ 5952
~~three shall be for a term ending three years after the effective~~ 5953

~~date of this amendment, and three shall be for a term ending six 5954
years after that date. Terms for all other appointments made to 5955
the commission shall be for six years. Vacancies shall be filled 5956
in the manner provided for original appointments. Any member 5957
appointed to fill a vacancy shall have the same qualifications as 5958
his predecessor. Each term shall end on the same day of the same 5959
month of the year as did the term which it succeeds. Each 5960
appointed member shall hold office from the date of his 5961
appointment until the end of the term for which he was appointed. 5962
Any member appointed to fill a vacancy before the expiration of 5963
the term for which his predecessor was appointed shall hold office 5964
for the remainder of that term. Any appointed member shall 5965
continue in office subsequent to the expiration date of his term 5966
until his successor takes office, or for a period of sixty days, 5967
whichever occurs first. All members shall be eligible for 5968
reappointment. 5969~~

~~(C) The commission may employ an executive director, who 5970
shall have appropriate experience as determined by the commission, 5971
and a secretary treasurer and other employees that the commission 5972
considers appropriate. The commission may fix the compensation of 5973
the employees. 5974~~

~~(D) Six members of the commission shall constitute a quorum, 5975
and the affirmative vote of six members shall be necessary for any 5976
action taken by the commission. No vacancy in the membership of 5977
the commission shall impair the rights of a quorum to exercise all 5978
the rights and perform all the duties of the commission. 5979~~

~~(E) All members of the commission are subject to Chapter 102, 5980
of the Revised Code. 5981~~

~~(F) The department of transportation may use all appropriate 5982
sources of revenue to assist the commission in developing and 5983
implementing rail service. 5984~~

~~(G) Expenditures by the department of transportation, the Ohio rail development commission, or any other state agency for capital improvements for the development of passenger rail shall be subject to the approval of the controlling board with an affirmative vote of not fewer than five members, including the affirmative vote of a majority of the controlling board members appointed by the president of the senate and a majority of the controlling board members appointed by the speaker of the house of representatives. All public funds acquired by the commission shall be used for developing, implementing, and regulating rail service and not for operating rail service unless the general assembly specifically approves the expenditure of funds for operating rail service.~~

Sec. 4981.03 5501.581. (A) ~~The Ohio rail development commission~~ division of freight shall do all of the following:

(1) Develop, promote, and support safe, adequate, and efficient rail service throughout the state;

(2) Maintain adequate programs of investigation, research, promotion, planning, and development for rail service, which programs shall include the consideration of recommendations by public or private planning organizations;

(3) Provide for the participation of private corporations or organizations and the public in the development, construction, operation, and maintenance of rail service, and as franchisees of rail service.

(B) In regard to rail service, ~~the Ohio rail development commission~~ division of freight is the successor of the Ohio rail development commission, the Ohio high speed rail authority, and the division of rail transportation of the department of transportation. The ~~commission~~ division shall succeed to all federal allotments, entitlements, subsidies, and grants now

existing, whether such allotments, entitlements, subsidies, and grants are encumbered or unencumbered, in the same manner and with the same authority as the ~~Ohio high speed rail authority and the division of rail transportation exercised prior to October 20, 1994~~ mentioned entities.

(C) Every authority, commission, department, or other agency of this state shall provide the ~~commission~~ division with data, plans, research, and any other information that the ~~commission~~ division requests to assist it in performing its duties pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code.

(D) The ~~commission~~ division may request and contract with any railroad to provide it with data and information necessary to carry out the purposes of ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code. All railroads operating within this state shall provide the requested data and information to the ~~commission~~ division. The ~~commission~~ division shall not disclose any confidential data or information supplied to it and such data is exempt from Chapter 149. of the Revised Code.

(E) The ~~commission~~ division shall cooperate with the director of development services by exercising the ~~commission's~~ division's duty to promote and develop rail service in this state in conjunction with the director's exercise of ~~his~~ the duty to promote the economic development of this state.

(F) The ~~commission~~ division, when developing rail service throughout the state, may give priority to projects undertaken within the geographic boundaries of qualifying subdivisions.

(G) The department of transportation may use all appropriate sources of revenue to assist the division in developing and implementing rail service. Expenditures by the department of transportation, the transportation review advisory council, or any other state agency for capital improvements for the development of

passenger rail is subject to the approval of the controlling board 6047
with an affirmative vote of not fewer than five members, including 6048
the affirmative vote of a majority of the controlling board 6049
members appointed by the president of the senate and a majority of 6050
the controlling board members appointed by the speaker of the 6051
house of representatives. The department shall use all public 6052
funds acquired by the division for developing, implementing, and 6053
regulating rail service and not for operating rail service unless 6054
the general assembly specifically approves the expenditure of 6055
funds for operating rail service. 6056

Sec. ~~4981.14~~ 5501.582. (A) ~~The Ohio rail development~~ 6057
~~commission~~ division of freight may exercise all powers necessary 6058
or appropriate to carry out its ~~corporate~~ purposes related to rail 6059
service. 6060

(B) The ~~commission~~ division may do all of the following: 6061

(1) ~~Adopt, and from time to time, ratify, amend, and repeal~~ 6062
~~bylaws necessary and proper for the regulation of its affairs and~~ 6063
~~the conduct of its business and rules to implement and make~~ 6064
~~effective its powers and duties;~~ 6065

~~(2) Adopt an official seal;~~ 6066

~~(3) Maintain a principal office in Columbus and, if~~ 6067
~~necessary, regional sub-offices at locations properly designated~~ 6068
~~or provided;~~ 6069

~~(4) Sue and be sued in its own name and plead and be~~ 6070
~~impleaded in its own name, particularly to enforce the obligations~~ 6071
~~and covenants made under this section and sections 4981.13 and~~ 6072
~~4981.29 of the Revised Code. Any actions against the commission~~ 6073
~~shall be brought in the court of common pleas in Franklin county,~~ 6074
~~in which the principal office of the commission shall be located.~~ 6075

~~(5) Undertake or cause to be undertaken the acquisition,~~ 6076

renovation, repair, refunding, operation, maintenance, or 6077
construction of any rail service project; 6078

~~(6)~~(2) Establish and operate a revolving loan fund for the 6079
purpose of making loans to qualifying subdivisions, local or 6080
regional transportation authorities, or other persons for the 6081
acquisition, renovation, repair, refunding, or construction of 6082
rail service projects by such qualifying subdivisions, local or 6083
regional transportation authorities, and private corporations or 6084
organizations, and the repayment thereof from project financing 6085
proceeds and revenues; purchase the obligations of counties and 6086
municipal corporations issued for the acquisition, renovation, 6087
repair, or construction of rail service projects by such 6088
qualifying subdivisions and local or regional transportation 6089
authorities; and adopt rules and procedures for making those loans 6090
or purchasing those obligations; 6091

~~(7)~~(3) Issue bonds and notes and refunding obligations of the 6092
state, payable as provided in ~~this chapter~~ sections 5501.57 to 6093
5501.661 of the Revised Code unless the bonds are refunded by 6094
refunding bonds, for the purpose of borrowing money to implement 6095
any power granted by divisions (B)~~(5)~~(1) and ~~(6)~~(2) of this 6096
section for one or more rail service projects or parts thereof; 6097

~~(8)~~(4) Acquire by gift or purchase, hold, or dispose of real 6098
and personal property in the exercise of its powers and 6099
performance of its duties as set forth in ~~this chapter~~ sections 6100
5501.57 to 5501.661 of the Revised Code; 6101

~~(9)~~(5) Make and enter into all contracts and agreements and 6102
execute all instruments necessary or incidental to the performance 6103
of its duties and the execution of its powers and to employ 6104
natural persons to act on behalf of the ~~commission~~ division, and 6105
to establish the terms and conditions of such employment; 6106

~~(10)~~(6) Receive and accept from any federal agency or other 6107

person, subject to the approval of the governor, grants for or in 6108
aid of the construction, repair, renovation, operation, 6109
maintenance, or acquisition of rail service projects, and receive 6110
and accept aid or contributions from any source of money, 6111
property, labor, or other things of value, to be held, used, and 6112
applied only for the purposes for which the grants and 6113
contributions are made; 6114

~~(11)~~(7) Purchase property coverage and liability insurance 6115
for any rail service project and for any offices of the ~~commission~~ 6116
division, insurance protecting the ~~commission~~ division and its 6117
officers and employees against liability, if any, or damage to 6118
property or injury to or death of persons arising from its 6119
operations, and any other insurance the ~~commission~~ division may 6120
agree to provide under any ~~resolution~~ determination authorizing 6121
the issuance of bonds in accordance with sections ~~4981.11 to~~ 6122
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code, or in any trust 6123
agreement securing the same; 6124

~~(12)~~(8) Establish or increase reserves from moneys received 6125
or to be received by the ~~commission~~ division to secure or pay the 6126
principal of and interest on bonds, notes, or other obligations 6127
issued by the ~~commission~~ division pursuant to ~~this chapter~~ 6128
sections 5501.57 to 5501.661 of the Revised Code or other law. 6129
Moneys, funds, and accounts of the ~~commission~~ division, however, 6130
are subject only to audit by the auditor of state and all moneys, 6131
funds, and accounts shall be held in custody or deposited as 6132
directed by resolution of the ~~commission~~ division and unless 6133
otherwise provided by law all moneys of the ~~commission~~ division 6134
not pledged to the holders of bonds of the ~~commission~~ division 6135
shall be appropriated by the general assembly. 6136

~~(13)~~(9) Receive and disburse the proceeds of general 6137
obligation or other bonds of the state or agencies thereof as may 6138
be allowed by law pursuant to any resolution or act of the general 6139

assembly; 6140

~~(14)~~(10) To the extent permitted under its contracts with the 6141
holders of bonds or notes of the ~~commission~~ division, consent to 6142
modification of the rate of interest, time and payment of 6143
installment of principal or interest, security, or any other term 6144
of a bond, contract, or agreement of any kind to which the 6145
~~commission~~ division is a party; 6146

~~(15)~~(11) Make grants to counties or municipal corporations, 6147
qualifying subdivisions, local or regional transportation 6148
authorities, or other persons for one or more rail service 6149
projects or parts thereof; 6150

~~(16)~~(12) Provide consultation services to any qualifying 6151
subdivision, local or regional transportation authority, or other 6152
person in connection with the acquisition, renovation, repair, or 6153
construction of any rail service project; 6154

~~(17)~~(13) Establish and amend the criteria and qualifications 6155
for the making of any loan to or the purchasing of any bond from 6156
any qualifying subdivision, local or regional transportation 6157
authority, or other person and the terms not inconsistent with 6158
~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code of 6159
any loan or bond purchase agreement with any qualifying 6160
subdivision, local or regional transportation authority, or other 6161
person; 6162

~~(18)~~(14) Deposit money received from the repayment of loans 6163
and recoveries from the sale, lease, or other disposition of 6164
property acquired or constructed from amounts loaned by the 6165
~~commission~~ division pursuant to section ~~4981.13~~ 5501.642 of the 6166
Revised Code or division (B) of this section, in an account 6167
pledged to secure, and applied to the repayment, without the need 6168
for appropriation, of, obligations issued under section 166.08 of 6169
the Revised Code to pay the costs of property, facilities, or 6170

equipment that qualifies as rail service projects; enter into 6171
agreements with the treasurer of state or a corporate trustee for 6172
such obligations to provide for the deposit and pledge of such 6173
money as specified in the agreement, to permit the withdrawal of 6174
money by the treasurer of state or corporate trustee from the 6175
account as necessary for application to the payment of debt 6176
service on such obligations, and to permit the investment of those 6177
amounts, without regard to Chapter 131. or 135. of the Revised 6178
Code, pending their application to the payment of debt service; 6179
and enter into agreements with persons to provide for the 6180
repayment of any amounts paid from any pledged account in 6181
connection with obligations issued under section 166.08 of the 6182
Revised Code; 6183

~~(19)~~(15) Do all acts necessary and proper to carry out the 6184
powers expressly granted to the ~~commission~~ division in ~~this~~ 6185
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code. 6186

(C) Any instrument by which real property is acquired 6187
pursuant to this section shall identify the agency of the state 6188
that has the use and benefit of the real property as specified in 6189
section 5301.012 of the Revised Code. 6190

(D) The transportation review advisory council shall review 6191
and approve any rail project initiated pursuant to the authority 6192
under sections 5501.57 to 5501.661 of the Revised Code. 6193

Sec. ~~4981.031~~ 5501.59. (A) The ~~Ohio rail development~~ 6194
~~commission or the department of transportation, on behalf of the~~ 6195
~~commission,~~ division of freight may apply for and receive from the 6196
United States government loans and grants in accordance with any 6197
federal law or program concerning rail transportation. 6198

(B) It is hereby found and determined that rail 6199
transportation is an essential and indispensable part of the 6200
commerce and industry of the state and is of vital importance to 6201

the creation and preservation of jobs and employment opportunities 6202
and to the improvement of the economic welfare of the people of 6203
the state, and that rail transportation creates, promotes, and is 6204
a part of the continuous exchange of goods and services in the 6205
state economy. It is further found and determined that the 6206
authority granted ~~by Chapter 4981.~~ under sections 5501.57 to 6207
5501.661 of the Revised Code is consistent with and will effect 6208
the purposes of Section 13 of Article VIII, Ohio Constitution, 6209
that rail transportation is part of and is directly related to 6210
industry, commerce, distribution, and research under Section 13 of 6211
Article VIII, Ohio Constitution, and that it is in the public 6212
interest and a proper public purpose under Section 13 of Article 6213
VIII, Ohio Constitution, for the state to acquire, construct, 6214
enlarge, improve, or equip, and to sell, lease, or exchange, or 6215
otherwise dispose of property, structures, equipment, and 6216
facilities for rail transportation, all as provided ~~in Chapter~~ 6217
~~4981.~~ under sections 5501.57 to 5501.661 of the Revised Code, and 6218
that such activities will contribute to the creation or 6219
preservation of jobs or employment opportunities or the 6220
improvement of the economic welfare of the people of the state. 6221
~~Chapter 4981.~~ Sections 5501.57 to 5501.661 of the Revised Code, 6222
being necessary for the welfare of the state and its people, shall 6223
be liberally construed to effect its purposes. 6224

Sec. ~~4981.032~~ 5501.591. The ~~Ohio rail development commission~~ 6225
division of freight may issue grants and loans to any 6226
transportation authority or to any person for the purpose of 6227
continuing or instituting rail transportation in the state. The 6228
grants and loans may be used for rehabilitation, construction, 6229
planning, relocation, or acquisition of rail transportation or 6230
rail property, or for substitute service. The grants and loans may 6231
be provided by the ~~commission~~ division with funds from the United 6232
States government, the state, any transportation authority, or any 6233

person, or from any combination of those sources. The ~~commission~~ 6234
division shall establish eligibility and distribution criteria for 6235
the grants and loans. 6236

Sec. ~~4981.033~~ 5501.592. (A) Notwithstanding section 4961.37 6237
of the Revised Code, a railroad company, public agency, or other 6238
person operating passenger rail service on a right-of-way owned by 6239
another shall indemnify and hold harmless the owner, user, or 6240
other rights holder for liability for any damages arising out of 6241
passenger operations conducted by or on behalf of the railroad 6242
company, public agency, or other person operating passenger rail 6243
service and for all claims for damages for harm arising from any 6244
accident or incident occurring in connection with the operations 6245
conducted by or on behalf of the railroad company, public agency, 6246
or other person operating passenger rail service. 6247

(B) Each railroad company, public agency, or other person 6248
operating passenger rail service on a right-of-way owned by 6249
another shall maintain an aggregate limit of liability coverage of 6250
no less than two hundred million dollars. 6251

(C) The liability for damages for harm, including any 6252
punitive damages, of a railroad company or other entity over whose 6253
tracks passenger rail service operations are conducted by another 6254
shall not be in an amount greater than the limits of the liability 6255
coverage maintained by the railroad company, public agency, or 6256
other person operating passenger rail service. 6257

(D) Division (A) of this section ~~shall~~ does not apply if the 6258
railroad company or other entity over whose tracks the passenger 6259
rail service operations are conducted, committed an act or 6260
omission with reckless, wanton, willful, or gross negligence and 6261
the act or omission proximately caused the harm in question. 6262

(E) The operator of an excursion rail service and the owner 6263
of any railroad property over which the excursion rail service 6264

will be provided may negotiate to determine the amount of 6265
liability coverage necessary to satisfy the owner's private 6266
insurance requirements. If the operator and owner reach agreement 6267
on the amount of private insurance coverage so required, division 6268
(B) of this section ~~shall~~ does not apply to the operation of the 6269
excursion rail service over that railroad property. 6270

This division does not require any owner of railroad property 6271
to enter into such negotiations, to agree to an amount of 6272
liability coverage that the owner determines to be insufficient 6273
indemnification, nor to permit any excursion rail service operator 6274
to have access to the railroad property. 6275

(F) As used in this section: 6276

(1) "Harm" means injury, death, or loss to person or 6277
property. 6278

(2) "Passenger rail service" includes intercity passenger, 6279
commuter, or high speed rail transportation service. 6280

(3) "Excursion rail service" means any rail passenger service 6281
that is undertaken primarily for education, entertainment, 6282
recreation, or scenic observation and that does not involve any of 6283
the following: 6284

(a) The carrying of freight other than the personal luggage 6285
of the passengers or crew, or supplies and equipment necessary to 6286
serve the needs of the passengers or crew; 6287

(b) The carrying of passengers who are commuting to work; 6288

(c) The carrying of passengers who are traveling to a final 6289
destination solely for business or commercial purposes. 6290

Sec. ~~4981.05~~ 5501.593. (A) Any local or regional 6291
transportation authority may apply for a rail service continuation 6292
subsidy, acquisition or modernization loan, or any other 6293
assistance provided by the Regional Rail Reorganization Act for 6294

the purpose of providing any rail service that is consistent with 6295
rail service provided under ~~this chapter~~ sections 5501.57 to 6296
5501.661 of the Revised Code. Any local or regional transportation 6297
authority may exercise, or may be created to exercise, such 6298
authority, administrative jurisdiction, and fiscal control as is 6299
necessary to obtain such assistance and provide such rail service. 6300

(B) For the purposes of this section, "transit system" as 6301
used in section 306.04 of the Revised Code, and "transit facility" 6302
as used in sections 306.30 and 306.81 of the Revised Code, include 6303
rail service. 6304

Sec. ~~4981.04~~ 5501.60. (A) The ~~Ohio rail development~~ 6305
~~commission~~ division of freight shall prepare a draft plan for the 6306
construction and operation of an intercity conventional or high 6307
speed passenger transportation system in this state. The division 6308
shall construct and operate the system ~~shall be constructed and~~ 6309
~~operated by the commission~~. The division shall base the draft plan 6310
for construction and operation ~~shall be based~~ on existing studies, 6311
and shall state that the system's initial route will connect 6312
Cleveland, Columbus, and Cincinnati and any points in between 6313
those cities determined by the ~~authority~~ division. The division 6314
shall include in the draft plan ~~shall include~~ the following 6315
information: 6316

(1) The route alignment of the proposed system; 6317

(2) The proposed technology; 6318

(3) The size, nature, and scope of the proposed system; 6319

(4) The sources of the public and private revenue needed to 6320
finance the system; 6321

(5) The projected ability of all revenue sources to meet both 6322
capital and operating funding requirements of the proposed system; 6323

(6) The construction, operation, and management plan for the 6324

system, including a timetable for construction and the proposed 6325
location and number of transit stations considered necessary; 6326

(7) The likelihood that Ohio-based corporations will be used 6327
to manufacture or supply components of the proposed system; 6328

(8) The likelihood that additional or subsidiary development 6329
will be generated; 6330

(9) The extent to which the proposed system will create an 6331
additional or reduced demand for sources of energy; 6332

(10) Any changes in the law necessary to implement the 6333
proposed system; 6334

(11) The proposed system's impact on the economy of the state 6335
and on the economic and other public policies of the state. 6336

~~The commission may revise any plan of the Ohio high speed 6337
rail authority or may submit a separate plan for construction and 6338
operation and a funding request to the governor, the speaker of 6339
the house of representatives, and to the president of the senate. 6340~~

(B) The division shall submit the draft plan to the transportation 6341
review advisory council for approval and acceptance. Any plan for 6342
an intercity conventional or high speed passenger transportation 6343
system submitted by the ~~commission~~ division pursuant to this 6344
section shall not propose the operation of such a system by the 6345
state other than through the ~~commission~~ division. 6346

Sec. ~~4981.35~~ 5501.601. The "Interstate High Speed Intercity 6347
Rail Passenger Network Compact" is hereby ratified, enacted into 6348
law and entered into by the state of Ohio with all other states 6349
legally joining therein the form substantially as follows: 6350

"INTERSTATE HIGH SPEED INTERCITY RAIL PASSENGER 6351

NETWORK COMPACT 6352

6353

Article I 6354

Policy and Purpose 6355

Because the beneficial service of and profitability of a high 6356
speed intercity rail passenger system would be enhanced by 6357
establishing such a system which would operate across state lines, 6358
it is the policy of the states party to this compact to cooperate 6359
and share jointly the administrative and financial 6360
responsibilities of preparing a feasibility study concerning the 6361
operation of such a system connecting major cities in Ohio, 6362
Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and 6363
Kentucky. 6364

Article II 6365

Cooperation 6366

The states of Ohio, Indiana, Michigan, Pennsylvania, 6367
Illinois, West Virginia, and Kentucky, hereinafter referred to as 6368
participating states, agree to, upon adoption of this compact by 6369
the respective states, jointly conduct and participate in a high 6370
speed intercity rail passenger feasibility study by providing such 6371
information and data as is available and may be requested by a 6372
participating state or any consulting firms representing a 6373
participating state or the compact. It is mutually understood by 6374
the participating states that such information shall not include 6375
matters not of public record or of a nature considered to be 6376
privileged and confidential unless the state providing such 6377
information agrees to waive the confidentiality. 6378

The participating states further agree to: 6379

(A) Make available to each other and to any consulting firm 6380
representing the member states or the compact such assistance as 6381
may be legal, proper and available, including but not limited to 6382
personnel, equipment, office space, machinery, computers, 6383
engineering and technical advice and services; and 6384

(B) Provide such financial assistance for the implementation 6385
of the feasibility study as may be legal, proper and available. 6386

Article III 6387

Interstate Rail Passenger Advisory Council 6388

There is hereby created an interstate rail passenger advisory 6389
council, the membership of which shall consist of two 6390
representatives from each participating state, one representative 6391
from each state shall hold a bachelor of science degree in either 6392
engineering or transportation science, and shall be appointed by 6393
the governor of the participating state and the other shall be the 6394
chairman of the state's railroad authority, but in the event said 6395
state does not have a railroad authority, the second member shall 6396
be the director of the participating state's transportation 6397
agency. The members shall select designees who shall serve in the 6398
absence of the members. The advisory council shall meet within 6399
thirty days after ratification of this agreement by at least two 6400
participating states and establish rules for the conduct of the 6401
advisory council's business. 6402

The advisory council shall coordinate all aspects of the high 6403
speed intercity rail passenger feasibility study relative to 6404
interstate connections and shall do all other things necessary and 6405
proper for the completion of the feasibility study. 6406

Article IV 6407

Effective Date 6408

This compact shall become effective upon the adoption of the 6409
compact into law by two or more of the participating states. 6410
Thereafter, it shall enter into force and effect as to any other 6411
participating state upon the enactment thereof by such state. 6412

This compact shall continue in force with respect to a 6413
participating state and remain binding upon such state until six 6414
months after such state has given notice to each other 6415
participating state of the repeal thereof. Such withdrawal shall 6416
not be construed to relieve any participating state from any 6417
obligation incurred prior to the end of the state's participation 6418

in the compact as provided herein. 6419

Article V 6420

Construction and Severability 6421

This compact shall be liberally construed so as to effectuate 6422
the purposes thereof. The provisions of this compact shall be 6423
severable and if any phrase, clause, sentence, or provision of 6424
this compact is declared to be contrary to the constitution of any 6425
participating state or of the United States, or the applicability 6426
thereof to any government, agency, person, or circumstance is held 6427
invalid, the validity of the remainder of this compact and the 6428
applicability thereof to any government, agency, person, or 6429
circumstance shall not be affected thereby. If this compact shall 6430
be held contrary to the constitution of any participating state, 6431
the compact shall remain in full force and effect as to the 6432
remaining states and in full force and effect as to the state 6433
affected as to all severable matters." 6434

Sec. ~~4981.40~~ 5501.602. In any overall programmatic 6435
environmental impact study or other comprehensive high-speed rail 6436
project development study, ~~the department of transportation and~~ 6437
~~the rail development commission~~ division of freight shall include 6438
all federally designated high-speed rail corridors in Ohio and all 6439
passenger rail corridors in the Ohio hub study. 6440

~~The department of transportation and the rail development~~ 6441
~~commission~~ division of freight shall work with Amtrak to examine 6442
methods to improve existing service between Toledo and Cleveland 6443
with a goal of creating optimum service to connect the planned 6444
Cleveland, Columbus, Dayton, and Cincinnati service. 6445

~~The department of transportation and the rail development~~ 6446
~~commission~~ division of freight shall examine the financial and 6447
economic feasibility of developing a passenger rail system between 6448
Toledo and Columbus, including necessary characteristics of a 6449

viable connection between the cities. 6450

Sec. ~~4981.06~~ 5501.61. (A) The ~~Ohio rail development~~ 6451
~~commission~~ division of freight may purchase or lease any portion 6452
of the rail property of a railroad corporation, and may purchase 6453
or lease any other property, facilities, or equipment considered 6454
necessary by the ~~commission~~ division for the operation of rail 6455
services, and the maintenance of track and other rail property. 6456
For the purpose of acquiring such property the ~~commission~~ division 6457
may obtain acquisition loans from the federal government. 6458

(B) Where it is necessary for the purpose of implementing 6459
rail service under this chapter, the ~~commission, with the approval~~ 6460
~~of the director of transportation,~~ division may appropriate real 6461
property. ~~All~~ The division shall make all such appropriations 6462
~~shall be made~~ pursuant to sections 163.01 to 163.22 of the Revised 6463
Code. 6464

Sec. ~~4981.07~~ 5501.611. (A) The ~~Ohio rail development~~ 6465
~~commission~~ division of freight may restore, repair, relocate, or 6466
upgrade any rail property purchased, leased, or maintained by the 6467
~~commission~~ division. The ~~commission~~ division may restore, repair, 6468
relocate, or upgrade any rail property owned by another person as 6469
long as such action is necessary for the efficient operation of 6470
rail services provided by the ~~commission~~ division. The ~~commission~~ 6471
division may obtain modernization loans from the federal 6472
government to restore or repair rail property acquired by the 6473
~~commission~~ division for the purpose of implementing rail service. 6474

(B) The ~~commission~~ division may operate any rail property 6475
acquired by it over track owned or leased by the ~~commission~~ 6476
division, or over track owned by another person pursuant to an 6477
agreement with that person as long as such action is necessary for 6478
the efficient operation of rail service provided by the ~~commission~~ 6479

division pursuant to this chapter sections 5501.57 to 5501.661 of 6480
the Revised Code. 6481

(C) The ~~commission~~ division may enter into agreements with 6482
the ~~department of transportation~~, boards of county commissioners, 6483
boards of township trustees, legislative authorities of municipal 6484
corporations, with other governmental agencies or organizations, 6485
and with private corporations or organizations in order to 6486
facilitate implementation of rail service. 6487

Sec. 4981.08 5501.612. (A) The ~~Ohio rail development~~ 6488
~~commission~~ division of freight may sell, transfer, or lease any of 6489
the rail property that it possesses to any person for the 6490
continuation and operation of any rail service that is provided 6491
for pursuant to ~~this chapter sections 5501.57 to 5501.661 of the~~ 6492
Revised Code. 6493

(B) The ~~commission~~ division may assist any person to obtain 6494
an order or certificate required by the interstate commerce 6495
commission for the performance of rail services in this state. 6496

(C) The ~~commission~~ division may cooperate with other states 6497
in carrying out the provisions of ~~this chapter sections 5501.57 to~~ 6498
5501.661 of the Revised Code and may enter into any agreements 6499
with other states for the operation of rail services, including 6500
the joint purchasing or leasing of rail property. 6501

Sec. 4981.10 5501.613. As long as such action does not 6502
violate covenants made on behalf of or for the benefit of the 6503
holders of bonds, notes, or other obligations of the ~~Ohio rail~~ 6504
~~development commission~~ division of freight, the ~~Ohio rail~~ 6505
~~development commission~~ division may purchase any portion of the 6506
rail property of a railroad corporation and may purchase any other 6507
property, facilities, or equipment considered necessary by the 6508
commission for the operation of rail services, subject to the 6509

following conditions: 6510

(A) Upon inspection of the rail property the ~~commission~~ 6511
division determines that the rail property is suitable for the 6512
efficient operation of rail services; 6513

(B) The controlling board approves the purchase of the rail 6514
property by an affirmative vote of no fewer than five members. 6515

Sec. ~~4981.24~~ 5501.614. Any political subdivision, taxing 6516
district, or other public body of this state, without competitive 6517
bidding, may convey or exchange with the ~~Ohio rail development~~ 6518
~~commission~~ division of freight, for use in connection with a 6519
project, any or all of its interests in real or personal property, 6520
or both, not needed by the grantor. The interest in such property 6521
to be conveyed shall be appraised at its fair market value and 6522
such appraisal value shall be the conveyance price. The appraised 6523
fair market value of any property exchanged under this section 6524
shall be substantially equal to the aggregate of the appraised 6525
fair market value of the property for which it is exchanged and 6526
any moneys paid to the grantor in consideration of such exchange. 6527
The political subdivision, taxing district, or other public body 6528
shall prescribe the form of its deed. 6529

Sec. ~~4981.25~~ 5501.62. In accordance with Section 13 of 6530
Article VIII, Ohio Constitution, the state, acting through the 6531
~~Ohio rail development commission~~ division of freight, for the 6532
purpose of implementing rail service, may ~~by resolution~~ designate 6533
a corporation organized under Chapter 1702. or 1724. of the 6534
Revised Code as its agency to acquire, construct, reconstruct, 6535
enlarge, improve, furnish, or equip and to sell, lease, exchange, 6536
or otherwise dispose of property and facilities within the state 6537
for industry, commerce, distribution, and research; may approve 6538
such corporation and obligations of the corporation issued by it 6539

for one or more such purposes; and may have a beneficial interest 6540
in such corporation including the right to the property financed 6541
by such obligations on the retirement of such obligations, or by 6542
acquiring such property for endowment or similar uses or benefits 6543
or for ultimate direct use by it, subject to any lease or mortgage 6544
securing such obligations. 6545

Sec. ~~4981.26~~ 5501.63. (A) A project of the ~~Ohio rail~~ 6546
~~development commission shall~~ division of freight is not be subject 6547
to the requirements relating to public buildings, structures, 6548
grounds, works, or improvements imposed by section 125.81, 713.02, 6549
or 713.25 of the Revised Code or any other similar requirements 6550
that may be lawfully waived by this section. 6551

(B) A project of the ~~commission~~ division shall be 6552
constructed, reconstructed, enlarged, improved, furnished, or 6553
equipped and shall be leased, sold, or otherwise disposed of in 6554
the manner determined by the ~~issuer~~ director of transportation in 6555
~~its~~ the sole discretion of the director and any requirement of 6556
competitive bidding or other restriction, which may be lawfully 6557
waived by this section, imposed on the procedure for award of 6558
contracts for such purpose or the lease, sale, or other 6559
disposition of property of the issuer is not applicable to any 6560
action taken under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 6561
of the Revised Code. 6562

Sec. ~~4981.11~~ 5501.64. (A) "~~Commission~~ Division" means the 6563
~~Ohio rail development commission~~ division of freight created in 6564
section ~~4981.02~~ 5501.58 of the Revised Code, the duties, powers, 6565
responsibilities, and functions of which are specified in ~~this~~ 6566
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code. 6567

(B) "Bond" means revenue bonds, notes, or other obligations 6568
including current or advance refunding bonds issued by the 6569

~~commission~~ division to effect the intents and purposes of ~~this~~ 6570
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code and any 6571
bond issued by a qualifying subdivision or local or regional 6572
transportation authority pursuant to Chapter 133. of the Revised 6573
Code or otherwise as provided by the constitution and laws of this 6574
state. 6575

(C) "Bond proceedings" means any bond proceedings, as defined 6576
in division (E) of section 9.98 of the Revised Code, with respect 6577
to bonds, including, without limitation, the bond legislation with 6578
respect thereto. 6579

(D) "Cost," as applied to rail service projects, means the 6580
cost of acquisition, repair, renovation, and construction thereof; 6581
the cost of acquisition of all land, rights-of-way, property 6582
rights, easements, franchise rights, credit enhancements, or 6583
credit facility and interests required by any person, qualifying 6584
subdivision, a local or regional transportation authority, or the 6585
~~commission~~ division for such acquisition, renovation, repair, or 6586
construction, the cost of demolishing or removing any buildings or 6587
structures on land so acquired, including the cost of acquiring 6588
any lands to which buildings or structures may be moved; the cost 6589
of diverting highways, interchange of highways, access roads to 6590
private property, railroad rights-of-way including the cost of 6591
land or easement therefor; the cost of all machinery, furnishing, 6592
and equipment; all finance charges, and interest prior to and 6593
during the construction and for no more than eighteen months after 6594
completion of construction or acquisition; the cost of all legal 6595
services and expenses; the cost of all plans, specifications, 6596
surveys, and estimates of cost; all working capital and other 6597
expenses necessary or incident to determining the feasibility or 6598
practicability of acquiring, renovating, repairing, or 6599
constructing any such project; the financing of such acquisition, 6600
renovation, repair, refunding, or construction, including the 6601

amount ~~authorized in the resolution of the commission determined~~ 6602
~~by the division~~ providing for the issuance of bonds to be paid 6603
into any special funds from the proceeds of such bonds; and the 6604
financing of the placing of any such rail service project in 6605
operation, if necessary. Any obligations or expenses incurred 6606
after December 19, 1986, by any person, qualifying subdivision, or 6607
local or regional transportation authority, with the approval of 6608
the ~~commission~~ division, for surveys, borings, preparation of 6609
plans and specifications, and other engineering services in 6610
connection with the acquisition, renovation, repair, or 6611
construction of a project shall be regarded as a part of the cost 6612
of such project and shall be reimbursed out of the proceeds of 6613
grants, loans, or bonds as authorized by ~~this chapter~~ sections 6614
5501.57 to 5501.661 of the Revised Code. 6615

(E) "Credit facility" means any credit facility, as defined 6616
in division (G) of section 9.98 of the Revised Code, with respect 6617
to bonds. 6618

(F) "Floating rate interest structure" means any floating 6619
rate interest structure, as defined in division (I) of section 6620
9.98 of the Revised Code, with respect to bonds. 6621

(G) "Indexing agent" means any indexing agent, as defined in 6622
division (J) of section 9.98 of the Revised Code, with respect to 6623
bonds. 6624

(H) "Rail service project" or "project" means any project of 6625
an essential public nature which is considered a part of the rail 6626
service system, including, without limitation, permitted loan 6627
purposes which are specifically declared to be for an essential 6628
public purpose. 6629

(I) "Interest rate period" means any interest rate period, as 6630
defined in division (K) of section 9.98 of the Revised Code, with 6631
respect to bonds. 6632

(J) "Issuer" means the ~~commission~~ division. 6633

(K) "Participation agreement" means any participation 6634
agreement, loan agreement, lease agreement, bond purchase 6635
agreement, or other agreement between or among any person, 6636
qualifying subdivision, or local or regional transportation 6637
authority and the commission pursuant to which the ~~commission~~ 6638
division agrees to lend moneys to the person, qualified 6639
subdivision, or local or regional transportation authority, and 6640
the person, qualifying subdivision, or local or regional 6641
transportation authority agrees to repay the moneys so lent, in 6642
accordance with ~~this chapter~~ sections 5501.57 to 5501.661 of the 6643
Revised Code and the applicable bond proceedings and on the terms 6644
and subject to the conditions set forth in such agreement. 6645

(L) "Permitted loan purpose" means any of the following: 6646

(1) The payment of the costs of the acquisition or 6647
construction of any property, asset, or improvement with an 6648
estimated life or usefulness of one year or more, including land 6649
and interests therein, and including reconstructions, 6650
enlargements, and extensions of any such property, asset, or 6651
improvement having an estimated life or usefulness of one year or 6652
more, of the commission provided that such estimated life or 6653
usefulness shall be certified by the fiscal officer of the person, 6654
qualifying subdivision, or local or regional transportation 6655
authority to which the loan is to be made to that person, 6656
qualifying subdivision, or local or regional transportation 6657
authority; 6658

(2) The payment of any final judgment, regardless of whether 6659
such judgment arose out of a contractual or noncontractual cause 6660
of action; 6661

(3) The reimbursement to any person, qualifying subdivision, 6662
or local or regional transportation authority of moneys expended 6663

by it for a permitted loan purpose described in divisions (L)(1) 6664
and (2) of this section, including, without limitation, rental 6665
payments made by any person, qualifying subdivision, or local or 6666
regional transportation authority under a lease with an option to 6667
purchase if the proceeds of the loan are to be applied to the 6668
payment of the purchase price upon the exercise of the option to 6669
purchase; 6670

(4) The refunding, including funding and retirement, or 6671
advance refunding of the outstanding principal amount of any debt 6672
obligation issued or incurred by the ~~commission~~ division or by any 6673
person, qualifying subdivision, or local or regional 6674
transportation authority, including, without limitation, any loan 6675
previously made from the ~~commission~~ division for a permitted loan 6676
purpose of the sort described in divisions (L)(1) and (2) of this 6677
section; 6678

(5) The costs and expenses incurred by the ~~commission~~ 6679
division or by any person, qualifying subdivision, or local or 6680
regional transportation authority in obtaining a loan from the 6681
~~commission~~ division, including, without limitation, the fees and 6682
expenses of attorneys, accountants, engineers, and consultants and 6683
the costs and expenses of preparing, printing, and delivering any 6684
documents or instruments required to be delivered by any person, 6685
qualifying subdivision, or local or regional transportation 6686
authority under its participation agreement with the ~~commission~~ 6687
division. 6688

(M) "Person" means any natural person, partnership, joint 6689
venture, corporation, foreign or domestic, state or subdivision 6690
thereof, or sovereign government, or province thereof including 6691
the United States or any agency or instrumentality thereof. 6692

(N) "Put arrangement" means any put arrangement, as defined 6693
in division (N) of section 9.98 of the Revised Code, with respect 6694
to bonds. 6695

(O) "Remarketing agent" means a remarketing agent as defined 6696
in division (O) of section 9.98 of the Revised Code, with respect 6697
to bonds. 6698

(P) "Revenue" means any money or thing of value collected by, 6699
or paid to, the ~~commission~~ division in connection with any rail 6700
project or as principal of or interest, charges, or other fees on 6701
loans, including any moneys derived from taxation or any other 6702
collections on loans made by the ~~commission~~ division to any 6703
person, qualifying subdivisions, or local or regional 6704
transportation authorities to finance in whole or in part the 6705
acquisition, renovation, repair, refunding, or construction of any 6706
rail service project or projects, or other money or property which 6707
is received by the ~~commission~~ division and may be expended for or 6708
pledged as revenues pursuant to ~~this chapter~~ sections 5501.57 to 6709
5501.661 of the Revised Code. 6710

(Q) "Special fund" means any fund required to be established 6711
by the ~~commission~~ division pursuant to the bond proceedings with 6712
respect to any bonds and into which the bond proceedings require 6713
that pledged receipts be deposited and from which the bond 6714
proceedings permit the disbursement of the pledged receipts at the 6715
times, in the amounts, and for the purposes set forth therein. 6716

(R) "Special revenue loan" means a loan to a qualifying 6717
subdivision or local or regional transportation authority by the 6718
~~commission~~ division that is payable solely from and secured solely 6719
by one or more sources of county or municipal tax or other revenue 6720
other than ad valorem property taxes. 6721

Sec. ~~4981.12~~ 5501.641. (A) The general assembly hereby finds 6722
and declares that increasing requirements for rail service for the 6723
people of the state and escalating costs of providing such rail 6724
service have created inordinate demands upon the financial 6725
resources of the state, qualifying subdivisions, private 6726

corporations and organizations, and local and regional 6727
transportation authorities necessitating legislation to enable the 6728
people of the state to attain a more competitive position in 6729
capital markets to provide rail service. 6730

(B) The general assembly hereby finds and declares further 6731
that it is in the public interest and is the responsibility of the 6732
state to foster and promote by all lawful means the provision of 6733
adequate capital markets and facilities for borrowing money for 6734
the financing of rail service and the fulfillment of public 6735
purposes, and to make it possible for the ~~commission~~ division of 6736
freight, qualifying subdivisions, private corporations or 6737
organizations, and local or regional transportation authorities to 6738
obtain new or additional sources of capital funds at acceptable 6739
interest costs, including activities to encourage investor 6740
interest in the purchase of bonds, notes or other obligations of 6741
the ~~commission~~ division, or issued by the ~~commission~~ division to 6742
fund loans it may make to private corporations or organizations 6743
under sections ~~4981.01 to 4981.26~~ 5501.57 to 5501.661 of the 6744
Revised Code, as sound and preferred securities for investments. 6745

(C) The general assembly hereby finds and declares further 6746
that it is in the public interest and is the responsibility of the 6747
state to encourage qualifying subdivisions, local or regional 6748
transportation authorities, and other persons to continue their 6749
independent undertakings of rail service and fulfillment of public 6750
purposes and the financing thereof and to improve or enhance the 6751
possibilities of qualifying subdivisions, local or regional 6752
transportation authorities, and other persons obtaining funds, to 6753
the extent possible, at reduced interest costs, for the orderly 6754
financing of rail service projects and fulfillment of public 6755
purposes. 6756

(D) The general assembly hereby finds and declares further 6757
that it is in the public interest, in order to implement and aid 6758

in the discharge of these responsibilities, that a state 6759
instrumentality, having been created as a public body corporate 6760
with full powers to borrow money and issue its bonds, notes, and 6761
other obligations to the end that funds obtained thereby may be 6762
used or made available to franchisees to provide capital 6763
facilities for rail service by the ~~commission~~ division or for the 6764
purposes of making loans to qualifying subdivisions, local or 6765
regional transportation authorities, private corporations or 6766
organizations, and other persons for rail service projects, that 6767
such state instrumentality be granted all powers necessary or 6768
appropriate to accomplish and carry out these essential public 6769
purposes and responsibilities of the state in a manner to make it 6770
possible to sell bonds and borrow funds at as low an interest rate 6771
as the instrumentality finds and determines to be feasible. 6772

(E) The general assembly further finds and declares that in 6773
accomplishing these purposes, the ~~commission~~ division, created and 6774
established by ~~this chapter~~ sections 5501.57 to 5501.661 of the 6775
Revised Code, will be acting in all respects for the benefit of 6776
the people of the state to serve the public purposes of improving 6777
and otherwise promoting their health, education, welfare, safety, 6778
and prosperity, and that the ~~commission~~ division may act on behalf 6779
of the state and its people in serving the essential public 6780
purposes described in this section for the benefit of the general 6781
public of the state. 6782

Sec. ~~4981.13~~ 5501.642. To accomplish the public policies and 6783
purposes and to meet the responsibility of the state as set forth 6784
in ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code, 6785
the ~~Ohio rail development commission~~ division of freight may 6786
directly undertake and implement and make loans to qualifying 6787
subdivisions, local or regional transportation authorities, and 6788
other persons for the acquisition, renovation, repair, refunding, 6789
or construction of rail service projects by such qualifying 6790

subdivisions and local or regional transportation authorities, and 6791
may issue bonds, payable solely from revenues, to pay the cost of, 6792
or finance, in whole or in part, rail service projects of the 6793
~~commission~~ division or loans to any person, qualifying 6794
subdivision, or local or regional transportation authority. A 6795
project shall not be undertaken unless it has been determined by 6796
the ~~commission~~ division, based upon information provided to it by 6797
the qualifying subdivision, local or regional transportation 6798
authority, or other person or agency charged or empowered by law 6799
with the responsibility of reporting, to be consistent with any 6800
applicable requirements of law. Any ~~resolution of~~ determination by 6801
the ~~commission~~ division providing for making a loan for any 6802
permitted loan purpose or execution of any participation agreement 6803
pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of the 6804
Revised Code shall include a finding by the ~~commission~~ division 6805
that such determinations have been made. A participation agreement 6806
may be entered into between the ~~commission~~ division and each 6807
qualifying subdivision, local or regional transportation 6808
authority, or other person to which a loan is made or from which 6809
bonds are purchased for the acquisition, renovation, repair, or 6810
construction of a rail service project, which participation 6811
agreement shall include, without limitation, all of the following 6812
provisions: 6813

(A) The cost of such project, the amount of the loan or bond 6814
purchase, the terms of repayment of such loan or bond purchase and 6815
the security therefor; 6816

(B) The specific purposes for which the proceeds of the loan 6817
or bond purchase shall be expended, the procedures as to the 6818
disbursements of loan or bond purchase proceeds, and the duties 6819
and obligations imposed upon the qualifying subdivision, local or 6820
regional transportation authority, or other person in regard to 6821
the construction, renovation, repair, refunding, or acquisition of 6822

the project; 6823

(C) The agreement of the qualifying subdivision, local or 6824
regional transportation authority, or other person to raise the 6825
funds ~~of~~ or provide sufficient credit or guarantee for repayment, 6826
through levy, pursuant to an election, contract, lease, fee 6827
charges, or otherwise; 6828

(D) The agreement of the qualifying subdivision, local or 6829
regional authority, or other person to provide the opinion of its 6830
counsel that the obligations of the qualifying subdivision, local 6831
or regional transportation authority, or other person comply with 6832
all applicable laws, rules, and regulations issued by the 6833
~~commission~~ division or other state, federal, or local bodies in 6834
regard to the construction, repair, renovation, funding, 6835
refunding, or acquisition of the project. 6836

Sec. ~~4981.131~~ 5501.643. (A) The power and authority provided 6837
~~by this chapter~~ under sections 5501.57 to 5501.661 of the Revised 6838
Code to qualifying subdivisions and local or regional 6839
transportation authorities to borrow for permitted loan purposes 6840
is in addition and supplemental to, not in derogation of, any 6841
other power or authority provided by law for the same or similar 6842
purposes, and ~~this chapter provides~~ sections 5501.57 to 5501.661 6843
of the Revised Code provide to qualifying subdivisions or local or 6844
regional transportation authorities alternative, not exclusive, 6845
means of accomplishing those purposes. 6846

(B) Chapter 133. of the Revised Code shall not apply to 6847
issuance of bonds by the ~~Ohio rail development commission~~ division 6848
of freight or to the authorizing, obtaining, or incurring of any 6849
general obligation loan or special revenue loan or to its entering 6850
into any participation agreement or delivering any such other 6851
instrument to the ~~commission~~ division in connection therewith, by 6852
any qualifying subdivision or local or regional transportation 6853

authority, except to the extent, if any, that provisions of 6854
Chapter 133. of the Revised Code are expressly made applicable 6855
thereto by ~~this chapter~~ sections 5501.57 to 5501.661 of the 6856
Revised Code or by the bond proceedings applicable to the bonds 6857
from the proceeds of which such loan was made. 6858

(C) For purposes of division (A) of section 5705.41 of the 6859
Revised Code, the authorization by a qualifying subdivision or 6860
local or regional transportation authority of a loan from the 6861
~~commission~~ division pursuant to section ~~4981.12~~ 5501.641 of the 6862
Revised Code shall be deemed to be the authorization of a bond 6863
issue, and the purpose for which such loan was obtained shall be 6864
deemed to be the purpose for which such bonds were issued. For 6865
purposes of division (D) of section 5705.41 of the Revised Code, 6866
the proceeds to be derived from a loan authorized by a qualifying 6867
subdivision or local or regional transportation authority to be 6868
obtained pursuant to section ~~4981.12~~ 5501.641 of the Revised Code 6869
shall be deemed to be proceeds to be derived from authorized 6870
bonds. 6871

(D) Sections ~~4981.01 to 4981.26~~ 5501.57 to 5501.661 of the 6872
Revised Code shall be liberally construed to effect the purposes 6873
described in section 1.11 of the Revised Code. 6874

Sec. ~~4981.15~~ 5501.644. (A) The ~~Ohio rail development~~ 6875
~~commission~~ division of freight, from time to time, may issue bonds 6876
in such principal amounts as the ~~commission~~ division finds 6877
necessary to finance one or more rail service projects. Sections 6878
9.98 to 9.983 of the Revised Code are hereby made applicable in 6879
their entirety to any bonds authorized to be issued under ~~this~~ 6880
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code except as 6881
otherwise provided herein. 6882

(B) The ~~commission~~ division, from time to time, may issue 6883
renewal bonds, issue bonds to pay such obligations and, whenever 6884

it considers refunding expedient, refund any bonds by the issuance 6885
of bonds by the authority granted by ~~this chapter~~ sections 5501.57 6886
to 5501.661 of the Revised Code. Except as may otherwise be 6887
expressly provided in ~~this chapter~~ sections 5501.57 to 5501.661 of 6888
the Revised Code or by the commission division, every issue of its 6889
bonds or notes is an obligation of the ~~commission~~ division payable 6890
out of the revenues and reserves created for such purposes by the 6891
~~commission~~ division, which are expressly pledged for such payment, 6892
without preference or priority of the first bonds issued, subject 6893
only to any agreements with the holders of particular bonds or 6894
notes pledging any particular revenues. Such pledge shall be valid 6895
and binding from the time the pledge is made and the revenues so 6896
pledged and thereafter received by the ~~commission~~ division 6897
immediately shall be subject to the lien of such pledge without 6898
any physical delivery thereof or further act and the lien of any 6899
such pledge shall be valid and binding as against all parties 6900
having claims of any kind, in tort, contract, or otherwise, 6901
against the ~~commission~~ division irrespective of whether such 6902
parties have notice thereof. 6903

(C) All such bonds shall have and are hereby declared to have 6904
all the qualities of negotiable instruments. The bonds shall ~~be~~ 6905
~~authorized by resolution of the commission, shall~~ bear such date 6906
and shall mature at such time, in case of any such note or any 6907
renewal thereof not exceeding five years from the date of issue of 6908
such original note, and in the case of any such bond not exceeding 6909
fifty years from the date of issue, as such resolution may 6910
provide. The bonds and notes shall bear interest at such rate or 6911
rates, including variable rates, be in such denominations, be in 6912
such form, either coupon or registered, carry such registration 6913
privileges, be payable in such medium of payment, in such place, 6914
and be subject to such terms of redemption as otherwise set forth 6915
in ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code 6916
as the ~~commission~~ division may authorize. The bonds of the 6917

~~commission division may be sold by the commission division at 6918
public or private sale, at or not less than the price the 6919
commission division determines. The bonds shall be executed by a 6920
~~voting member of the commission, selected by the commission and 6921
approved by the speaker of the house of representatives and the 6922
president of the senate, who may use a facsimile signature. The 6923
official seal of the commission, or a facsimile, shall be affixed 6924
thereto or printed thereon and attested, manually, or by facsimile 6925
signature, by the secretary treasurer of the commission the 6926
director of transportation. Coupons, if any, attached thereto 6927
shall bear the signature or facsimile signature of the ~~chairperson 6928
of the commission director~~. In case any officer whose signature, 6929
or a facsimile of whose signature appears on any bonds, notes, or 6930
coupons ceases to be such officer before delivery of such bonds or 6931
notes, such signature or facsimile is nevertheless sufficient for 6932
all purposes the same as if the officer had remained in office 6933
until such delivery. ~~In case the seal of the commission changes 6934
after a facsimile is imprinted on such bonds or notes, such 6935
facsimile continues to be sufficient for all purposes.~~ 6936~~~~

(D) Any ~~resolution authorizing determination by the director 6937
to authorize any bonds or any ~~issue thereof~~ bond issuance may 6938
contain provisions, subject to such agreements with bondholders or 6939
noteholders as may then exist, which provisions shall be a part of 6940
the contract with the holders thereof, as to pledging all or any 6941
part of the revenues of the commission division to secure the 6942
payment of the bonds of any issue thereof; the issue and 6943
disposition of revenues of the commission division; the setting 6944
aside of reserve funds, sinking funds, or replacement and 6945
improvement funds and the regulation and disposition thereof; the 6946
crediting of the proceeds of the sale of bonds to and among the 6947
funds referred to and provided for in the ~~resolution authorizing 6948
determination by the director to authorize the issuance of the 6949
bonds; providing for the pledge or use of the rail development 6950~~~~

fund created by section ~~4981.09~~ 5501.66 of the Revised Code; the 6951
use, lease, sale, or other disposition of any assets of the 6952
~~commission~~ division; limitations on the purpose to which the 6953
proceeds of the sale of bonds may be applied; the agreement of the 6954
~~commission~~ division to do all things necessary for the 6955
authorization, issuance, and sale of such bonds which may be 6956
issued in such amounts as may be necessary for the timely 6957
retirement of such bonds; limitation on the issuance of additional 6958
bonds which may be issued and secured; the refunding of 6959
outstanding bonds; the procedure, if any, by which the terms of 6960
any contract with bondholders or noteholders may be amended or 6961
abrogated; the amount of bonds the holders of which must consent 6962
may be given; limitations on the amount of moneys to be expended 6963
by the ~~commission~~ division for operating, administrative, or other 6964
expenses of the ~~commission~~ division securing any bonds by a trust 6965
agreement; and any other matter, of like or different character, 6966
which in any way affects the security or protection of the bonds. 6967

(E) In connection with each such issuance of bonds, the 6968
~~commission~~ division shall establish in its name an improvement 6969
fund or funds in the name of the rail service project or projects 6970
for which the permitted loan or expenditure is to be made. The 6971
proceeds of each issue of bonds, except for any portion thereof 6972
required under the bond proceedings to be deposited in a bond 6973
service fund, bond service reserve fund, or other special fund 6974
established pursuant to the bond proceedings for such issue of 6975
bonds, shall be deposited in the designated fund, and together 6976
with any investment income thereof, shall be held in trust and 6977
applied solely to permitted bond purposes and in accordance with 6978
such bond proceedings. 6979

(F) The right of holders of bonds issued by the ~~commission~~ 6980
division to payment of debt service on such bonds shall be limited 6981
to the pledged receipts and special funds pledged thereto pursuant 6982

to the bond proceedings and any moneys available for such payment 6983
under any credit facility issued with respect to such bonds. The 6984
holders of such bonds shall have no right to have moneys raised by 6985
ad valorem taxation obligated or pledged, and moneys raised by ad 6986
valorem taxation shall not be obligated or pledged for the payment 6987
of debt service on bonds issued by the ~~commission~~ division, except 6988
to the extent, if any, that the general assembly or legislative 6989
authority of qualifying subdivisions and local or regional 6990
transportation authorities that borrows moneys derived from the 6991
proceeds of such bonds pledge any moneys they raise by ad valorem 6992
taxation to the repayment of such borrowings and the moneys so 6993
raised and paid to the ~~commission~~ division are obligated or 6994
pledged to the payment of debt service on the bonds pursuant to 6995
the bond proceedings. 6996

(G) The bond proceedings adopted by the ~~commission~~ director 6997
authorizing the issuance of bonds shall provide for the general 6998
purpose thereof and shall specify, ~~or shall authorize one or more~~ 6999
~~officers of the board of directors to determine~~, subject to 7000
limitations set forth in the bond proceedings: the aggregate 7001
principal amount of the bonds; the form and manner of execution 7002
and authentication of the bonds; the principal maturity or 7003
maturities; whether the bonds are to bear interest at a fixed rate 7004
or rates or under a floating rate interest structure; if a fixed 7005
rate or fixed rates of interest are to be borne by the bonds, the 7006
interest rate or rates: if the bonds are to bear interest under a 7007
floating rate interest structure, the manner in which the floating 7008
rate is to be determined for each interest-rate period, the length 7009
of each interest-rate period, and the extent to which and manner 7010
in which the interest-rate period may be changed from time to 7011
time; the put arrangement or arrangements, if any, to be available 7012
to holders of the bonds; and the paying agents, remarketing 7013
agents, indexing agents, or other agents, if any, to be engaged in 7014
connection with the issuance of the bonds. The bond proceedings, 7015

either expressly or by reference to other bond proceedings thereby 7016
approved or otherwise applicable, also shall specify: the pledged 7017
receipts and the special fund or funds to be pledged to secure the 7018
payment of the debt service on the bonds; whether the pledged 7019
receipts are pledged on a basis prior or subordinate to other 7020
expenses, claims, or payments and whether other bonds have been or 7021
may be issued by the ~~commission~~ division secured by the pledged 7022
receipts on a basis prior to or on a parity with the bonds; the 7023
credit facility or facilities, if any, to be obtained with respect 7024
to the bonds; and the rights and remedies that may be exercised by 7025
the holders of the bonds or by a trustee on their behalf upon the 7026
occurrence of an event constituting an event of default under the 7027
bond proceedings, which rights and remedies shall include, except 7028
to the extent restricted by the bond proceedings, any rights and 7029
remedies available under the laws of the state for the enforcement 7030
of the payments required under and any other agreements made in, 7031
the bond proceedings. The bond proceedings, either expressly or by 7032
reference to other bond proceedings thereby approved or otherwise 7033
applicable, also may provide for: the mandatory or optional 7034
redemption of the bonds prior to their stated maturity; 7035
limitations on the issuance of additional bonds by the ~~commission~~ 7036
division; the investment of moneys in the improvement fund and any 7037
special funds, without regard to Chapter 131. or 135. of the 7038
Revised Code, but subject to any provisions of ~~Chapter 4981-~~ 7039
sections 5501.57 to 5501.661 of the Revised Code, and the bond 7040
proceedings with respect thereto; a maximum rate of interest that 7041
bonds with a floating rate interest structure may bear, without 7042
regard to section 9.95 of the Revised Code; any restrictions not 7043
inconsistent with ~~this chapter~~ sections 5501.57 to 5501.661 of the 7044
Revised Code on the amount and terms of and security for the 7045
repayment for loans made to qualifying subdivisions, local or 7046
regional transportation authorities, or other persons from the 7047
improvement fund; and any other term, condition, or provision of 7048

or with respect to the bonds which may be included in the bond 7049
proceedings. 7050

(H) The revenues and any special funds pledged to the payment 7051
of debt service on bonds pursuant to the bond proceedings for such 7052
bonds and thereafter received by the ~~commission~~ division or by an 7053
agent on behalf of the ~~commission~~ division are immediately subject 7054
to the lien of such pledge without any physical delivery thereof 7055
or further act. The lien of any such pledge is valid and binding 7056
against all parties having claims of any kind against the 7057
~~commission~~ division or against any person, qualifying subdivision, 7058
or local or regional transportation authority or municipal 7059
corporation that is an absolute obligor with respect to such 7060
bonds, irrespective of whether such parties have notice thereof, 7061
and shall create a perfected security interest for all purposes of 7062
Chapter 1309. of the Revised Code, without the necessity for 7063
separation or delivery of funds or for the filing or recording of 7064
the bond proceedings by which such pledge is created, or any 7065
certificate, statement, or other document with respect thereto; 7066
and the pledge of such pledged receipts and special funds is 7067
effective and the moneys therefrom and thereof may be applied to 7068
the purposes for which pledged without necessity for any act of 7069
appropriation. Every pledge, and every covenant and agreement made 7070
in the bond proceedings with respect thereto, may therein be 7071
extended to the benefit of the owners and holders of the bonds 7072
authorized to be issued under this section and to any trustee or 7073
paying agent for such owners and holders for further security of 7074
the payment of the debt service on such bonds. 7075

(I) ~~Each duty of the commission and of its members,~~ 7076
~~directors, or officers and each duty of any other governmental~~ 7077
~~agency and its officials, members, or employees undertaken~~ 7078
~~pursuant to the bond proceedings or in any participation agreement~~ 7079
~~is hereby established as a duty of the commission or of such~~ 7080

~~qualifying subdivision or local or regional transportation 7081
authority or governmental agency and of each such member, officer,
official, or employee having authority to perform such duty, 7082
specifically enjoined by law resulting from an office, trust, or 7083
station within the meaning of section 2731.01 of the Revised Code. 7084
The persons who are at the time the members, directors, officers,
or employees of the commission are not liable in their personal 7085
capacities on any bonds issued by the commission or under any of 7086
the bond proceedings with respect thereto. 7087
7088
7089~~

~~(J)~~ Bonds issued under this section are lawful investments of 7090
banks, savings and loan associations, deposit guarantee 7091
associations, trust companies, trustees, fiduciaries, insurance 7092
companies, including domestic for life and domestic not for life, 7093
trustees or other officers having charge of sinking and bond 7094
retirement funds or other funds of the state and of political 7095
subdivisions and taxing districts of the state, the commissioners 7096
of the sinking fund of the state, the industrial commission, the 7097
state teachers retirement system, the public employees retirement 7098
system, the school employees retirement system, and the Ohio 7099
police and fire pension fund, notwithstanding any other provisions 7100
of the Revised Code or rules adopted by any state agency with 7101
respect to investments by them, and are also acceptable as 7102
security for the deposit of public moneys. For the purpose of 7103
causing bonds issued by the ~~commission~~ division to be eligible for 7104
investment of interim moneys of the state or any subdivision of 7105
the state under section 135.14 of the Revised Code, but solely for 7106
that purpose, bonds issued by the ~~commission~~ division shall be 7107
deemed to be bonds or other obligations of this state for purposes 7108
of division (B)(4) of section 135.14 of the Revised Code. 7109

~~(K)~~(J) The bonds issued by the ~~commission~~ division, the 7110
transfer thereof, and the income therefrom, including any profit 7111
made on the sale thereof, shall at all times be free from taxation 7112

within the state. 7113

~~(I)~~(K) Any bonds which recite that they are issued pursuant 7114
to this section, which comply on their face with such section, 7115
which are issued for one or more permitted bond purposes, and for 7116
which the ~~commission~~ division has been paid in full, shall in any 7117
action or proceeding involving their validity be conclusively 7118
deemed to have been issued, sold, executed, and delivered in 7119
conformity with law and shall be incontestable unless such action 7120
or proceeding is begun prior to the delivery of such bonds to the 7121
original purchaser or purchasers thereof. 7122

~~(M)~~(L) In the event that the sum of all reserves pledged to 7123
the payment of such bonds shall be less than the minimum reserve 7124
requirements established in any ~~resolution or resolutions~~ 7125
~~authorizing~~ determination by the director to authorize the 7126
issuance of such bonds, the ~~chairperson of the commission~~ director 7127
shall certify, on or before the first day of December of each 7128
year, the amount of such deficiency to the governor for inclusion, 7129
if the governor shall so elect, of the amount of such deficiency 7130
in the budget to be submitted to the next session of the general 7131
assembly for appropriation to the commission to be pledged for 7132
payment of such bonds or notes. The general assembly shall not be 7133
required to make any appropriations so requested, and the amount 7134
of such deficiencies ~~do~~ does not constitute a debt or liability of 7135
the state. 7136

~~(N)~~(M) All property of the ~~commission~~ division is exempt from 7137
levy and sale by virtue of an execution and no execution or other 7138
judicial process may issue against the property. A judgment 7139
against the ~~commission~~ division may not be a charge or lien upon 7140
its property. However, nothing in this section applies to or 7141
limits the rights of the holder of bonds or notes to pursue a 7142
remedy for the enforcement of a pledge or lien given by the bank 7143
on its revenues or other money. 7144

~~(O)~~(N) No action to contest the validity of any bonds of the commission division to be sold at public sale may be brought after the fifteenth day following the first publication of notice of the sale of the bonds. No action to contest the validity of any bond sale under ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code may be brought after the fifth day following the bond sale.

~~(P)~~(O) If bonds are sold at private sale, the commission division may publish notice of the execution of the contract of sale of the bonds one time in a newspaper published and of general circulation in the city of Columbus. If notice is published as permitted in this division, no action to contest the validity of such bonds or notes sold at private sale may be brought after the fifteenth day following the publication of notice of the execution of the contract of sale pertaining to the bonds.

~~(O)~~(P) If an action challenging the bonds of the commission is not brought within the time prescribed by division ~~(O)~~(N) or ~~(P)~~(O) of this section, whichever is applicable, all bonds of the commission division shall be conclusively presumed to be fully authorized and issued under the laws of the state, and a person or a qualified entity is estopped from questioning their authorization, sale, issuance, execution, or delivery by the commission division.

~~(R)~~(O) Insofar as the provisions of this section are inconsistent with the provisions of any other law, general, special, or local, the provisions of ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code shall be controlling.

Sec. 4981.16 5501.645. The ~~Ohio rail development commission~~ division of freight may make the following determinations in connection with any issuance of its bonds:

(A) The number, location, and other characteristics of

projects, including to the extent reasonably possible, assurance 7176
that the projects to be financed by bonds will create or preserve 7177
jobs and employment opportunities or improve the economic welfare 7178
of the people of the state; 7179

(B) Eligibility requirements, including requirements for 7180
credit worthiness, for projects for which loans are made from 7181
proceeds of the bonds. In determining eligibility requirements the 7182
issuer shall take into consideration all of the following factors: 7183

(1) The length of time any borrower has been engaged in rail 7184
service; 7185

(2) The net income or net worth of any borrower; 7186

(3) The availability or feasibility of alternative financing 7187
methods for any borrower; 7188

(C) The type and amount of collateral, security, or credit 7189
enhancement to be provided to assure repayment of loans or of 7190
bonds; 7191

(D) The amounts and types of insurance coverage required on 7192
projects and loans; 7193

(E) Any other matters relating to the exercise of the powers 7194
or duties of the issuer under sections ~~4981.11 to 4981.26~~ 5501.57 7195
to 5501.661 of the Revised Code. 7196

Sec. ~~4981.17~~ 5501.646. (A) In the discretion of the ~~Ohio rail~~ 7197
~~development commission~~ division of freight, the bonds may be 7198
secured by a trust agreement or indenture of mortgage between the 7199
issuer and a corporate trustee, which may be any trust company or 7200
bank having the powers of a trust company within or without this 7201
state but authorized to exercise trust powers within this state. 7202

(B) Any such trust agreement or indenture of mortgage may 7203
contain the resolution or ordinance authorizing the issuance of 7204
the bonds and other provisions that are customary or appropriate 7205

in an agreement or indenture of such type, including, but not 7206
limited to: 7207

(1) A pledge of the rentals, revenues, and other income, 7208
charges, and moneys out of which the principal of and interest on 7209
the bonds shall be payable and a mortgage of all or any part of 7210
the pledged facilities, including any enlargements of and 7211
additions to such pledged facilities thereafter made; 7212

(2) Maintenance of each pledge, trust agreement, and 7213
indenture of mortgage made for the security of any of the bonds 7214
until the issuer has fully paid the principal of and interest on 7215
the bonds, or provision therefor has been made, for the security 7216
of which the pledge has been made and the trust agreement or 7217
indenture of mortgage has been given; 7218

(3) In the event of default in any payments required to be 7219
made by the bond proceedings or any other agreement of the issuer 7220
made as a part of the contract under which the bonds were issued, 7221
enforcement of such payments or agreement by mandamus, the 7222
appointment of a receiver in equity, or if a mortgage has been 7223
given, the foreclosure of such mortgage or any combination of the 7224
foregoing; 7225

(4) The rights and remedies of the bondholders and of the 7226
trustee and provisions for protecting and enforcing them, 7227
including limitations on rights of individual bondholders; 7228

(5) Such other provisions as the trustee, the original 7229
purchaser of the bonds, and the issuer agree upon. 7230

Sec. ~~4981.18~~ 5501.647. (A) Any holder of bonds issued 7231
pursuant to sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the 7232
Revised Code or a trustee under a trust agreement or indenture of 7233
mortgage entered into pursuant to section ~~4981.17~~ 5501.646 of the 7234
Revised Code, except to the extent that their rights are 7235

restricted by the bond proceedings or by the terms of the bonds, 7236
may by any suitable form of legal proceedings, protect and enforce 7237
any rights under the laws of this state or granted by the bond 7238
proceedings. Such rights include the right to compel the 7239
performance of all duties of the ~~Ohio rail development commission~~ 7240
division of freight required by sections ~~4981.11 to 4981.26~~ 7241
5501.57 to 5501.661 of the Revised Code or the bond proceedings; 7242
to enjoin unlawful activities; and in the event of default with 7243
respect to the payment of any principal of and interest on any 7244
bond or in the performance of any covenant or agreement on the 7245
part of the issuer in the resolution, ordinance, trust agreement, 7246
or indenture, to apply to a court having jurisdiction of the cause 7247
to appoint a receiver to administer and operate the pledged 7248
facilities, the rentals, revenues, and other income, charges, and 7249
moneys of which are pledged to the payment of principal of and 7250
interest on such bonds or which are the subject of the covenant or 7251
agreement, with full power to pay, and to provide for payment of, 7252
principal of and interest on such bonds, and with such powers, 7253
subject to the direction of the court, as are accorded receivers 7254
in general equity cases, excluding any power to pledge additional 7255
rentals, revenues, or other income, charges, or moneys of the 7256
issuer, including those derived from taxation, to the payment of 7257
such principal and interest; and to foreclose the mortgage on the 7258
pledged facilities in the same manner as for real estate of 7259
private corporations. 7260

(B) No law heretofore or hereafter enacted providing for a 7261
moratorium, postponement, or restraint upon the rights or remedies 7262
of a mortgagee or secured party to enforce a security interest, 7263
whether by foreclosure, collection or taking possession, judicial 7264
or other sale or disposition, or by any other means, shall apply 7265
to a security interest in all or any part of pledged facilities or 7266
in any way restrict, preclude, or otherwise impair the rights or 7267
remedies of the holders of bonds issued under sections ~~4981.11 to~~ 7268

~~4981.26~~ 5501.57 to 5501.661 of the Revised Code or of any insurer, 7269
guarantor, or provider of a letter of credit or other credit 7270
facility or security enhancement arrangement pertaining to loans 7271
made or bonds issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 7272
5501.661 of the Revised Code. The provisions of this division may 7273
be included as a covenant in any agreement with the holders of 7274
bonds or any insurer, guarantor, or provider of a letter of credit 7275
or other credit facility or security enhancement arrangement 7276
pertaining to loans made or bonds issued under sections ~~4981.11 to~~ 7277
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code. 7278

Sec. ~~4981.19~~ 5501.648. All bonds issued under sections 7279
~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the Revised Code are 7280
lawful investments of banks, societies for savings, savings and 7281
loan associations, deposit guarantee associations, trust 7282
companies, trustees, fiduciaries, insurance companies, including 7283
domestic for life and domestic not for life, trustees or other 7284
officers having charge of sinking and bond retirement or other 7285
special funds of political subdivisions and taxing districts of 7286
this state, the commissioners of the sinking fund of the state, 7287
the administrator of workers' compensation, the state teachers 7288
retirement system, the public employees retirement system, the 7289
school employees retirement system, and the Ohio police and fire 7290
pension fund, notwithstanding any other provision of the Revised 7291
Code or rules adopted pursuant thereto by any governmental agency 7292
of the state with respect to investments by them, and are 7293
acceptable as security for the deposit of public moneys. 7294

Sec. ~~4981.22~~ 5501.649. The ~~Ohio rail development commission~~ 7295
division of freight may issue refunding bonds to refund any bonds 7296
it previously issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 7297
5501.661 of the Revised Code, for any of the following purposes: 7298

(A) Refunding bonds which have matured or are about to mature 7299

when the rentals, revenues, and other income, charges, and moneys 7300
pledged for the payment of such bonds are insufficient to pay 7301
bonds which have matured or are about to mature or to make 7302
payments to other funds required by the bond proceedings; 7303

(B) Refunding any bonds as an incident to providing funds for 7304
reconstructing, enlarging, improving, or providing additional 7305
furnishings or equipment for the pledged facilities as to bonds 7306
originally issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 7307
5501.661 of the Revised Code; 7308

(C) Refunding all of the outstanding bonds of any issue, both 7309
matured and unmatured, when the rentals, revenues, or other 7310
income, charges, or moneys pledged for the payment of such bonds 7311
are insufficient to pay bonds which have matured or are about to 7312
mature or to make payments to other funds required by the bond 7313
proceedings, if such outstanding bonds can be retired by call, at 7314
maturity, or with the consent of the holders thereof, whether from 7315
the proceeds of the sale of the refunding bonds or by exchange for 7316
the refunding bonds, provided that the principal amount of 7317
refunding bonds shall not exceed in amount the aggregate of the 7318
par value of the bonds to be retired, any redemption premium, past 7319
due and future interest to the date of maturity or proposed 7320
redemption that cannot otherwise be paid, and funds, if any, to 7321
reconstruct, enlarge, improve, furnish, or equip, or any 7322
combination thereof, the pledged facilities as to bonds originally 7323
issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of 7324
the Revised Code; 7325

(D) Refunding any bonds of the issuer previously issued when 7326
the refunding bonds will bear interest at a lower rate than the 7327
bonds to be refunded, or when the interest cost of the refunding 7328
bonds computed to absolute maturity will be less than the interest 7329
cost of the bonds to be refunded, or when the average life of the 7330
refunding bonds will be greater than the remaining average life of 7331

the bonds to be refunded. 7332

Refunding bonds issued pursuant to this section shall mature 7333
not later than thirty years from date of issue. Except as provided 7334
in this section, the terms of the issuance and sale of refunding 7335
bonds shall be as provided in sections ~~4981.11 to 4981.26~~ 5501.57 7336
to 5501.661 of the Revised Code for an original issue of bonds. 7337

Sec. ~~4981.28~~ 5501.65. (A) The general assembly hereby finds 7338
and declares that it is in the public interest for private 7339
corporations or organizations to participate in the providing of 7340
rail service through the financing, design, construction, 7341
reconstruction, operation, and maintenance by private persons of 7342
all or part of a rail system, whether as system owners, or lessees 7343
from the ~~Ohio rail development commission, or agents for the~~ 7344
~~commission~~ division of freight. 7345

(B) To the extent that any provisions of sections ~~4981.28 to~~ 7346
~~4981.34~~ 5501.65 to 5501.661 of the Revised Code conflict with any 7347
state or local statute, regulation, or ordinance, the provisions 7348
of sections ~~4981.28 to 4981.34~~ 5501.65 to 5501.661 of the Revised 7349
Code are controlling. 7350

Sec. ~~4981.29~~ 5501.651. (A) In addition to the powers 7351
contained in section ~~4981.14~~ 5501.582 of the Revised Code, the 7352
~~Ohio rail development commission~~ division of freight may do all of 7353
the following: 7354

(1) Notwithstanding division (A) of section ~~4981.04~~ 5501.60 7355
of the Revised Code, adopt a plan for private participation in the 7356
financing, design, construction, and operation of all or part of a 7357
rail system; 7358

(2) Grant franchises for terms of up to fifty years and enter 7359
into franchise agreements with private corporations or 7360
organizations in connection therewith. A franchise may be awarded 7361

for the entire rail system or for a designated portion of the 7362
system, such as a corridor. 7363

(3) Use, close, relocate, or alter the grade of existing 7364
streets or highways or facilities of public utilities, and 7365
otherwise ensure compatibility of operation of public facilities 7366
with a franchise, whether in connection with the exercise of the 7367
~~commission's~~ division's power to appropriate property or 7368
otherwise; 7369

(4) Consult with and receive services from other state 7370
agencies and political subdivisions in connection with the 7371
planning, financing, construction, and operation of the rail 7372
system; 7373

(5) In accordance with Chapter 163. of the Revised Code, ~~and~~ 7374
~~subject to the approval of the director of transportation,~~ 7375
appropriate at a franchisee's expense real property that it may 7376
transfer to the franchisee, if the franchisee previously has made 7377
reasonable efforts to obtain the property in question through 7378
good-faith negotiations; 7379

(6) Make proceeds of bonds issued pursuant to section ~~4981.15~~ 7380
5501.644 of the Revised Code available for financing of all or 7381
part of a privately operated rail system, and serve as the issuer 7382
of bonds to fund loans it may make to private corporations and 7383
organizations under sections ~~4981.01 to 4981.26~~ 5501.57 to 7384
5501.661 of the Revised Code; 7385

(7) Preserve and defend the confidentiality of trade secrets 7386
and proprietary information received from private corporations or 7387
organizations; 7388

(8) Enter into any indemnification agreements that are 7389
necessary to reimburse a franchisee for any injuries or losses 7390
suffered by any person and for which the franchisee is liable and 7391
must pay money damages, if the injuries or losses are of such a 7392

nature that, if the ~~commission~~ division were the responsible party 7393
instead of the franchisee, the ~~commission~~ division would not be 7394
liable for the injuries or losses due to any immunity it enjoys 7395
under the laws of this state. 7396

(B) The ~~commission~~ division shall not regulate the rates or 7397
fares charged by a franchisee or the return on investment received 7398
by a franchisee, provided the rates are not discriminatory and 7399
overall return is not unreasonable. The ~~commission~~ division shall 7400
not regulate operations of a franchisee so long as the franchisee 7401
operates in accordance with all applicable safety standards. 7402

Sec. ~~4981.30~~ 5501.652. (A) The ~~Ohio rail development~~ 7403
~~commission~~ division of freight, in accordance with Chapter 119. of 7404
the Revised Code, shall adopt, and may amend and rescind, rules 7405
governing the process whereby a private corporation or 7406
organization may apply to the ~~commission~~ division for a franchise 7407
for all or part of a rail system. The rules also shall establish 7408
the financial and technical criteria upon which a franchise is 7409
awarded. The criteria may include all of the following: 7410

(1) The qualifications of each applicant, including the 7411
familiarity of the applicant with the transportation needs and 7412
resources of the state and the applicant's prior involvement and 7413
experience with respect to the development of rail service in this 7414
state; 7415

(2) The level of transport services offered; 7416

(3) The technology proposed; 7417

(4) The timetable for construction; 7418

(5) The construction, operation, and management plans; 7419

(6) The financial plan and the applicant's financial ability 7420
to provide reliable service; 7421

(7) Whether the proposed rail system will meet all applicable 7422

state and federal safety requirements; 7423

(8) Any legislative changes that may be necessary in order to 7424
implement the applicant's proposal; 7425

(9) Any plans and studies prepared for the ~~commission~~ 7426
division; 7427

(10) The projected ability of each applicant's proposed 7428
revenue sources to meet projected capital and operating funding 7429
requirements. 7430

(B) The ~~commission~~ division may solicit letters of intent 7431
from private corporations or organizations interested in applying 7432
for a franchise, and may require that a nonrefundable fee be 7433
submitted with the letter of intent. Any such fee may be applied 7434
against costs the ~~commission~~ division incurs in evaluating 7435
applications and for subsequent administration of a franchise. 7436

(C) The ~~commission~~ division may request proposals to be 7437
delivered for a franchise to construct, operate, and maintain the 7438
rail system or a portion thereof. 7439

(D) All applications for a franchise shall address the items 7440
contained in divisions (A)(1) to (11) of section ~~4981.04~~ 5501.60 7441
of the Revised Code. 7442

(E) The ~~commission~~ division shall notify all prospective 7443
bidders for a franchise that any private corporation or 7444
organization that is awarded a franchise with respect to the 3-C 7445
corridor shall be obligated to reimburse the ~~commission~~ division 7446
for amounts payable by the ~~commission~~ division, up to a maximum of 7447
one million five hundred thousand dollars, arising out of 7448
commitments of the ~~commission~~ division in connection with the 7449
preparation of the plan under section ~~4981.04~~ 5501.60 of the 7450
Revised Code, and out of other pre-existing contractual 7451
arrangements of the ~~commission~~ division with respect to the 3-C 7452
corridor. 7453

(F) The ~~commission~~ division may award a franchise for the 7454
rail system or a portion of the system to the applicant the 7455
~~commission~~ division determines is best qualified, in accordance 7456
with standards for evaluation of applicants established by rule 7457
and previously announced. 7458

Sec. ~~4981.31~~ 5501.653. (A) The award by the ~~Ohio rail~~ 7459
~~development commission~~ division of freight of a franchise for all 7460
or part of a rail system shall be the sole license required for a 7461
franchisee to exercise all specified franchise powers and enjoy 7462
all specified franchise rights. The franchise shall be for a term 7463
of not less than thirty-five, but not more than fifty years from 7464
the date of commencement of actual service operations. With the 7465
approval of the general assembly, the ~~commission~~ division may 7466
extend a franchise beyond the time period specified in the 7467
original franchise award, on terms mutually agreeable to the 7468
franchisee and the ~~commission~~ division. If the ~~commission~~ division 7469
does not grant an extension, any portion of the rail system owned 7470
by the franchisee shall revert to the state upon expiration of the 7471
franchise. 7472

(B) In the absence of a material default by a franchisee 7473
under the franchise agreement, any termination by the ~~commission~~ 7474
division of a franchise prior to the expiration of its stated 7475
terms shall be deemed to be either an impairment of contract by 7476
the state or the equivalent of the commencement of an 7477
appropriation action by the state, as the franchisee may elect, 7478
and shall entitle the franchisee to full compensation for its 7479
loss, including reimbursement of all costs incurred in the 7480
development of the franchise. Any terms of the franchise agreement 7481
designed to protect the reasonable expectations of persons 7482
providing financing for the portion of the system comprising the 7483
franchise shall not be affected by any proposed franchise 7484
termination, and any termination based upon an alleged material 7485

default in performance by the franchisee is subject to the hearing 7486
and appeal provisions of Chapter 119. of the Revised Code. 7487

(C) The franchise agreement may authorize the franchisee to 7488
plan, design, finance, construct, operate, and maintain its 7489
designated portion of the rail system and any ancillary system 7490
facilities. 7491

(D) The franchise agreement shall require the franchisee to 7492
construct, operate, and maintain the rail system in accordance 7493
with the franchise agreement. All minimum technical standards for 7494
the design, construction, and operation of the portion of the 7495
system comprising the franchise shall be included in the franchise 7496
agreement or incorporated by reference. The conditions of the 7497
franchise agreement relating to the actual operation of the 7498
trains, including train speed, capacity, construction and 7499
maintenance standards, environmental enhancement and protection, 7500
safety, and noise levels, supersede any conflicting rule, 7501
ordinance, resolution, standard, or charter provision of any 7502
agency or political subdivision of the state. 7503

(E) Provision may be included in the franchise agreement for 7504
a development and construction schedule, subject to extension for 7505
events beyond the control of the franchisee and changes in 7506
applicable state and federal law. 7507

(F) The franchise agreement shall obligate the ~~commission~~ 7508
division, upon request of the franchisee, to assist in obtaining 7509
permits and licenses necessary for the construction and operation 7510
of the rail system and ancillary facilities. 7511

(G) If a franchisee develops and either transfers its portion 7512
of the rail system to the ~~commission~~ division and then leases that 7513
portion from the ~~commission~~ division, or leases its portion to the 7514
~~commission~~ division and continues to operate that portion of the 7515
rail system, the state shall indemnify the franchisee against 7516

claims that, if made against the ~~commission~~ division or the state, 7517
would be subject to a defense of sovereign immunity. 7518

(H) In the franchise agreement, the ~~commission~~ division may 7519
furnish the franchisee with reasonable assurances that the state 7520
will not take any action that would have the effect of depriving 7521
the franchisee of the anticipated economic benefits of franchise 7522
operation, including the award of franchises subsequent to the 7523
award of the 3-C corridor franchise which have such effect, and 7524
that the ~~commission~~ division will take such reasonable actions to 7525
dissuade other agencies of the state from taking actions that 7526
might have an adverse economic or regulatory impact on the 7527
franchisee. 7528

(I) If more than one franchise is awarded, the franchisees 7529
shall bear all costs necessary for the interconnection of their 7530
respective franchises, which costs shall be allocated equitably by 7531
the ~~commission~~ division. 7532

(J) After a franchise is awarded, the terms under which it is 7533
awarded may be modified only by written agreement of the parties, 7534
after observation of notice and comment procedures initially 7535
agreed to by the ~~commission~~ division and the franchisee. 7536

(K) The ~~commission~~ division shall cooperate with the 7537
environmental protection agency in the franchise procurement 7538
review and award process. In consultation with the agency, the 7539
~~commission~~ division shall adopt or amend reasonable procedural 7540
rules in order to simplify and expedite the process by which the 7541
franchisee applies for and obtains required state permits. 7542

(L) The ~~commission~~ division shall assist franchisees in 7543
meeting environmental requirements, including, if requested by a 7544
franchisee, serving as the lead agency in connection with 7545
environmental impact analysis requirements. 7546

Sec. ~~4981.32~~ 5501.654. (A) A franchise agreement shall 7547
authorize the franchisee to do all of the following: 7548

(1) Acquire and dispose of real and personal property and 7549
request the ~~Ohio rail development commission~~ division of freight 7550
to appropriate real property for sale to the franchisee in 7551
accordance with division (A)(5) of section ~~4981.29~~ 5501.651 of the 7552
Revised Code; 7553

(2) Plan, design, finance, construct, reconstruct, improve, 7554
operate, and maintain its portion of the rail system and any 7555
ancillary system facilities; 7556

(3) Set and charge rates and fares for the use of its portion 7557
of the rail system, and retain all revenues in excess of debt 7558
service and operating expenses up to an agreed return on 7559
investment; 7560

(4) Subject to applicable permit requirements, construct and 7561
operate the rail system over or under canals, navigable 7562
watercourses, and existing transportation and public utility 7563
rights-of-way; 7564

(5) Classify users according to reasonable categories for the 7565
assessment of fares, including peak and off-peak time periods; 7566

(6) Make and enforce reasonable regulations regarding usage 7567
and safety of that portion of the rail system comprising its 7568
franchise; 7569

(7) Engage in any other business in addition to that of 7570
operator of its portion of the rail system, including the purchase 7571
and sale of real estate and ownership and operation of ancillary 7572
system facilities; 7573

(8) Establish and fund accounts, including reasonable 7574
reserves for contingencies, maintenance, and replacement, in order 7575
to ensure the availability of funds to meet future obligations of 7576

the franchisee; 7577

(9) Take all other actions it determines necessary and 7578
appropriate in the operation of the franchise, so long as those 7579
actions comply with the franchise agreement and with applicable 7580
state and federal statutes, rules, and regulations. 7581

(B) The franchisee shall do all of the following: 7582

(1) Use best efforts to arrange financing for the 7583
construction and operation of that portion of the rail system that 7584
comprises its franchise, and pledge assets and revenue as may be 7585
necessary to secure repayment of obligations; 7586

(2) Maintain and file with the ~~commission~~ division a schedule 7587
of rates and fares, and file and maintain a statement that those 7588
rates and fares apply uniformly to all users of the rail system 7589
within reasonable categories; 7590

(3) Construct, maintain, and insure the rail system in 7591
accordance with standards agreed with the ~~commission~~ division, and 7592
permit access for inspection by the ~~commission~~ division. 7593
Construction may be performed in stages pursuant to a schedule or 7594
program approved by the ~~commission~~ division. 7595

(4) Enlarge or expand its portion of the rail system from 7596
time to time, as reflected in initial plans for the franchise and 7597
as appropriate to meet market requirements; 7598

(5) Operate the rail system in accordance with applicable 7599
legal requirements and any additional reasonable operating and 7600
safety standards the ~~commission~~ division approves, or as otherwise 7601
may be required by applicable state or federal requirements; 7602

(6) Contract with state, county, or municipal law enforcement 7603
agencies, or enter into other arrangements acceptable to the 7604
~~commission~~ division, to provide law enforcement on and around the 7605
franchisee's portion of the rail system. 7606

(C) Any instrument by which real property is acquired 7607
pursuant to this section shall identify the agency of the state 7608
that has the use and benefit of the real property as specified in 7609
section 5301.012 of the Revised Code. 7610

Sec. ~~4981.33~~ 5501.655. (A) The ~~Ohio rail development~~ 7611
~~commission~~ division of freight shall review all plans and 7612
specifications of a franchisee for its portion of a rail system to 7613
ensure that the plans and specifications conform to ~~commission~~ 7614
division standards, and shall inspect and approve the construction 7615
of all portions of the rail system. The ~~commission~~ division shall 7616
assume responsibility for and indemnify any franchisee for 7617
third-party claims arising out of franchisee design and 7618
construction activities performed without fault that have been 7619
reviewed and approved by the ~~commission~~ division. 7620

(B) The ~~commission~~ division shall monitor maintenance 7621
practices of a franchisee or its operator to secure and maintain 7622
safety and efficiency in the operation of those portions of the 7623
rail system operated by the franchisee. 7624

(C) All rules adopted by the ~~commission~~ division affecting 7625
the rail system or franchises shall be adopted in accordance with 7626
Chapter 119. of the Revised Code. 7627

(D) The ~~commission~~ division shall not regulate rates and 7628
fares a franchisee charges for its portion of the rail system. 7629

(E) The ~~commission~~ division may require a franchisee to 7630
furnish to the ~~commission~~ division data sufficient to enable it to 7631
verify the franchisee's compliance with all terms of its franchise 7632
agreement. 7633

(F) Except for rules adopted by the ~~commission~~ division or 7634
the franchisee pursuant to sections ~~4981.28 to 4981.34~~ 5501.65 to 7635
5501.661 of the Revised Code, the laws of this state relating to 7636

rail carriers apply to all portions of the rail system, and the powers of arrest of law enforcement officers on and around any portion of the rail system are the same there as elsewhere in the state.

Sec. ~~4981.34~~ 5501.656. (A) On behalf of a franchisee and pursuant to section ~~4981.15~~ 5501.644 of the Revised Code, the ~~Ohio rail development commission~~ division of freight may issue bonds for loans to finance development and construction of a franchisee's portion of a rail system. Any bonds issued pursuant to this section do not, and shall state that they do not, represent or constitute a debt or pledge of the faith and credit of the state, nor do such bonds grant to the bondholders or noteholders any right to have the general assembly levy any taxes or appropriate any funds for the payment of the principal or interest thereon. Such bonds shall be payable solely from the loan repayments the ~~commission~~ division receives from the franchisee to which the loan was made. The loan repayments shall be made from revenues that the franchisee receives from the operation of its portion of the rail system and that shall be pledged to repay the ~~commission~~ division, or from such other credit sources as the franchisee may arrange.

(B) The portion of the rail system awarded to a franchisee, any elements thereof, or the land upon which a franchise is situated may be owned by the franchisee or owned by the ~~commission~~ division and leased to the franchisee for the term of the franchise.

(C) The rail system may be financed partially by the ~~commission~~ division and partially by franchisees. With respect to that portion of the rail system financed by the ~~commission~~ division, the ~~commission~~ division may utilize all of the bonding and financial authority contained in sections ~~4981.01 to 4981.26~~

5501.57 to 5501.661 of the Revised Code and also may seek to 7668
obtain state funding or federal financing on behalf of the rail 7669
system. ~~Commission~~ Division financing, credit support, and 7670
financial assistance may not be commingled with private financing 7671
obtained by the franchisee, and any moneys of the ~~commission~~ 7672
division to be expended by the ~~commission~~ division to finance a 7673
portion of a rail system shall be kept in accounts that are 7674
separate and apart from and not a part of the accounts in which 7675
are kept any moneys to be expended by a franchisee to finance its 7676
portion of a rail system. 7677

(D) The franchisee may arrange financing and refinancing of 7678
the system through any combination of debt, equity, and public 7679
sources available to it that it determines in its sole discretion. 7680
A franchisee shall not be precluded from utilizing any type of 7681
public or private assistance available to it in connection with 7682
the development of its franchise. A franchisee shall furnish the 7683
~~commission~~ division all relevant and necessary information with 7684
respect to financing terms to enable the ~~commission~~ division to 7685
exercise its oversight responsibilities with respect to the 7686
franchisee's reasonable return on its investment. 7687

(E) When requested by a franchisee, the ~~commission~~ division 7688
shall seek from the office of budget and management an allotment 7689
of proceeds from the issuance of private activity bonds. The 7690
~~commission~~ division shall distribute those proceeds to franchisees 7691
in such proportions and amounts as it determines in its 7692
discretion. 7693

(F)(1) The ~~commission~~ division may levy and collect special 7694
assessments upon all parcels of real property, other than real 7695
property owned by a railroad corporation, in the immediate 7696
vicinity of any rail system station or terminal of the ~~commission~~ 7697
division or a franchisee, including, without limitation, parcels 7698
that abut, are adjacent or contiguous to, or otherwise increase in 7699

value due to the existence of, the station or terminal. An 7700
assessment levied under this division shall be for the purpose of 7701
enabling the ~~commission~~ division to collect a portion of the 7702
increase in the true value in money of any such parcel of property 7703
subsequent to the commencement of operation of a rail system 7704
station or terminal. All assessments shall be applied, directly or 7705
indirectly, to the development and financing of the portion of the 7706
rail system of which the station or terminal is a part. 7707

(2) Upon written request of the ~~commission~~ division, the 7708
county auditor of a county in which a rail system station or 7709
terminal commences operation shall assess each parcel of real 7710
property that is located in the immediate vicinity of the station 7711
or terminal and that the ~~commission~~ division has reasonable cause 7712
to believe has increased in true value in money because of the 7713
existence of the station or terminal. The county auditor shall 7714
utilize appropriate assessment techniques specified in rules 7715
adopted by the tax commissioner pursuant to Chapter 5713. of the 7716
Revised Code to determine the increase in true value, if any, of 7717
the real property. Any increase shall be measured by comparing the 7718
true value of the real property in the year in which the 7719
~~commission adopted the resolution designating~~ division designated 7720
the location of the station or terminal, as reflected on the tax 7721
list for that year, with the highest true value of the real 7722
property as of the month in which rail system operations commenced 7723
at the station or terminal. The county auditor shall then 7724
determine what percentage of the true value increase, if any, is 7725
directly attributable to the existence of and commencement of 7726
operations at the station or terminal. The county auditor shall 7727
convert the percentage increase to an amount certain, and certify 7728
the results of the assessments to the ~~commission~~ division. Within 7729
thirty days after receipt of the certified results, the ~~commission~~ 7730
division shall reimburse the county auditor for the actual cost to 7731
the auditor of making the assessments. 7732

(3) In no case shall any special assessment levied by the 7733
~~commission~~ division upon a parcel of real property exceed twenty 7734
per cent of the increase in the true value of the property that 7735
the county auditor certifies to the ~~commission~~ division as being 7736
directly attributable to the existence of and commencement of 7737
operations at the station or terminal. A special assessment shall 7738
constitute a lien against the property and shall be added to the 7739
tax list and duplicate for collection. Payments on the special 7740
assessment shall be made semiannually at the same time as real 7741
property taxes are required to be paid, but upon written request 7742
of the owner of the real property assessed, the county auditor may 7743
permit the owner to pay the assessment in equal installments over 7744
a period of not longer than ten years. 7745

(4) An owner of real property upon which a special assessment 7746
is levied under this section may file a petition in the court of 7747
common pleas of the county in which the real property is located 7748
challenging any aspect of the assessment, including the fact of 7749
the special assessment itself or the amount. The filing of such a 7750
petition shall stay the collection of any part of the special 7751
assessment, and collection shall not commence until a decision on 7752
the merits is rendered by the court. 7753

(G) Nothing in this section shall be construed as limiting 7754
the power of the ~~commission~~ division to issue bonds pursuant to 7755
section ~~4981.15~~ 5501.644 of the Revised Code for the purposes 7756
stated in that section. 7757

Sec. ~~4981.09~~ 5501.66. There is hereby created in the state 7758
treasury the rail development fund. The fund shall consist of such 7759
moneys as may be provided by law, including moneys received from 7760
the sale, transfer, or lease of any rail property pursuant to 7761
section ~~4981.08~~ 5501.612 of the Revised Code. Moneys in the fund 7762
shall be used for the purpose of acquiring, rehabilitating, or 7763

developing rail property or service, or for participation in the 7764
acquisition of rail property with the federal government, 7765
municipal corporations, townships, counties, or other governmental 7766
agencies. For the purpose of acquiring such rail property, the 7767
~~Ohio rail development commission~~ division of freight may obtain 7768
acquisition loans from the federal government or from any other 7769
source. 7770

The fund shall also be used to promote, plan, design, 7771
construct, operate, and maintain passenger and freight rail 7772
transportation systems, and may be used to pay the administrative 7773
costs of the ~~Ohio rail development commission~~ division of freight 7774
associated with conducting any authorized rail program, and for 7775
any purpose authorized by sections ~~4981.03~~ and 5501.56 and 7776
5501.581 of the Revised Code. The fund shall not be used to 7777
provide loan guarantees. No money in the fund may be expended for 7778
a rail project initiated by the division until the transportation 7779
review advisory council has reviewed and approved the project. 7780

Sec. ~~4981.091~~ 5501.661. There is hereby created in the state 7781
treasury the federal rail fund. The fund shall consist of money 7782
received pursuant to section ~~4981.08~~ 5501.612 of the Revised Code 7783
and such other money as may be provided by law. The fund shall be 7784
used to acquire, rehabilitate, or develop rail property or 7785
service; to participate in the acquisition of rail property with 7786
the federal government, municipal corporations, townships, 7787
counties, or other governmental agencies; and to promote, plan, 7788
design, construct, operate, and maintain passenger and freight 7789
rail transportation systems. The fund also may be used to pay the 7790
administrative costs of the ~~Ohio rail development commission~~ 7791
division of freight associated with conducting any authorized rail 7792
program, and for any purpose authorized by sections ~~4981.03~~ and 7793
5501.56 and 5501.581 of the Revised Code. The fund shall not be 7794
used to provide loan guarantees. No money in the fund may be 7795

expended for a rail project initiated by the division until the 7796
transportation review advisory council has reviewed and approved 7797
the project. Investment earnings on moneys credited to the fund 7798
shall be retained by the fund. 7799

In acquiring rail property, the ~~Ohio rail development~~ 7800
~~commission~~ division of freight may obtain acquisition loans from 7801
the federal government or from any other source. 7802

Sec. 5502.03. (A) There is hereby created in the department 7803
of public safety a division of homeland security. 7804

(B) The division shall do all of the following: 7805

(1) Coordinate all homeland security activities of all state 7806
agencies and be the liaison between state agencies and local 7807
entities for the purposes of communicating homeland security 7808
funding and policy initiatives; 7809

(2) Collect, analyze, maintain, and disseminate information 7810
to support local, state, and federal law enforcement agencies, 7811
other government agencies, and private organizations in detecting, 7812
deterring, preventing, preparing for, responding to, and 7813
recovering from threatened or actual terrorist events. This 7814
information is not a public record pursuant to section 149.43 of 7815
the Revised Code. 7816

(3) Coordinate efforts of state and local governments and 7817
private organizations to enhance the security and protection of 7818
critical infrastructure, including casino facilities, and key 7819
assets in this state; 7820

(4) Develop and coordinate policies, protocols, and 7821
strategies that may be used to prevent, detect, prepare for, 7822
respond to, and recover from terrorist acts or threats; 7823

(5) Develop, update, and coordinate the implementation of an 7824
Ohio homeland security strategic plan that will guide state and 7825

local governments in the achievement of homeland security in this 7826
state. 7827

(C) The director of public safety shall appoint an executive 7828
director, who shall be head of the division of homeland security 7829
and who regularly shall advise the governor and the director on 7830
matters pertaining to homeland security. The executive director 7831
shall serve at the pleasure of the director of public safety. To 7832
carry out the duties assigned under this section, the executive 7833
director, subject to the direction and control of the director of 7834
public safety, may appoint and maintain necessary staff and may 7835
enter into any necessary agreements. 7836

(D) Except as otherwise provided by law, nothing in this 7837
section shall be construed to give the director of public safety 7838
or the executive director of the division of homeland security 7839
authority over the incident management structure or 7840
responsibilities of local emergency response personnel. 7841

~~(E) There is hereby created in the state treasury the 7842
homeland security fund. The fund shall consist of sixty cents of 7843
each fee collected under sections 4501.34, 4503.26, 4506.08, and 7844
4509.05 of the Revised Code as specified in those sections, plus 7845
on and after October 1, 2009, sixty cents of each fee collected 7846
under sections 4505.14 and 4519.63 of the Revised Code as 7847
specified in those sections. The fund shall be used to pay the 7848
expenses of administering the law relative to the powers and 7849
duties of the executive director of the division of homeland 7850
security, except that the director of budget and management may 7851
transfer excess money from the homeland security fund to the state 7852
highway safety fund if the director of public safety determines 7853
that the amount of money in the homeland security fund exceeds the 7854
amount required to cover such costs incurred by the division of 7855
homeland security and requests the director of budget and 7856
management to make the transfer. 7857~~

Sec. 5502.39. There is hereby created in the state treasury 7858
the emergency management agency service and reimbursement fund. 7859
The fund shall consist of ~~one dollar and twenty five cents of each~~ 7860
~~fee collected under sections 4501.34, 4503.26, 4506.08, and~~ 7861
~~4509.05 of the Revised Code as specified in those sections, plus~~ 7862
~~on and after October 1, 2009, one dollar and twenty five cents of~~ 7863
~~each fee collected under sections 4505.14 and 4519.63 of the~~ 7864
~~Revised Code as specified in those sections, and the money~~ 7865
collected under sections 5502.21 to 5502.38 of the Revised Code. 7866
All money in the fund shall be used to pay the costs of 7867
administering programs of the emergency management agency, ~~except~~ 7868
~~that the director of budget and management may transfer excess~~ 7869
~~money from the emergency management agency service and~~ 7870
~~reimbursement fund to the state highway safety fund if the~~ 7871
~~director of public safety determines that the amount of money in~~ 7872
~~the emergency management agency service and reimbursement fund~~ 7873
~~exceeds the amount required to cover such costs incurred by the~~ 7874
~~emergency management agency and requests the director of budget~~ 7875
~~and management to make the transfer.~~ 7876

Sec. 5502.67. There is hereby created in the state treasury 7877
the justice program services fund. The fund shall consist of the 7878
court costs designated for the fund pursuant to section 2949.094 7879
of the Revised Code, ~~twenty five cents of each fee collected under~~ 7880
~~sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised~~ 7881
~~Code as specified in those sections, plus on and after October 1,~~ 7882
~~2009, twenty five cents of each fee collected under sections~~ 7883
~~4505.14 and 4519.63 of the Revised Code as specified in those~~ 7884
~~sections,~~ and all money collected by the division of criminal 7885
justice services for nonfederal purposes, including subscription 7886
fees for participating in the Ohio incident-based reporting system 7887
under division (C) of section 5502.62 of the Revised Code, unless 7888

otherwise designated by law. The justice program services fund 7889
shall be used to pay costs of administering the operations of the 7890
division of criminal justice services, ~~except that the director of~~ 7891
~~budget and management may transfer excess money from the justice~~ 7892
~~program services fund to the state highway safety fund if the~~ 7893
~~director of public safety determines that the amount of money in~~ 7894
~~the justice program services fund exceeds the amount required to~~ 7895
~~cover such costs incurred by the office of criminal justice~~ 7896
~~services and requests the director of budget and management to~~ 7897
~~make the transfer.~~ 7898

Sec. 5512.02. (A) The director of transportation shall 7899
develop a written project selection process for the prioritization 7900
of new transportation capacity and rail projects. The director 7901
shall include the following in the process: 7902

(1) A description of how strategic initiatives submitted by 7903
the director are advanced by the process; 7904

(2) A definition of the kinds of projects to which the 7905
process applies; 7906

(3) Criteria that are used to rank proposed projects by how 7907
effectively a project contributes to the advancement of the 7908
strategic initiatives; 7909

(4) Data that is necessary to apply the ranking criteria; 7910

(5) Any other provisions the director considers appropriate. 7911

(B) In developing the project selection process, the director 7912
shall seek and consider public comment on the process. In doing 7913
so, the director may hold public hearings in various locations 7914
around the state. 7915

Sec. 5512.03. Upon completing the written project selection 7916
process for the prioritization of new transportation capacity and 7917

rail projects, the director of transportation shall submit it to 7918
the transportation review advisory council. The council shall 7919
review the process, and approve it or make revisions. 7920

Sec. 5512.04. At least once every two years, the director of 7921
transportation shall prepare a fiscal forecast predicting or 7922
indicating the amount of funding expected to be available for 7923
construction of new transportation capacity and rail projects 7924
during the period of the forecast. The forecast shall be 7925
consistent with the biennial budget approved by the general 7926
assembly. 7927

The transportation review advisory council shall develop and 7928
approve a list of projects that will not cause spending to 7929
significantly exceed the funding predicted to be available by the 7930
fiscal forecast. 7931

Sec. 5512.05. In performing its duty to develop the project 7932
selection process, and list of projects, the transportation review 7933
advisory council ~~shall~~ may conduct ~~no more than six~~ public 7934
hearings ~~per year~~ at various locations around the state. At the 7935
hearings, the council shall accept public comment related to the 7936
project selection process, and on the merits of major new 7937
transportation or rail projects. Members of the council shall 7938
attend the hearings in person. 7939

Sec. 5512.06. The director of transportation, with the 7940
approval of the transportation review advisory council, shall 7941
submit biennial reports to the governor and the general assembly 7942
on the conduct of the project selection process for prioritizing 7943
transportation capacity and rail projects, and on the progress of 7944
those projects undertaken. 7945

Sec. 5519.01. If the director of transportation is unable to 7946

purchase property for any purpose related to highways, roads, or 7947
bridges authorized by Chapters 5501., 5503., 5511., 5513., 5515., 7948
5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 7949
5531., 5533., and 5535. of the Revised Code, or, ~~if the Ohio rail~~ 7950
~~development commission is unable to purchase property~~ for any 7951
purpose necessary for the implementation of rail service under 7952
~~Chapter 4981. sections 5501.57 to 5501.661~~ of the Revised Code, 7953
the director shall issue, ~~or the commission shall enter on the~~ 7954
~~records of the commission,~~ a finding that it is necessary, for the 7955
public convenience and welfare, to appropriate such property as 7956
the director ~~or commission~~ considers needed for such purposes. The 7957
finding shall contain a definite, accurate, and detailed 7958
description of the property, and the name and place of residence, 7959
if known or with reasonable diligence ascertainable, of the owner 7960
of the property appropriated. ~~The commission shall submit to the~~ 7961
~~director a copy of its record finding that the appropriation of~~ 7962
~~property is necessary. The commission shall not proceed with the~~ 7963
~~appropriation unless it is first approved by the director.~~ 7964

The director ~~or commission~~, in such finding, shall fix what 7965
the director ~~or commission~~ considers to be the value of such 7966
property appropriated, together with damages to the residue, and 7967
deposit the value thereof, together with the damages, with the 7968
probate court or the court of common pleas of the county within 7969
which the property, or a part thereof, is situated. The power to 7970
appropriate property for any purpose authorized by such chapters 7971
shall be exercised in the manner provided in sections 163.01 to 7972
163.22 of the Revised Code. 7973

Any instrument by which real property is acquired pursuant to 7974
this section shall identify the agency of the state that has the 7975
use and benefit of the real property as specified in section 7976
5301.012 of the Revised Code. 7977

Sec. 5528.31. Notes as used in section 5528.30 and this 7978
section of the Revised Code includes notes issued in anticipation 7979
of the issuance of bonds, which notes may be renewed from time to 7980
time, and which renewal notes and bonds issued to fund other 7981
obligations, shall not be counted against the aggregate principal 7982
amount of highway obligations which may be issued in any calendar 7983
year or which may be outstanding at any one time under authority 7984
of Section 2i of Article VIII, Ohio Constitution. 7985

If notes are issued in anticipation of bonds, the 7986
commissioners of the sinking fund shall issue bonds to retire such 7987
notes at their maturity unless the commissioners have provided for 7988
such retirement from the proceeds of renewal notes issued in 7989
anticipation of bonds, ~~or moneys to be available on the maturity~~ 7990
~~date in the highway obligations bond retirement fund created by~~ 7991
~~section 5528.32 of the Revised Code, or both. So long as any notes~~ 7992
~~are outstanding and while any bonds are outstanding there shall be~~ 7993
~~paid annually into the highway obligations bond retirement fund~~ 7994
~~from the excises, taxes, and fees authorized for payment of~~ 7995
~~highway obligations at least two and one half per cent of the~~ 7996
~~total amount of such notes or bonds and such amounts paid with~~ 7997
~~respect to such notes or bonds in anticipation of which such notes~~ 7998
~~have been issued shall be used only for the payment of principal~~ 7999
~~of such notes or of bonds in anticipation of which such notes have~~ 8000
~~been issued, and such amounts paid with respect to bonds for which~~ 8001
~~anticipatory notes have not been issued shall be used only for the~~ 8002
~~payment of principal of bonds, but provided that such annual~~ 8003
~~payments shall be fixed so that the total amount thereof shall be~~ 8004
~~sufficient to provide for the retirement of such notes or bonds~~ 8005
~~within a period of thirty years from the date the debt was~~ 8006
~~originally contracted. For the purpose only of determining the~~ 8007
~~amounts and times of such payments into such bond retirement fund~~ 8008
~~while such notes or bonds are outstanding the commissioners of the~~ 8009

~~sinking fund in its resolution authorizing the issuance of such 8010
notes or bonds shall set forth a schedule of annual payments and 8011
the annual payment dates the first of which shall be no later than 8012
eighteen months after the date of issuance of such notes or bonds, 8013
and the annual payments shall be fixed in such schedule so that 8014
each annual payment is at least two and one half per cent of the 8015
total amount of such bonds or notes and so that the the total 8016
amount of such annual payments shall be sufficient to provide for 8017
the retirement of such notes or bonds within a period of thirty 8018
years from the date the debt was originally contracted. 8019~~

Sec. 5528.40. Upon the payment in full of all interest, 8020
principal, and charges for the retirement of all highway 8021
obligations issued pursuant to Section 2i of Article VIII, Ohio 8022
Constitution, and sections 5528.30 and 5528.31 of the Revised 8023
Code, the commissioners of the sinking fund shall make a 8024
certification of such fact to the clerk of the senate, the clerk 8025
of the house of representatives, and the treasurer of state. 8026

~~Upon receipt of such certification the treasurer of state 8027
shall transfer all moneys then remaining to the credit of the 8028
highway obligations bond retirement fund, created by section 8029
5528.32 of the Revised Code, to the highway operating fund. 8030~~

Sec. 5531.08. (A) In order to expedite a highway project 8031
involving the expenditure of federal and state funds and to 8032
utilize all privileges provided by the "Intermodal Surface 8033
Transportation Efficiency Act of 1991," 105 Stat. 1914, 49 8034
U.S.C.A. 101, the director of transportation may designate a 8035
project team for the purposes of certifying design review and 8036
performing field and office inspections and cost estimates, on 8037
behalf of the federal highway administration. 8038

(B)(1) Upon a written determination by the director that it 8039

would be in the best interests of the traveling public, the 8040
director, upon the written request of a county, township, or 8041
municipal corporation, may utilize moneys in the highway operating 8042
fund created by section 5735.291 of the Revised Code to pay that 8043
portion of the construction cost of a highway project which the 8044
county, township, or municipal corporation normally would be 8045
required to pay. 8046

(2) The director shall not utilize moneys in the highway 8047
operating fund for a highway project in the manner described in 8048
division (B)(1) of this section unless all of the following apply: 8049

(a) The preliminary engineering design of the project is 8050
complete, all necessary rights-of-way have been obtained, and all 8051
federal, state, and local environmental studies and permits have 8052
been performed or obtained; 8053

(b) The director of transportation has submitted the proposed 8054
project to the director of development for an evaluation of the 8055
potential economic benefit to the area. The county, township, or 8056
municipal corporation certifies to the director of development 8057
that the project will create not less than five permanent living 8058
wage jobs. This requirement shall be fulfilled during the 8059
three-year period following the completion date of the project, 8060
and the county, township, or municipal corporation may define the 8061
geographic area within which the jobs will be created. 8062

(c) The quotient resulting from the division of the total 8063
amount of moneys utilized to cover the portion of the construction 8064
cost of the highway project that a county, township, or municipal 8065
corporation would normally be required to pay, divided by the 8066
number of permanent living wage jobs certified to the director of 8067
development by the county, township, or municipal corporation 8068
pursuant to division (B)(2)(b) of this section is less than or 8069
equal to ten thousand dollars. 8070

(C) Upon a written determination by the director of transportation that it would be in the best interests of the traveling public, the director, upon the written request of a county, township, or municipal corporation, may declare a waiver of that portion of the ~~construction~~ cost of a highway project which the county, township, or municipal corporation normally would be required to pay.

~~The director shall not declare a waiver described in this division for a highway project unless, prior to the declaration, the preliminary engineering design of the project is complete, all necessary rights of way have been obtained, and all federal, state, and local environmental studies and permits have been performed or obtained.~~

(D) The director of development shall do all of the following:

(1) Review all requests submitted by a county, township, or municipal corporation to the director of transportation pursuant to division (B) of this section for the expenditure of moneys from the highway operating fund;

(2) Submit ~~its~~ findings and recommendations to the director of transportation upon completion of the review process;

(3) Monitor the results of a highway project for which moneys in the highway operating fund are utilized in order to ascertain whether the number of permanent living wage jobs certified to the director of transportation pursuant to division (B)(2)(b) of this section actually are created as a result of the highway project within the three-year period following the completion of the project, and submit reports relating to this subject to the director as necessary.

(E) The director of transportation may award eligible federal funds or state general revenue funds to local units of government,

including regional transit authorities providing public 8102
transportation service and metropolitan planning organizations. 8103
These funds may be used for such purposes as alleviating traffic 8104
congestion or improving air quality in nonattainment areas of the 8105
state as defined by the "Clean Air Act of 1990," 104 Stat. 2399, 8106
42 U.S.C.A. 7401. The funds also may be used to acquire or 8107
construct park-and-ride facilities, to purchase traffic devices to 8108
improve vehicular flow, and for other travel demand management 8109
activities that meet the mandates of the Clean Air Act in 8110
nonattainment areas of the state. 8111

(F) As used in this section, "living wage job" means an 8112
employment position paying an annual average gross wage amount per 8113
full-time person of not less than twenty thousand dollars per 8114
year. 8115

Sec. 5531.30. (A)(1) The director of transportation may enter 8116
into agreements and cooperate with the United States department of 8117
transportation, or any other appropriate federal agency as 8118
provided in 23 U.S.C. 325 to 327 and as authorized under the 8119
"Moving Ahead for Progress in the 21st Century Act (MAP-21)," 126 8120
Stat. 405 (2012); the "Safe, Accountable, Flexible, Efficient 8121
Transportation Equity Act: A Legacy for Users (SAFETEA-LU)," 119 8122
Stat. 1144 (2005); and the "National Environmental Policy Act of 8123
1969," 83 Stat. 852 (1970). Pursuant to such an agreement the 8124
director may assume certain responsibilities of the secretary of 8125
the United States department of transportation, and take any other 8126
actions required by any such agreement or by such federal laws. 8127

(2) The director may adopt any rules necessary to implement 8128
an agreement pursuant to division (A) of this section and carry 8129
out any duties imposed under such an agreement. 8130

(3) The director may make expenditures of money in connection 8131
with an agreement authorized under division (A)(1) of this section 8132

from any funds of the department of transportation that are 8133
available to the director. 8134

(B) Notwithstanding Chapter 2743. of the Revised Code, this 8135
state hereby waives its immunity from civil liability, including 8136
the immunity from suit in a federal court under the eleventh 8137
amendment to the United States Constitution, and consents to the 8138
jurisdiction of the federal courts over its civil liability with 8139
regard to the compliance, discharge, or enforcement of the 8140
responsibilities assumed under division (A) of this section in 8141
accordance with the same procedural and substantive requirements 8142
applicable to a suit against a federal agency. Division (B) of 8143
this section applies only to actions that are authorized under 8144
division (A) of this section and does not create liability that 8145
exceeds the liability created under 23 U.S.C. 325 to 327. 8146

Sec. 5705.19. This section does not apply to school 8147
districts, county school financing districts, or lake facilities 8148
authorities. 8149

The taxing authority of any subdivision at any time and in 8150
any year, by vote of two-thirds of all the members of the taxing 8151
authority, may declare by resolution and certify the resolution to 8152
the board of elections not less than ninety days before the 8153
election upon which it will be voted that the amount of taxes that 8154
may be raised within the ten-mill limitation will be insufficient 8155
to provide for the necessary requirements of the subdivision and 8156
that it is necessary to levy a tax in excess of that limitation 8157
for any of the following purposes: 8158

(A) For current expenses of the subdivision, except that the 8159
total levy for current expenses of a detention facility district 8160
or district organized under section 2151.65 of the Revised Code 8161
shall not exceed two mills and that the total levy for current 8162
expenses of a combined district organized under sections 2151.65 8163

and 2152.41 of the Revised Code shall not exceed four mills;	8164
(B) For the payment of debt charges on certain described	8165
bonds, notes, or certificates of indebtedness of the subdivision	8166
issued subsequent to January 1, 1925;	8167
(C) For the debt charges on all bonds, notes, and	8168
certificates of indebtedness issued and authorized to be issued	8169
prior to January 1, 1925;	8170
(D) For a public library of, or supported by, the subdivision	8171
under whatever law organized or authorized to be supported;	8172
(E) For a municipal university, not to exceed two mills over	8173
the limitation of one mill prescribed in section 3349.13 of the	8174
Revised Code;	8175
(F) For the construction or acquisition of any specific	8176
permanent improvement or class of improvements that the taxing	8177
authority of the subdivision may include in a single bond issue;	8178
(G) For the general construction, reconstruction,	8179
resurfacing, and repair of streets, roads, and bridges in	8180
municipal corporations, counties, or townships;	8181
(H) For parks and recreational purposes;	8182
(I) For the purpose of providing and maintaining fire	8183
apparatus, appliances, buildings, or sites therefor, or sources of	8184
water supply and materials therefor, or the establishment and	8185
maintenance of lines of fire alarm telegraph, or the payment of	8186
firefighting companies or permanent, part-time, or volunteer	8187
firefighting, emergency medical service, administrative, or	8188
communications personnel to operate the same, including the	8189
payment of any employer contributions required for such personnel	8190
under section 145.48 or 742.34 of the Revised Code, or the	8191
purchase of ambulance equipment, or the provision of ambulance,	8192
paramedic, or other emergency medical services operated by a fire	8193

department or firefighting company;	8194
(J) For the purpose of providing and maintaining motor	8195
vehicles, communications, other equipment, buildings, and sites	8196
for such buildings used directly in the operation of a police	8197
department, or the payment of salaries of permanent or part-time	8198
police, communications, or administrative personnel to operate the	8199
same, including the payment of any employer contributions required	8200
for such personnel under section 145.48 or 742.33 of the Revised	8201
Code, or the payment of the costs incurred by townships as a	8202
result of contracts made with other political subdivisions in	8203
order to obtain police protection, or the provision of ambulance	8204
or emergency medical services operated by a police department;	8205
(K) For the maintenance and operation of a county home or	8206
detention facility;	8207
(L) For community mental retardation and developmental	8208
disabilities programs and services pursuant to Chapter 5126. of	8209
the Revised Code, except that the procedure for such levies shall	8210
be as provided in section 5705.222 of the Revised Code;	8211
(M) For regional planning;	8212
(N) For a county's share of the cost of maintaining and	8213
operating schools, district detention facilities, forestry camps,	8214
or other facilities, or any combination thereof, established under	8215
section 2151.65 or 2152.41 of the Revised Code or both of those	8216
sections;	8217
(O) For providing for flood defense, providing and	8218
maintaining a flood wall or pumps, and other purposes to prevent	8219
floods;	8220
(P) For maintaining and operating sewage disposal plants and	8221
facilities;	8222
(Q) For the purpose of purchasing, acquiring, constructing,	8223

enlarging, improving, equipping, repairing, maintaining, or	8224
operating, or any combination of the foregoing, a county transit	8225
system pursuant to sections 306.01 to 306.13 of the Revised Code,	8226
or of making any payment to a board of county commissioners	8227
operating a transit system or a county transit board pursuant to	8228
section 306.06 of the Revised Code;	8229
(R) For the subdivision's share of the cost of acquiring or	8230
constructing any schools, forestry camps, detention facilities, or	8231
other facilities, or any combination thereof, under section	8232
2151.65 or 2152.41 of the Revised Code or both of those sections;	8233
(S) For the prevention, control, and abatement of air	8234
pollution;	8235
(T) For maintaining and operating cemeteries;	8236
(U) For providing ambulance service, emergency medical	8237
service, or both;	8238
(V) For providing for the collection and disposal of garbage	8239
or refuse, including yard waste;	8240
(W) For the payment of the police officer employers'	8241
contribution or the firefighter employers' contribution required	8242
under sections 742.33 and 742.34 of the Revised Code;	8243
(X) For the construction and maintenance of a drainage	8244
improvement pursuant to section 6131.52 of the Revised Code;	8245
(Y) For providing or maintaining senior citizens services or	8246
facilities as authorized by section 307.694, 307.85, 505.70, or	8247
505.706 or division (EE) of section 717.01 of the Revised Code;	8248
(Z) For the provision and maintenance of zoological park	8249
services and facilities as authorized under section 307.76 of the	8250
Revised Code;	8251
(AA) For the maintenance and operation of a free public	8252
museum of art, science, or history;	8253

(BB) For the establishment and operation of a 9-1-1 system, 8254
as defined in section 128.01 of the Revised Code; 8255

(CC) For the purpose of acquiring, rehabilitating, or 8256
developing rail property or rail service. As used in this 8257
division, "rail property" and "rail service" have the same 8258
meanings as in section ~~4981.01~~ 5501.57 of the Revised Code. This 8259
division applies only to a county, township, or municipal 8260
corporation. 8261

(DD) For the purpose of acquiring property for, constructing, 8262
operating, and maintaining community centers as provided for in 8263
section 755.16 of the Revised Code; 8264

(EE) For the creation and operation of an office or joint 8265
office of economic development, for any economic development 8266
purpose of the office, and to otherwise provide for the 8267
establishment and operation of a program of economic development 8268
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 8269
the extent that the expenses of a county land reutilization 8270
corporation organized under Chapter 1724. of the Revised Code are 8271
found by the board of county commissioners to constitute the 8272
promotion of economic development, for the payment of such 8273
operations and expenses; 8274

(FF) For the purpose of acquiring, establishing, 8275
constructing, improving, equipping, maintaining, or operating, or 8276
any combination of the foregoing, a township airport, landing 8277
field, or other air navigation facility pursuant to section 505.15 8278
of the Revised Code; 8279

(GG) For the payment of costs incurred by a township as a 8280
result of a contract made with a county pursuant to section 8281
505.263 of the Revised Code in order to pay all or any part of the 8282
cost of constructing, maintaining, repairing, or operating a water 8283
supply improvement; 8284

(HH) For a board of township trustees to acquire, other than 8285
by appropriation, an ownership interest in land, water, or 8286
wetlands, or to restore or maintain land, water, or wetlands in 8287
which the board has an ownership interest, not for purposes of 8288
recreation, but for the purposes of protecting and preserving the 8289
natural, scenic, open, or wooded condition of the land, water, or 8290
wetlands against modification or encroachment resulting from 8291
occupation, development, or other use, which may be styled as 8292
protecting or preserving "greenspace" in the resolution, notice of 8293
election, or ballot form. Except as otherwise provided in this 8294
division, land is not acquired for purposes of recreation, even if 8295
the land is used for recreational purposes, so long as no 8296
building, structure, or fixture used for recreational purposes is 8297
permanently attached or affixed to the land. Except as otherwise 8298
provided in this division, land that previously has been acquired 8299
in a township for these greenspace purposes may subsequently be 8300
used for recreational purposes if the board of township trustees 8301
adopts a resolution approving that use and no building, structure, 8302
or fixture used for recreational purposes is permanently attached 8303
or affixed to the land. The authorization to use greenspace land 8304
for recreational use does not apply to land located in a township 8305
that had a population, at the time it passed its first greenspace 8306
levy, of more than thirty-eight thousand within a county that had 8307
a population, at that time, of at least eight hundred sixty 8308
thousand. 8309

(II) For the support by a county of a crime victim assistance 8310
program that is provided and maintained by a county agency or a 8311
private, nonprofit corporation or association under section 307.62 8312
of the Revised Code; 8313

(JJ) For any or all of the purposes set forth in divisions 8314
(I) and (J) of this section. This division applies only to a 8315
township. 8316

(KK) For a countywide public safety communications system	8317
under section 307.63 of the Revised Code. This division applies	8318
only to counties.	8319
(LL) For the support by a county of criminal justice services	8320
under section 307.45 of the Revised Code;	8321
(MM) For the purpose of maintaining and operating a jail or	8322
other detention facility as defined in section 2921.01 of the	8323
Revised Code;	8324
(NN) For purchasing, maintaining, or improving, or any	8325
combination of the foregoing, real estate on which to hold, and	8326
the operating expenses of, agricultural fairs operated by a county	8327
agricultural society or independent agricultural society under	8328
Chapter 1711. of the Revised Code. This division applies only to a	8329
county.	8330
(OO) For constructing, rehabilitating, repairing, or	8331
maintaining sidewalks, walkways, trails, bicycle pathways, or	8332
similar improvements, or acquiring ownership interests in land	8333
necessary for the foregoing improvements;	8334
(PP) For both of the purposes set forth in divisions (G) and	8335
(OO) of this section.	8336
(QQ) For both of the purposes set forth in divisions (H) and	8337
(HH) of this section. This division applies only to a township.	8338
(RR) For the legislative authority of a municipal	8339
corporation, board of county commissioners of a county, or board	8340
of township trustees of a township to acquire agricultural	8341
easements, as defined in section 5301.67 of the Revised Code, and	8342
to supervise and enforce the easements.	8343
(SS) For both of the purposes set forth in divisions (BB) and	8344
(KK) of this section. This division applies only to a county.	8345
(TT) For the maintenance and operation of a facility that is	8346

organized in whole or in part to promote the sciences and natural 8347
history under section 307.761 of the Revised Code. 8348

(UU) For the creation and operation of a county land 8349
reutilization corporation and for any programs or activities of 8350
the corporation found by the board of directors of the corporation 8351
to be consistent with the purposes for which the corporation is 8352
organized; 8353

(VV) For construction and maintenance of improvements and 8354
expenses of soil and water conservation district programs under 8355
Chapter 1515. of the Revised Code; 8356

(WW) For the OSU extension fund created under section 3335.35 8357
of the Revised Code for the purposes prescribed under section 8358
3335.36 of the Revised Code for the benefit of the citizens of a 8359
county. This division applies only to a county. 8360

(XX) For a municipal corporation that withdraws or proposes 8361
by resolution to withdraw from a regional transit authority under 8362
section 306.55 of the Revised Code to provide transportation 8363
services for the movement of persons within, from, or to the 8364
municipal corporation; 8365

(YY) For any combination of the purposes specified in 8366
divisions (NN), (VV), and (WW) of this section. This division 8367
applies only to a county. 8368

The resolution shall be confined to the purpose or purposes 8369
described in one division of this section, to which the revenue 8370
derived therefrom shall be applied. The existence in any other 8371
division of this section of authority to levy a tax for any part 8372
or all of the same purpose or purposes does not preclude the use 8373
of such revenues for any part of the purpose or purposes of the 8374
division under which the resolution is adopted. 8375

The resolution shall specify the amount of the increase in 8376
rate that it is necessary to levy, the purpose of that increase in 8377

rate, and the number of years during which the increase in rate 8378
shall be in effect, which may or may not include a levy upon the 8379
duplicate of the current year. The number of years may be any 8380
number not exceeding five, except as follows: 8381

(1) When the additional rate is for the payment of debt 8382
charges, the increased rate shall be for the life of the 8383
indebtedness. 8384

(2) When the additional rate is for any of the following, the 8385
increased rate shall be for a continuing period of time: 8386

(a) For the current expenses for a detention facility 8387
district, a district organized under section 2151.65 of the 8388
Revised Code, or a combined district organized under sections 8389
2151.65 and 2152.41 of the Revised Code; 8390

(b) For providing a county's share of the cost of maintaining 8391
and operating schools, district detention facilities, forestry 8392
camps, or other facilities, or any combination thereof, 8393
established under section 2151.65 or 2152.41 of the Revised Code 8394
or under both of those sections. 8395

(3) When the additional rate is for either of the following, 8396
the increased rate may be for a continuing period of time: 8397

(a) For the purposes set forth in division (I), (J), (U), or 8398
(KK) of this section; 8399

(b) For the maintenance and operation of a joint recreation 8400
district. 8401

(4) When the increase is for the purpose or purposes set 8402
forth in division (D), (G), (H), (Z), (CC), or (PP) of this 8403
section, the tax levy may be for any specified number of years or 8404
for a continuing period of time, as set forth in the resolution. 8405

A levy for one of the purposes set forth in division (G), 8406
(I), (J), or (U) of this section may be reduced pursuant to 8407

section 5705.261 or 5705.31 of the Revised Code. A levy for one of 8408
the purposes set forth in division (G), (I), (J), or (U) of this 8409
section may also be terminated or permanently reduced by the 8410
taxing authority if it adopts a resolution stating that the 8411
continuance of the levy is unnecessary and the levy shall be 8412
terminated or that the millage is excessive and the levy shall be 8413
decreased by a designated amount. 8414

A resolution of a detention facility district, a district 8415
organized under section 2151.65 of the Revised Code, or a combined 8416
district organized under both sections 2151.65 and 2152.41 of the 8417
Revised Code may include both current expenses and other purposes, 8418
provided that the resolution shall apportion the annual rate of 8419
levy between the current expenses and the other purpose or 8420
purposes. The apportionment need not be the same for each year of 8421
the levy, but the respective portions of the rate actually levied 8422
each year for the current expenses and the other purpose or 8423
purposes shall be limited by the apportionment. 8424

Whenever a board of county commissioners, acting either as 8425
the taxing authority of its county or as the taxing authority of a 8426
sewer district or subdistrict created under Chapter 6117. of the 8427
Revised Code, by resolution declares it necessary to levy a tax in 8428
excess of the ten-mill limitation for the purpose of constructing, 8429
improving, or extending sewage disposal plants or sewage systems, 8430
the tax may be in effect for any number of years not exceeding 8431
twenty, and the proceeds of the tax, notwithstanding the general 8432
provisions of this section, may be used to pay debt charges on any 8433
obligations issued and outstanding on behalf of the subdivision 8434
for the purposes enumerated in this paragraph, provided that any 8435
such obligations have been specifically described in the 8436
resolution. 8437

A resolution adopted by the legislative authority of a 8438
municipal corporation that is for the purpose in division (XX) of 8439

this section may be combined with the purpose provided in section 8440
306.55 of the Revised Code, by vote of two-thirds of all members 8441
of the legislative authority. The legislative authority may 8442
certify the resolution to the board of elections as a combined 8443
question. The question appearing on the ballot shall be as 8444
provided in section 5705.252 of the Revised Code. 8445

The resolution shall go into immediate effect upon its 8446
passage, and no publication of the resolution is necessary other 8447
than that provided for in the notice of election. 8448

When the electors of a subdivision or, in the case of a 8449
qualifying library levy for the support of a library association 8450
or private corporation, the electors of the association library 8451
district, have approved a tax levy under this section, the taxing 8452
authority of the subdivision may anticipate a fraction of the 8453
proceeds of the levy and issue anticipation notes in accordance 8454
with section 5705.191 or 5705.193 of the Revised Code. 8455

Sec. 5728.08. Except as provided in section 5728.03 of the 8456
Revised Code and except as otherwise provided in division (A) of 8457
section 5728.06 of the Revised Code, whoever is liable for the 8458
payment of the tax levied by section 5728.06 of the Revised Code, 8459
on or before the last day of each January, April, July, and 8460
October, shall file with the tax commissioner, on forms prescribed 8461
by the commissioner, a fuel use tax return and make payment of the 8462
full amount of the tax due for the operation of each commercial 8463
car and commercial tractor for the preceding three calendar 8464
months. 8465

The commissioner shall immediately forward to the treasurer 8466
of state all money received from the tax levied by section 5728.06 8467
of the Revised Code. 8468

The treasurer of state shall place to the credit of the tax 8469
refund fund created by section 5703.052 of the Revised Code, out 8470

of receipts from the taxes levied by section 5728.06 of the Revised Code, amounts equal to the refund certified by the tax commissioner pursuant to section 5728.061 of the Revised Code. Receipts from the tax shall be used by the commissioner to defray expenses incurred by the department of taxation in administering sections 5728.01 to 5728.14 of the Revised Code.

All moneys received in the state treasury from taxes levied by section 5728.06 of the Revised Code and fees assessed under section 5728.03 of the Revised Code that are not required to be placed to the credit of the tax refund fund as provided by this section ~~shall~~, during each calendar year, shall be credited to the highway improvement bond retirement fund created by section 5528.12 of the Revised Code until the commissioners of the sinking fund certify to the treasurer of state, as required by section 5528.17 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of interest, principal, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year and during the following calendar year. ~~From the date of the receipt of the certification required by section 5528.17 of the Revised Code by the treasurer of state until the thirty first day of December of the calendar year in which the certification is made, all moneys received in the state treasury from taxes levied under section 5728.06 of the Revised Code and fees assessed under section 5728.03 of the Revised Code that are not required to be placed to the credit of the tax refund fund as provided by this section shall be credited to the highway obligations bond retirement fund created by section 5528.32 of the Revised Code until the commissioners of the sinking fund certify to the treasurer of state, as required by section 5528.38 of the Revised Code, that there are sufficient moneys to the credit of~~

~~the highway obligations bond retirement fund to meet in full all~~ 8504
~~payments of interest, principal, and charges for the retirement of~~ 8505
~~bonds and other obligations issued pursuant to Section 2i of~~ 8506
~~Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31~~ 8507
~~of the Revised Code due and payable during the current calendar~~ 8508
~~year and during the following calendar year. From the date of the~~ 8509
~~receipt of the certification required by section 5528.38 of the~~ 8510
~~Revised Code by the treasurer of state until the thirty first day~~ 8511
~~of December of the calendar year in which the certification is~~ 8512
~~made, all~~ All moneys received in the state treasury from taxes 8513
levied under section 5728.06 of the Revised Code and fees assessed 8514
under section 5728.03 of the Revised Code that are not required to 8515
be placed to the credit of the tax refund fund as provided by this 8516
section shall be credited to the highway operating fund created by 8517
section 5735.291 of the Revised Code, except as provided by the 8518
following paragraph of this section. 8519

From the date of the receipt by the treasurer of state of 8520
~~certifications~~ certification from the commissioners of the sinking 8521
fund, as required by ~~sections~~ section 5528.18 and ~~5528.39~~ of the 8522
Revised Code, certifying that the moneys to the credit of the 8523
highway improvement bond retirement fund are sufficient to meet in 8524
full all payments of interest, principal, and charges for the 8525
retirement of all bonds and other obligations that may be issued 8526
pursuant to Section 2g of Article VIII, Ohio Constitution, and 8527
sections 5528.10 and 5528.11 of the Revised Code, ~~and to the~~ 8528
~~credit of the highway obligations bond retirement fund are~~ 8529
~~sufficient to meet in full all payments of interest, principal,~~ 8530
~~and charges for the retirement of all obligations issued pursuant~~ 8531
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 8532
~~5528.30 and 5528.31 of the Revised Code, all moneys received in~~ 8533
the state treasury from the taxes levied under section 5728.06 and 8534
fees assessed under section 5728.03 of the Revised Code that are 8535
not required to be placed to the credit of the tax refund fund as 8536

provided by this section, shall be deposited to the credit of the 8537
highway operating fund. 8538

Sec. 5735.23. (A) Out of receipts from the tax levied by 8539
section 5735.05 of the Revised Code, the treasurer of state shall 8540
place to the credit of the tax refund fund established by section 8541
5703.052 of the Revised Code amounts equal to the refunds 8542
certified by the tax commissioner pursuant to sections 5735.13, 8543
5735.14, 5735.141, and 5735.142 of the Revised Code. The treasurer 8544
of state shall then transfer the amount required by section 8545
5735.051 of the Revised Code to the waterways safety fund, the 8546
amount required by section 4907.472 of the Revised Code to the 8547
grade crossing protection fund, and the amount required by section 8548
5735.053 of the Revised Code to the motor fuel tax administration 8549
fund. 8550

(B) Except as provided in division (D) of this section, each 8551
month the balance of the receipts from the tax levied by section 8552
5735.05 of the Revised Code shall be credited, ~~after receipt by~~ 8553
~~the treasurer of state of certification from the commissioners of~~ 8554
~~the sinking fund, as required by section 5528.35 of the Revised~~ 8555
~~Code, that there are sufficient moneys to the credit of the~~ 8556
~~highway obligations bond retirement fund to meet in full all~~ 8557
~~payments of interest, principal, and charges for the retirement of~~ 8558
~~highway obligations issued pursuant to Section 2i of Article VIII,~~ 8559
~~Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised~~ 8560
~~Code due and payable during the current calendar year, as follows:~~ 8561

(1) To the state and local government highway distribution 8562
fund, which is hereby created in the state treasury, an amount 8563
that is the same percentage of the balance to be credited as that 8564
portion of the tax per gallon determined under division (B)(2)(a) 8565
of section 5735.06 of the Revised Code is of the total tax per 8566
gallon determined under divisions (B)(2)(a) and (b) of that 8567

section. 8568

(2) After making the distribution to the state and local 8569
government highway distribution fund, the remainder shall be 8570
credited as follows: 8571

(a) Thirty per cent to the gasoline excise tax fund for 8572
distribution pursuant to division (A)(1) of section 5735.27 of the 8573
Revised Code; 8574

(b) Twenty-five per cent to the gasoline excise tax fund for 8575
distribution pursuant to division (A)(3) of section 5735.27 of the 8576
Revised Code; 8577

(c) Except as provided in division (D) of this section, 8578
forty-five per cent to the highway operating fund for distribution 8579
pursuant to division (B)(1) of section 5735.27 of the Revised 8580
Code. 8581

(C) From the balance in the state and local government 8582
highway distribution fund on the last day of each month there 8583
shall be paid the following amounts: 8584

(1) To the local transportation improvement program fund 8585
created by section 164.14 of the Revised Code, an amount equal to 8586
a fraction of the balance in the state and local government 8587
highway distribution fund, the numerator of which fraction is one 8588
and the denominator of which fraction is that portion of the tax 8589
per gallon determined under division (B)(2)(a) of section 5735.06 8590
of the Revised Code; 8591

(2) An amount equal to five cents multiplied by the number of 8592
gallons of motor fuel sold at stations operated by the Ohio 8593
turnpike and infrastructure commission, such gallonage to be 8594
certified by the commission to the treasurer of state not later 8595
than the last day of the month following. The funds paid to the 8596
commission pursuant to this section shall be expended for the 8597
construction, reconstruction, maintenance, and repair of turnpike 8598

projects, except that the funds may not be expended for the 8599
construction of new interchanges. The funds also may be expended 8600
for the construction, reconstruction, maintenance, and repair of 8601
those portions of connecting public roads that serve existing 8602
interchanges and are determined by the commission and the director 8603
of transportation to be necessary for the safe merging of traffic 8604
between the turnpike and those public roads. 8605

The remainder of the balance shall be distributed as follows 8606
on the fifteenth day of the following month: 8607

(a) Ten and seven-tenths per cent shall be paid to municipal 8608
corporations for distribution pursuant to division (A)(1) of 8609
section 5735.27 of the Revised Code and may be used for any 8610
purpose for which payments received under that division may be 8611
used. Through July 15, 2005, the sum of two hundred forty-eight 8612
thousand six hundred twenty-five dollars shall be monthly 8613
subtracted from the amount so computed and credited to the highway 8614
operating fund. Beginning August 15, 2005, the sum of seven 8615
hundred forty-five thousand eight hundred seventy-five dollars 8616
shall be monthly subtracted from the amount so computed and 8617
credited to the highway operating fund. 8618

(b) Five per cent shall be paid to townships for distribution 8619
pursuant to division (A)(5) of section 5735.27 of the Revised Code 8620
and may be used for any purpose for which payments received under 8621
that division may be used. Through July 15, 2005, the sum of 8622
eighty-seven thousand seven hundred fifty dollars shall be monthly 8623
subtracted from the amount so computed and credited to the highway 8624
operating fund. Beginning August 15, 2005, the sum of two hundred 8625
sixty-three thousand two hundred fifty dollars shall be monthly 8626
subtracted from the amount so computed and credited to the highway 8627
operating fund. 8628

(c) Nine and three-tenths per cent shall be paid to counties 8629
for distribution pursuant to division (A)(3) of section 5735.27 of 8630

the Revised Code and may be used for any purpose for which 8631
payments received under that division may be used. Through July 8632
15, 2005, the sum of two hundred forty-eight thousand six hundred 8633
twenty-five dollars shall be monthly subtracted from the amount so 8634
computed and credited to the highway operating fund. Beginning 8635
August 15, 2005, the sum of seven hundred forty-five thousand 8636
eight hundred seventy-five dollars shall be monthly subtracted 8637
from the amount so computed and credited to the highway operating 8638
fund. 8639

(d) Except as provided in division (D) of this section, the 8640
balance shall be transferred to the highway operating fund and 8641
used for the purposes set forth in division (B)(1) of section 8642
5735.27 of the Revised Code. 8643

(D) Monthly from September to February of each fiscal year, 8644
an amount equal to one-sixth of the amount certified in July of 8645
that year by the treasurer of state pursuant to division (Q) of 8646
section 151.01 of the Revised Code shall, from amounts required to 8647
be credited or transferred to the highway operating fund pursuant 8648
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 8649
transferred to the highway capital improvement bond service fund 8650
created in section 151.06 of the Revised Code. If, in any of those 8651
months, the amount available to be credited or transferred to the 8652
bond service fund is less than one-sixth of the amount so 8653
certified, the shortfall shall be added to the amount due the next 8654
succeeding month. Any amount still due at the end of the six-month 8655
period shall be credited or transferred as the money becomes 8656
available, until such time as the office of budget and management 8657
receives certification from the treasurer of state or the 8658
treasurer of state's designee that sufficient money has been 8659
credited or transferred to the bond service fund to meet in full 8660
all payments of debt service and financing costs due during the 8661
fiscal year from that fund. 8662

Sec. 5735.26. The treasurer of state shall place to the 8663
credit of the tax refund fund created by section 5703.052 of the 8664
Revised Code, out of receipts from the tax levied by section 8665
5735.25 of the Revised Code, amounts equal to the refunds 8666
certified by the tax commissioner pursuant to sections 5735.142 8667
and 5735.25 of the Revised Code, which shall be paid from such 8668
fund. The treasurer of state shall then transfer the amount 8669
required by section 5735.051 of the Revised Code to the waterways 8670
safety fund and the amount required by section 5735.053 of the 8671
Revised Code to the motor fuel tax administration fund. 8672

The balance of taxes collected under section 5735.25 of the 8673
Revised Code shall be credited as follows, after the credits to 8674
the tax refund fund and the transfers to the waterways safety fund 8675
and motor fuel tax administration fund, and after receipt by the 8676
treasurer of state of ~~certifications~~ certification from the 8677
commissioners of the sinking fund certifying, as required by 8678
~~sections~~ section 5528.15 ~~and 5528.35~~ of the Revised Code, there 8679
are sufficient moneys to the credit of the highway improvement 8680
bond retirement fund to meet in full all payments of interest, 8681
principal, and charges for the retirement of bonds and other 8682
obligations issued pursuant to Section 2g of Article VIII, Ohio 8683
Constitution, and sections 5528.10 and 5528.11 of the Revised Code 8684
due and payable during the current calendar year, ~~and that there~~ 8685
~~are sufficient moneys to the credit of the highway obligations~~ 8686
~~bond retirement fund to meet in full all payments of interest,~~ 8687
~~principal, and charges for the retirement of highway obligations~~ 8688
~~issued pursuant to Section 2i of Article VIII, Ohio Constitution,~~ 8689
~~and sections 5528.30 and 5528.31 of the Revised Code due and~~ 8690
~~payable during the current calendar year:~~ 8691

(A) Sixty-seven and one-half per cent to the highway 8692
operating fund for distribution pursuant to division (B)(2) of 8693
section 5735.27 of the Revised Code; 8694

(B) Seven and one-half per cent to the gasoline excise tax 8695
fund for distribution pursuant to division (A)(2) of such section; 8696

(C) Seven and one-half per cent to the gasoline excise tax 8697
fund for distribution pursuant to division (A)(4) of such section; 8698

(D) Seventeen and one-half per cent to the gasoline excise 8699
tax fund for distribution pursuant to division (A)(5) of such 8700
section. 8701

Sec. 5735.291. (A) The treasurer of state shall place to the 8702
credit of the tax refund fund created by section 5703.052 of the 8703
Revised Code, out of receipts from the tax levied by section 8704
5735.29 of the Revised Code, amounts equal to the refunds 8705
certified by the tax commissioner pursuant to sections 5735.142 8706
and 5735.29 of the Revised Code. The refunds provided for by 8707
sections 5735.142 and 5735.29 of the Revised Code shall be paid 8708
from such fund. The treasurer of state shall then transfer the 8709
amount required by section 5735.051 of the Revised Code to the 8710
waterways safety fund and the amount required by section 5735.053 8711
of the Revised Code to the motor fuel tax administration fund. 8712

The specified portion of the balance of taxes collected under 8713
section 5735.29 of the Revised Code, after the credits to the tax 8714
refund fund and the transfers to the waterways safety fund and the 8715
motor fuel tax administration fund, shall be credited to the 8716
gasoline excise tax fund. Subject to division (B) of this section, 8717
forty-two and eighty-six hundredths per cent of the specified 8718
portion shall be distributed among the municipal corporations 8719
within the state in accordance with division (A)(2) of section 8720
5735.27 of the Revised Code, thirty-seven and fourteen hundredths 8721
per cent of the specified portion shall be distributed among the 8722
counties within the state in accordance with division (A)(3) of 8723
section 5735.27 of the Revised Code, and twenty per cent of the 8724
specified portion shall be combined with twenty per cent of any 8725

amounts transferred from the highway operating fund to the 8726
gasoline excise tax fund through biennial appropriations acts of 8727
the general assembly pursuant to the planned phase-in of a new 8728
source of funding for the state highway patrol, and shall be 8729
distributed among the townships within the state in accordance 8730
with division (A)(5)(b) of section 5735.27 of the Revised Code. 8731
Subject to division (B) of this section, the remainder of the tax 8732
levied by section 5735.29 of the Revised Code after receipt by the 8733
treasurer of state of certifications from the commissioners of the 8734
sinking fund certifying, as required by ~~sections~~ section 5528.15 8735
~~and 5528.35~~ of the Revised Code, that there are sufficient moneys 8736
to the credit of the highway improvement bond retirement fund 8737
created by section 5528.12 of the Revised Code to meet in full all 8738
payments of interest, principal, and charges for the retirement of 8739
bonds and other obligations issued pursuant to Section 2g of 8740
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 8741
of the Revised Code due and payable during the current calendar 8742
year, ~~and that there are sufficient moneys to the credit of the~~ 8743
~~highway obligations bond retirement fund created by section~~ 8744
~~5528.32 of the Revised Code to meet in full all payments of~~ 8745
~~interest, principal, and charges for the retirement of highway~~ 8746
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 8747
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 8748
~~due and payable during the current calendar year,~~ shall be 8749
credited to the highway operating fund, which is hereby created in 8750
the state treasury and shall be used solely for the purposes 8751
enumerated in section 5735.29 of the Revised Code. All investment 8752
earnings of the fund shall be credited to the fund. 8753

(B)(1) Effective August 15, 2003, prior to the distribution 8754
from the gasoline excise tax fund to municipal corporations of the 8755
forty-two and eighty-six hundredths per cent of the specified 8756
portion as provided in division (A) of this section, the 8757
department of taxation shall deduct thirty-three and one-third per 8758

cent of the amount specified in division (A)(5)(c) of section 8759
5735.27 of the Revised Code and use it for distribution to 8760
townships pursuant to division (A)(5)(b) of that section. 8761

(2) Effective August 15, 2003, prior to the distribution from 8762
the gasoline excise tax fund to counties of the thirty-seven and 8763
fourteen hundredths per cent of the specified portion as provided 8764
in division (A) of this section, the department of taxation shall 8765
deduct thirty-three and one-third per cent of the amount specified 8766
in division (A)(5)(c) of section 5735.27 of the Revised Code and 8767
use it for distribution to townships pursuant to division 8768
(A)(5)(b) of that section. 8769

(3) Effective August 15, 2003, prior to crediting any revenue 8770
resulting from the tax levied by section 5735.29 of the Revised 8771
Code to the highway operating fund, the department of taxation 8772
shall deduct thirty-three and one-third per cent of the amount 8773
specified in division (A)(5)(c) of section 5735.27 of the Revised 8774
Code and use it for distribution to townships pursuant to division 8775
(A)(5)(b) of that section. 8776

(C) As used in this section, "specified portion" means all of 8777
the following: 8778

(1) Until August 15, 2003, none of the taxes collected under 8779
section 5735.29 of the Revised Code; 8780

(2) Effective August 15, 2003, one-eighth of the balance of 8781
taxes collected under section 5735.29 of the Revised Code, after 8782
the credits to the tax refund fund and the transfers to the 8783
waterways safety fund and the motor fuel tax administration fund; 8784

(3) Effective August 15, 2004, one-sixth of the balance of 8785
taxes described in division (C)(2) of this section; 8786

(4) Effective August 15, 2005, three-sixteenths of the 8787
balance of taxes described in division (C)(2) of this section. 8788

Sec. 5735.30. (A) For the purpose of providing funds to pay 8789
the state's share of the cost of constructing and reconstructing 8790
highways and eliminating railway grade crossings on the major 8791
thoroughfares of the state highway system and urban extensions 8792
thereof, to pay that portion of the construction cost of a highway 8793
project which a county, township, or municipal corporation 8794
normally would be required to pay, but which the director of 8795
transportation, pursuant to division (B) of section 5531.08 of the 8796
Revised Code, determines instead will be paid from moneys in the 8797
highway operating fund, to pay the interest, principal, and 8798
charges on bonds and other obligations issued pursuant to Section 8799
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 8800
5528.11 of the Revised Code, to pay the interest, principal, and 8801
charges on highway obligations issued pursuant to Section 2i of 8802
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 8803
of the Revised Code, to provide revenues for the purposes of 8804
sections 1547.71 to 1547.78 of the Revised Code, and to pay the 8805
expenses of the department of taxation incident to the 8806
administration of the motor fuel laws, a motor fuel excise tax is 8807
hereby imposed on all motor fuel dealers upon their receipt of 8808
motor fuel within the state, at the rate of one cent on each 8809
gallon so received, to be reported, computed, paid, collected, 8810
administered, enforced, refunded, and subject to the same 8811
exemptions and penalties as provided in this chapter of the 8812
Revised Code. 8813

The tax imposed by this section shall be in addition to the 8814
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 8815
Revised Code. 8816

(B) The treasurer of state shall place to the credit of the 8817
tax refund fund created by section 5703.052 of the Revised Code, 8818
out of receipts from the tax levied by this section, amounts equal 8819
to the refunds certified by the tax commissioner pursuant to this 8820

section. The refund provided for by division (A) of this section 8821
shall be paid from such fund. The treasurer shall then transfer 8822
the amount required by section 5735.051 of the Revised Code to the 8823
waterways safety fund and the amount required by section 5735.053 8824
of the Revised Code to the motor fuel tax administration fund. The 8825
balance of taxes for which the liability has become fixed prior to 8826
July 1, 1955, under this section, after the credit to the tax 8827
refund fund, shall be credited to the highway operating fund. 8828

(C)(1) The moneys derived from the tax levied by this 8829
section, after the credit and transfers required by division (B) 8830
of this section, ~~shall~~, during each calendar year, shall be 8831
credited to the highway improvement bond retirement fund created 8832
by section 5528.12 of the Revised Code, until the commissioners of 8833
the sinking fund certify to the treasurer of state, as required by 8834
section 5528.17 of the Revised Code, that there are sufficient 8835
moneys to the credit of the highway improvement bond retirement 8836
fund to meet in full all payments of interest, principal, and 8837
charges for the retirement of bonds and other obligations issued 8838
pursuant to Section 2g of Article VIII, Ohio Constitution, and 8839
sections 5528.10 and 5528.11 of the Revised Code due and payable 8840
during the current calendar year and during the next succeeding 8841
calendar year. ~~From the date of the receipt of the certification~~ 8842
~~required by section 5528.17 of the Revised Code by the treasurer~~ 8843
~~of state until the thirty first day of December of the calendar~~ 8844
~~year in which such certification is made, all moneys received in~~ 8845
~~the state treasury from the tax levied by this section, after the~~ 8846
~~credit and transfers required by division (B) of this section,~~ 8847
~~shall be credited to the highway obligations bond retirement fund~~ 8848
~~created by section 5528.32 of the Revised Code, until the~~ 8849
~~commissioners of the sinking fund certify to the treasurer of~~ 8850
~~state, as required by section 5528.38 of the Revised Code, that~~ 8851
~~there are sufficient moneys to the credit of the highway~~ 8852
~~obligations bond retirement fund to meet in full all payments of~~ 8853

~~interest, principal, and charges for the retirement of obligations 8854
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 8855
and sections 5528.30 and 5528.31 of the Revised Code due and 8856
payable during the current calendar year and during the next 8857
succeeding calendar year. 8858~~

~~(2) From the date of the receipt of the certification 8859
required by section 5528.38 of the Revised Code by the treasurer 8860
of state until the thirty first day of December of the calendar 8861
year in which such certification is made, all All moneys received 8862
in the state treasury from the tax levied by this section, after 8863
the credit and transfers required by division (B) of this section, 8864
shall be credited to the highway operating fund, except as 8865
provided in division (C)(3) of this section. 8866~~

~~(3) From the date of the receipt by the treasurer of state of 8867
~~certifications~~ certification from the commissioners of the sinking 8868
fund, as required by ~~sections~~ section 5528.18 ~~and 5528.39~~ of the 8869
Revised Code, certifying that the moneys to the credit of the 8870
highway improvement bond retirement fund are sufficient to meet in 8871
full all payments of interest, principal, and charges for the 8872
retirement of all bonds and other obligations which may be issued 8873
pursuant to Section 2g of Article VIII, Ohio Constitution, and 8874
sections 5528.10 and 5528.11 of the Revised Code, ~~and to the~~ 8875
~~credit of the highway obligations bond retirement fund are~~ 8876
~~sufficient to meet in full all payments of interest, principal,~~ 8877
~~and charges for the retirement of all obligations issued pursuant~~ 8878
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 8879
~~5528.30 and 5528.31 of the Revised Code,~~ the moneys derived from 8880
the tax levied by this section, after the credit and transfers 8881
required by division (B) of this section, shall be credited to the 8882
highway operating fund. 8883~~

Section 101.02. That existing sections 125.834, 126.06, 8884

126.11, 127.14, 163.06, 163.09, 163.15, 163.21, 166.25, 307.202, 8885
505.69, 717.01, 4117.10, 4501.03, 4501.04, 4501.044, 4501.045, 8886
4501.06, 4501.11, 4501.26, 4501.34, 4503.103, 4503.233, 4503.26, 8887
4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 4506.07, 8888
4506.071, 4506.08, 4506.09, 4506.10, 4506.12, 4506.13, 4506.15, 8889
4506.16, 4506.17, 4506.20, 4506.21, 4507.071, 4507.11, 4507.21, 8890
4508.01, 4508.02, 4508.03, 4508.04, 4508.05, 4508.06, 4508.10, 8891
4509.05, 4509.101, 4509.81, 4511.043, 4513.263, 4519.59, 4519.63, 8892
4749.07, 4981.01, 4981.02, 4981.03, 4981.031, 4981.032, 4981.033, 8893
4981.04, 4981.05, 4981.06, 4981.07, 4981.08, 4981.09, 4981.091, 8894
4981.10, 4981.11, 4981.12, 4981.13, 4981.131, 4981.14, 4981.15, 8895
4981.16, 4981.17, 4981.18, 4981.19, 4981.22, 4981.24, 4981.25, 8896
4981.26, 4981.28, 4981.29, 4981.30, 4981.31, 4981.32, 4981.33, 8897
4981.34, 4981.35, 4981.40, 5501.03, 5501.55, 5501.56, 5502.03, 8898
5502.39, 5502.67, 5512.02, 5512.03, 5512.04, 5512.05, 5512.06, 8899
5519.01, 5528.31, 5528.40, 5531.08, 5705.19, 5728.08, 5735.23, 8900
5735.26, 5735.291, and 5735.30 of the Revised Code are hereby 8901
repealed. 8902

Section 105.01. That sections 4501.19, 4501.28, 4981.20, 8903
4981.21, 5502.131, 5528.19, 5528.32, 5528.33, 5528.35, 5528.36, 8904
5528.38, and 5528.39 of the Revised Code are hereby repealed. 8905

Section 110.10. That the version of section 4507.11 of the 8906
Revised Code that is scheduled to take effect January 1, 2017, be 8907
amended to read as follows: 8908

Sec. 4507.11. (A)(1) The registrar of motor vehicles shall 8909
conduct all necessary examinations of applicants for temporary 8910
instruction permits, drivers' licenses, motorcycle operators' 8911
endorsements, or motor-driven cycle or motor scooter endorsements. 8912
The examination shall include a test of the applicant's knowledge 8913
of motor vehicle laws, including the laws ~~on~~ governing stopping 8914

for school buses, a test of the applicant's physical fitness to 8915
drive, and a test of the applicant's ability to understand highway 8916
traffic control devices. The registrar may conduct the examination 8917
~~may be conducted~~ in such a manner that applicants who are 8918
illiterate or limited in their knowledge of the English language 8919
~~may be~~ are tested by methods that would indicate to the examining 8920
officer that the applicant has a reasonable knowledge of motor 8921
vehicle laws and understands highway traffic control devices. ~~An~~ 8922

(2) Except as provided in division (C) of this section, an 8923
applicant for a driver's license shall give an actual 8924
demonstration of the ability to exercise ordinary and reasonable 8925
control in the operation of a motor vehicle by driving ~~the same a~~ 8926
motor vehicle under the supervision of an examining officer; 8927
however, no applicant for a driver's license shall use a low-speed 8928
or under-speed vehicle or a mini-truck for the purpose of 8929
demonstrating ability to exercise ordinary and reasonable control 8930
over a vehicle. ~~Except~~ The demonstration shall consist of a 8931
maneuverability test and a road test. The director of public 8932
safety shall determine the formats of the tests. In addition, the 8933
director may require every applicant for an initial driver's 8934
license to demonstrate the ability to exercise ordinary and 8935
reasonable control in the operation of a motor vehicle by using a 8936
driving simulator under the supervision of an examining officer. 8937
If the director requires a simulated driving test, the applicant 8938
shall successfully complete such test before taking the required 8939
maneuverability and road tests. 8940

(3) Except as provided in division (B) of this section, an 8941
applicant for a motorcycle operator's endorsement or a restricted 8942
license that permits only the operation of a motorcycle shall give 8943
an actual demonstration of the ability to exercise ordinary and 8944
reasonable control in the operation of a motorcycle by driving ~~the~~ 8945
~~same a~~ motorcycle under the supervision of an examining officer; 8946

~~however.~~ However, no applicant for such an endorsement or 8947
restricted license shall use a motor-driven cycle or motor scooter 8948
for the purpose of demonstrating ability to exercise ordinary and 8949
reasonable control in the operation of a motorcycle. ~~Except~~ 8950

(4) Except as provided in division (B) of this section, an 8951
applicant for a motor-driven cycle or motor scooter operator's 8952
endorsement or a restricted license that permits only the 8953
operation of a motor-driven cycle or motor scooter shall give an 8954
actual demonstration of the ability to exercise ordinary and 8955
reasonable control in the operation of a motor-driven cycle or 8956
motor scooter by driving a motor-driven cycle or motor scooter 8957
under the supervision of an examining officer. ~~Except~~ 8958

(5) Except as provided in section 4507.12 of the Revised 8959
Code, the registrar shall designate the highway patrol, any law 8960
enforcement body, or any other employee of the department of 8961
public safety to supervise and conduct examinations for temporary 8962
instruction permits, drivers' licenses, and motorcycle operators' 8963
endorsements and shall provide the necessary rules and forms to 8964
properly conduct the examinations. The A deputy registrar shall 8965
forward to the registrar the records of the examinations, together 8966
with the application for a temporary instruction permit, driver's 8967
license, or motorcycle operator's endorsement, ~~shall be forwarded~~ 8968
~~to the registrar by the deputy registrar, and, if.~~ If in the 8969
opinion of the registrar the applicant is qualified to operate a 8970
motor vehicle, the registrar shall issue the permit, license, or 8971
endorsement. 8972

(6) The registrar may authorize the highway patrol, other 8973
designated law enforcement body, or other designated employee of 8974
the department of public safety to issue an examiner's driving 8975
permit to an applicant who has passed the required examination, 8976
authorizing that applicant to operate a motor vehicle while the 8977
registrar is completing an investigation relative to that 8978

applicant's qualifications to receive a temporary instruction 8979
permit, driver's license, or motorcycle operator's endorsement. 8980
The applicant shall keep the examiner's driving permit ~~shall be~~ in 8981
the applicant's immediate possession ~~of the applicant~~ while 8982
operating a motor vehicle ~~and shall be~~. The examiner's driving 8983
permit is effective until final action and notification has been 8984
given by the registrar, but in no event longer than sixty days 8985
from its date of issuance. 8986

(B)(1) An applicant for a motorcycle operator's endorsement 8987
or a restricted license that permits only the operation of a 8988
motorcycle who presents to the registrar of motor vehicles or a 8989
deputy registrar a form approved by the director of public safety 8990
attesting to the applicant's successful completion within the 8991
preceding sixty days of a course of basic instruction provided by 8992
the motorcycle safety and education program approved by the 8993
director pursuant to section 4508.08 of the Revised Code shall not 8994
be required to give an actual demonstration of the ability to 8995
operate a motorcycle by driving a motorcycle under the supervision 8996
of an examining officer, as described in division (A) of this 8997
section. An applicant for a motor-driven cycle or motor scooter 8998
operator's endorsement or a restricted license that permits only 8999
the operation of a motor-driven cycle or motor scooter who 9000
presents to the registrar of motor vehicles or a deputy registrar 9001
a form approved by the director of public safety attesting to the 9002
applicant's successful completion within the preceding sixty days 9003
of a course of basic instruction provided by the motorcycle safety 9004
and education program approved by the director pursuant to section 9005
4508.08 of the Revised Code shall not be required to give an 9006
actual demonstration of the ability to operate a motor-driven 9007
cycle or motor scooter by driving a motor-driven cycle or motor 9008
scooter under the supervision of an examining officer, as 9009
described in division (A) of this section. Upon presentation of 9010
the form described in division (B)(1) of this section and 9011

compliance with all other requirements relating to the issuance of 9012
a motorcycle operator's endorsement or a restricted license that 9013
permits only the operation of a motorcycle, the registrar or 9014
deputy registrar shall issue to the applicant the endorsement or 9015
restricted license, as the case may be. 9016

(2) A person who has not attained eighteen years of age and 9017
presents an application for a motorcycle operator's endorsement or 9018
a restricted license under division (B)(1) of this section also 9019
shall comply with the requirements of section 4507.21 of the 9020
Revised Code. 9021

(C) A person who holds a valid motorcycle endorsement or 9022
restricted license that permits only the operation of a motorcycle 9023
may operate a motor-driven cycle or motor scooter with that 9024
endorsement or restricted license. 9025

(D) An applicant for a driver's license who has completed an 9026
advanced driver skills course approved by the director of public 9027
safety pursuant to division (A)(3) of section 4508.02 of the 9028
Revised Code may request a waiver of the maneuverability and road 9029
tests required by division (A) of this section. The applicant 9030
shall submit such a waiver to the registrar or a deputy registrar 9031
in writing. The applicant shall include with the waiver a valid 9032
certificate of completion of the advanced driver skills course 9033
issued by a driver training school in accordance with section 9034
4508.10 of the Revised Code. Upon receipt of a written waiver 9035
request and a valid certificate of completion of the advanced 9036
driver skills course, the registrar shall waive or direct the 9037
deputy registrar to waive the maneuverability and road tests 9038
required by division (A) of this section. 9039

(E) If the director requires applicants for initial driver's 9040
licenses to complete the simulated driving test described in 9041
division (A) of this section, the registrar shall adopt rules 9042
governing the specifications for the driving simulators and the 9043

standards for the simulated driving test. 9044

Section 110.11. That the existing version of section 4507.11 9045
of the Revised Code that is scheduled to take effect January 1, 9046
2017, is hereby repealed. 9047

Section 110.12. Sections 110.10 and 110.11 of this act take 9048
effect January 1, 2017. 9049

Section 201.10. Except as otherwise provided in this act, all 9050
appropriation items in this act are appropriated out of any moneys 9051
in the state treasury to the credit of the designated fund that 9052
are not otherwise appropriated. For all appropriations made in 9053
this act, the amounts in the first column are for fiscal year 2016 9054
and the amounts in the second column are for fiscal year 2017. 9055

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 9056

Highway Operating Fund Group 9057

2120 772426 Highway \$ 3,500,000 \$ 3,500,000 9058
Infrastructure Bank -
Federal

2120 772427 Highway \$ 9,825,000 \$ 9,825,000 9059
Infrastructure Bank -
State

2120 772430 Infrastructure Debt \$ 525,000 \$ 525,000 9060
Reserve Title 23-49

2130 772431 Roadway \$ 3,500,000 \$ 3,500,000 9061
Infrastructure Bank -
State

2130 772433 Infrastructure Debt \$ 650,000 \$ 650,000 9062
Reserve - State

2130 777477 Aviation \$ 2,000,000 \$ 2,000,000 9063
Infrastructure Bank -

		State				
7002	770003	Transportation	\$	10,100,000	\$	12,162,500 9064
		Facilities Lease				
		Rental Bond Payments				
7002	771411	Planning and Research	\$	20,616,087	\$	23,590,435 9065
		- State				
7002	771412	Planning and Research	\$	33,405,195	\$	30,780,847 9066
		- Federal				
7002	772421	Highway Construction	\$	600,691,058	\$	577,413,383 9067
		- State				
7002	772422	Highway Construction	\$	1,006,223,456	\$	1,032,306,620 9068
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 9069
		- Other				
7002	772437	Major New State	\$	24,802,700	\$	25,859,100 9070
		Infrastructure Bond				
		Debt Service - State				
7002	772438	Major New State	\$	152,033,800	\$	146,534,600 9071
		Infrastructure Bond				
		Debt Service -				
		Federal				
7002	773431	Highway Maintenance -	\$	506,200,000	\$	519,400,000 9072
		State				
7002	775452	Public Transportation	\$	31,232,549	\$	31,232,549 9073
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 9074
		- Other				
7002	776462	Grade Crossings -	\$	14,098,000	\$	14,072,000 9075
		Federal				
7002	777472	Airport Improvements	\$	405,000	\$	405,000 9076
		- Federal				
7002	777475	Aviation	\$	6,620,899	\$	6,666,416 9077
		Administration				

7002 779491	Administration -	\$ 89,292,626	\$ 92,690,582	9078
	State			
TOTAL HOF Highway Operating				9079
Fund Group		\$ 2,597,221,370	\$ 2,614,614,032	9080
Dedicated Purpose Fund Group				9081
4N40 776664	Rail Transportation -	\$ 2,875,800	\$ 2,875,800	9082
	Other			
5W90 777615	County Airport	\$ 620,000	\$ 620,000	9083
	Maintenance			
TOTAL DPF Dedicated Purpose				9084
Fund Group		\$ 3,495,800	\$ 3,495,800	9085
Capital Projects Fund Group				9086
7042 772723	Highway Construction	\$ 146,330,382	\$ 166,254,827	9087
	- Bonds			
7045 772428	Highway	\$ 131,209,431	\$ 206,053,254	9088
	Infrastructure Bank -			
	Bonds			
TOTAL CPF Capital Projects				9089
Fund Group		\$ 277,539,813	\$ 372,308,081	9090
TOTAL ALL BUDGET FUND GROUPS				9091

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 9092
PAYMENTS 9093

The foregoing appropriation item 770003, Transportation 9094
Facilities Lease Rental Bond Payments, shall be used to meet all 9095
payments during the period from July 1, 2015, through June 30, 9096
2017, by the Department of Transportation under the leases and 9097
agreements for facilities made under Chapter 154. of the Revised 9098
Code. This appropriation is the source of funds pledged for bond 9099
service charges on related obligations issued under Chapter 154. 9100
of the Revised Code. 9101

Should the appropriation in appropriation item 770003, 9102

Transportation Facilities Lease Rental Bond Payments, exceed the 9103
debt service payments in either fiscal year of the biennium ending 9104
June 30, 2017, then the balance may be transferred to 9105
appropriation item 772421, Highway Construction - State, 773431, 9106
Highway Maintenance - State, or 779491, Administration - State, 9107
upon the written request of the Director of Transportation and 9108
with the approval of the Director of Budget and Management. The 9109
transfer shall be reported to the Controlling Board. 9110

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 9111
COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 9112

Notwithstanding section 5511.06 of the Revised Code, the 9113
foregoing appropriation item 772421, Highway Construction - State, 9114
shall be used for: 9115

- the construction, reconstruction, or maintenance of public 9116
access roads, including support features, to and within state 9117
facilities owned or operated by the Department of Natural 9118
Resources; and 9119

- the construction, reconstruction, or maintenance of park 9120
drives or park roads within the boundaries of metropolitan parks. 9121

The Department of Transportation may use the foregoing 9122
appropriation item 772421, Highway Construction - State, to 9123
perform: 9124

- related road work on behalf of the Ohio Expositions 9125
Commission at the state fairgrounds, including reconstruction or 9126
maintenance of public access roads and support features to and 9127
within fairgrounds facilities, as requested by the Commission and 9128
approved by the Director of Transportation. 9129

- related road work on behalf of the Ohio History Connection, 9130
including reconstruction or maintenance of public access roads and 9131
support features to and within Ohio History Connection facilities, 9132

as requested by the Ohio History Connection and approved by the 9133
Director of Transportation. 9134

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 9135

(A) Of the foregoing appropriation item 772421, Highway 9136
Construction - State, \$3,500,000 in each fiscal year shall be made 9137
available for distribution by the Director of Transportation to 9138
Transportation Improvement Districts that have facilitated funding 9139
for the cost of a project or projects in conjunction with and 9140
through other governmental agencies. 9141

(B) A Transportation Improvement District shall submit 9142
requests for project funding to the Ohio Department of 9143
Transportation not later than the first day of September in each 9144
fiscal year. The Ohio Department of Transportation shall notify 9145
the Transportation Improvement District whether the Department has 9146
approved or disapproved the project funding request within 90 days 9147
after the day the request was submitted by the Transportation 9148
Improvement District. 9149

(C) Any funding provided to a Transportation Improvement 9150
District specified in this section shall not be used for the 9151
purposes of administrative costs or administrative staffing and 9152
must be used to fund a specific project or projects within that 9153
District's area. The total amount of a specific project's cost 9154
shall not be fully funded by the amount of funds provided under 9155
this section. The total amount of funding provided for each 9156
project is limited to 10% of total project costs not to exceed 9157
\$250,000. Transportation Improvement Districts that are 9158
co-sponsoring a specific project may individually apply for up to 9159
\$250,000 for that project. However, not more than 10% of a 9160
project's total costs per biennium shall be funded through moneys 9161
provided under this section. 9162

(D) Funding provided under this section may be used for 9163

preliminary engineering, detailed design, right-of-way 9164
acquisition, and construction of the specific project and such 9165
other project costs that are defined in section 5540.01 of the 9166
Revised Code and approved by the Director of Transportation. Upon 9167
receipt of a copy of an invoice for work performed on the specific 9168
project, the Director of Transportation shall reimburse a 9169
Transportation Improvement District for the expenditures described 9170
above, subject to the requirements of this section. 9171

(E) Any Transportation Improvement District that is 9172
requesting funds under this section shall register with the 9173
Director of Transportation. The Director of Transportation shall 9174
register a Transportation Improvement District only if the 9175
district has a specific, eligible project and may cancel the 9176
registration of a Transportation Improvement District that is not 9177
eligible to receive funds under this section. The Director shall 9178
not provide funds to any Transportation Improvement District under 9179
this section if the district is not registered. The Director of 9180
Transportation shall not register a Transportation Improvement 9181
District and shall cancel the registration of a currently 9182
registered Transportation Improvement District unless at least one 9183
of the following applies: 9184

(1) The Transportation Improvement District, by a resolution 9185
or resolutions, designated a project or program of projects and 9186
facilitated, including in conjunction with and through other 9187
governmental agencies, funding for costs of a project or program 9188
of projects in an aggregate amount of not less than \$10,000,000 9189
within the eight-year period commencing January 1, 2005. 9190

(2) The Transportation Improvement District, by a resolution 9191
or resolutions, designated a project or program of projects and 9192
facilitated, including in conjunction with and through other 9193
governmental agencies, funding for costs of a project or program 9194
of projects in an aggregate amount of not less than \$15,000,000 9195

from the commencement date of the project or program of projects. 9196

(3) The Transportation Improvement District has designated, 9197
by a resolution or resolutions, a project or program of projects 9198
that has estimated aggregate costs in excess of \$10,000,000 and 9199
the County Engineer of the county in which the Transportation 9200
Improvement District is located has attested by a sworn affidavit 9201
that the costs of the project or program of projects exceeds 9202
\$10,000,000 and that the Transportation Improvement District is 9203
facilitating a portion of funding for that project or program of 9204
projects. 9205

(F) For purposes of this section: 9206

(1) "Project" shall have the same meaning as in division (D) 9207
of section 5540.01 of the Revised Code. 9208

(2) "Governmental agency" shall have the same meaning as in 9209
division (B) of section 5540.01 of the Revised Code. 9210

(3) "Cost" shall have the same meaning as in division (C) of 9211
section 5540.01 of the Revised Code. 9212

Section 203.50. ISSUANCE OF BONDS 9213

The Treasurer of State, upon the request of the Director of 9214
Transportation, is authorized to issue and sell, in accordance 9215
with Section 2m of Article VIII, Ohio Constitution, and Chapter 9216
151. and particularly sections 151.01 and 151.06 of the Revised 9217
Code, obligations, including bonds and notes, in the aggregate 9218
amount of \$313,000,000 in addition to the original issuance of 9219
obligations authorized by prior acts of the General Assembly. 9220

The obligations shall be issued and sold from time to time in 9221
amounts necessary to provide sufficient moneys to the credit of 9222
the Highway Capital Improvement Fund (Fund 7042) created by 9223
section 5528.53 of the Revised Code to pay costs charged to the 9224
fund when due as estimated by the Director of Transportation, 9225

provided, however, that such obligations shall be issued and sold 9226
at such time or times so that not more than \$220,000,000 original 9227
principal amount of obligations, plus the principal amount of 9228
obligations that in prior fiscal years could have been, but were 9229
not, issued within the \$220,000,000 limit, may be issued in any 9230
fiscal year, and not more than \$1,200,000,000 original principal 9231
amount of such obligations are outstanding at any one time. 9232

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 9233
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 9234
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 9235
ADMINISTRATION 9236

The Director of Budget and Management may approve requests 9237
from the Director of Transportation for transfer of Highway 9238
Operating Fund (Fund 7002) appropriations for planning and 9239
research (appropriation items 771411 and 771412), highway 9240
construction and debt service (appropriation items 772421, 772422, 9241
772424, 772425, 772437, 772438, and 770003), highway maintenance 9242
(appropriation item 773431), public transportation - federal 9243
(appropriation item 775452), elderly and disabled special 9244
equipment (appropriation item 775459), rail grade crossings 9245
(appropriation item 776462), aviation (appropriation item 777475), 9246
and administration (appropriation item 779491). The Director of 9247
Budget and Management may not make transfers out of debt service 9248
appropriation items unless the Director determines that the 9249
appropriated amounts exceed the actual and projected debt service 9250
requirements. Transfers of appropriations may be made upon the 9251
written request of the Director of Transportation and with the 9252
approval of the Director of Budget and Management. The transfers 9253
shall be reported to the Controlling Board at the next regularly 9254
scheduled meeting of the board. 9255

This transfer authority is intended to provide for emergency 9256

situations and flexibility to meet unforeseen conditions that 9257
could arise during the biennium ending June 30, 2017. It also is 9258
intended to allow the department to optimize the use of available 9259
resources and adjust to circumstances affecting the obligation and 9260
expenditure of federal funds. 9261

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 9262
AVIATION, AND RAIL AND LOCAL TRANSIT 9263

The Director of Budget and Management may approve written 9264
requests from the Director of Transportation for the transfer of 9265
appropriations between appropriation items 772422, Highway 9266
Construction - Federal, 775452, Public Transportation - Federal, 9267
775454, Public Transportation - Other, 775459, Elderly and 9268
Disabled Special Equipment, 776475, Federal Rail Administration, 9269
and 777472, Airport Improvements - Federal. The transfers shall be 9270
reported to the Controlling Board at its next regularly scheduled 9271
meeting. 9272

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 9273
BANK 9274

The Director of Budget and Management may approve requests 9275
from the Director of Transportation for transfer of appropriations 9276
and cash of the Infrastructure Bank funds created in section 9277
5531.09 of the Revised Code, including transfers between fiscal 9278
years 2016 and 2017. The transfers shall be reported to the 9279
Controlling Board at its next regularly scheduled meeting. 9280

The Director of Budget and Management may approve requests 9281
from the Director of Transportation for transfer of appropriations 9282
and cash from the Highway Operating Fund (Fund 7002) to the 9283
Infrastructure Bank funds created in section 5531.09 of the 9284
Revised Code. The Director of Budget and Management may transfer 9285
from the Infrastructure Bank funds to the Highway Operating Fund 9286
up to the amounts originally transferred to the Infrastructure 9287

Bank funds under this section. However, the Director may not make 9288
transfers between modes or transfers between different funding 9289
sources. The transfers shall be reported to the Controlling Board 9290
at its next regularly scheduled meeting. 9291

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 9292

The Director of Budget and Management may approve requests 9293
from the Director of Transportation for transfer of appropriations 9294
and cash of the Ohio Toll Fund and any subaccounts created in 9295
section 5531.14 of the Revised Code, including transfers between 9296
fiscal years 2016 and 2017. The transfers shall be reported to the 9297
Controlling Board at its next regularly scheduled meeting. 9298

INCREASING APPROPRIATIONS: STATE FUNDS 9299

In the event that receipts or unexpended balances credited to 9300
the Highway Operating Fund (Fund 7002) exceed the estimates upon 9301
which the appropriations have been made in this act, upon the 9302
request of the Director of Transportation, the Controlling Board 9303
may increase those appropriations in the manner prescribed in 9304
section 131.35 of the Revised Code. 9305

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 9306

In the event that receipts or unexpended balances credited to 9307
the Highway Operating Fund (Fund 7002) or apportionments or 9308
allocations made available from the federal and local government 9309
exceed the estimates upon which the appropriations have been made 9310
in this act, upon the request of the Director of Transportation, 9311
the Controlling Board may increase those appropriations in the 9312
manner prescribed in section 131.35 of the Revised Code. 9313

REAPPROPRIATIONS 9314

In each fiscal year of the biennium ending June 30, 2017, the 9315
Director of Transportation may request that the Director of Budget 9316
and Management transfer any remaining unencumbered balances of 9317

prior years' appropriations to the Highway Operating Fund (Fund 9318
7002), the Highway Capital Improvement Fund (Fund 7042), and the 9319
Infrastructure Bank funds created in section 5531.09 of the 9320
Revised Code for the same purpose in the following fiscal year. In 9321
the request, the Director of Transportation shall identify the 9322
appropriate fund and appropriation item of the transfer, and the 9323
requested transfer amount. The Director of Budget and Management 9324
may request additional information necessary for evaluating the 9325
transfer request, and the Director of Transportation shall provide 9326
the requested information to the Director of Budget and 9327
Management. Based on the information provided by the Director of 9328
Transportation, the Director of Budget and Management shall 9329
determine the amount to be transferred by fund and appropriation 9330
item, and those amounts are hereby reappropriated. The Director of 9331
Transportation shall report the reappropriations to the 9332
Controlling Board. 9333

Any balances of prior years' unencumbered appropriations to 9334
the Highway Operating Fund (Fund 7002), the Highway Capital 9335
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 9336
created in section 5531.09 of the Revised Code for which the 9337
Director of Transportation requests reappropriations, and for 9338
which reappropriations are approved by the Director of Budget and 9339
Management, are subject to the availability of revenue as 9340
determined by the Director of Transportation. 9341

LIQUIDATION OF UNFORESEEN LIABILITIES 9342

Any appropriation made from the Highway Operating Fund (Fund 9343
7002) not otherwise restricted by law is available to liquidate 9344
unforeseen liabilities arising from contractual agreements of 9345
prior years when the prior year encumbrance is insufficient. 9346

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 9347

The Director of Transportation may remove snow and ice and 9348

maintain, repair, improve, or provide lighting upon interstate 9349
highways that are located within the boundaries of municipal 9350
corporations, in a manner adequate to meet the requirements of 9351
federal law. When agreed in writing by the Director of 9352
Transportation and the legislative authority of a municipal 9353
corporation and notwithstanding sections 125.01 and 125.11 of the 9354
Revised Code, the Department of Transportation may reimburse a 9355
municipal corporation for all or any part of the costs, as 9356
provided by such agreement, incurred by the municipal corporation 9357
in maintaining, repairing, lighting, and removing snow and ice 9358
from the interstate system. 9359

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 9360

The Director of Transportation may use revenues from the 9361
state motor vehicle fuel tax to match approved federal grants 9362
awarded to the Department of Transportation, regional transit 9363
authorities, or eligible public transportation systems, for public 9364
transportation highway purposes, or to support local or state 9365
funded projects for public transportation highway purposes. Public 9366
transportation highway purposes include: the construction or 9367
repair of high-occupancy vehicle traffic lanes, the acquisition or 9368
construction of park-and-ride facilities, the acquisition or 9369
construction of public transportation vehicle loops, the 9370
construction or repair of bridges used by public transportation 9371
vehicles or that are the responsibility of a regional transit 9372
authority or other public transportation system, or other similar 9373
construction that is designated as an eligible public 9374
transportation highway purpose. Motor vehicle fuel tax revenues 9375
may not be used for operating assistance or for the purchase of 9376
vehicles, equipment, or maintenance facilities. 9377

Section 203.90. The federal payments made to the state for 9378
highway infrastructure or for transit agencies under Title XII of 9379

Division A of the American Recovery and Reinvestment Act of 2009 9380
shall be deposited to the credit of the Highway Operating Fund 9381
(Fund 7002), which is created in section 5735.291 of the Revised 9382
Code. 9383

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 9384

Highway Safety Fund Group 9385

4W40 762321 Operating Expense - \$ 126,201,615 \$ 126,201,615 9386
BMV

4W40 762635 Motor Vehicle Dealers \$ 14,000 \$ 14,000 9387
Board

4W40 762636 Financial \$ 4,785,067 \$ 4,785,067 9388
Responsibility
Compliance

4W40 762637 Local Immobilization \$ 200,000 \$ 200,000 9389
Reimbursement

7036 761321 Operating Expense - \$ 6,999,331 \$ 6,999,331 9390
Information and
Education

7036 761401 Public Safety \$ 2,435,800 \$ 2,433,200 9391
Facilities Lease
Rental Bond Payments

7036 764321 Operating Expense - \$ 270,232,602 \$ 270,232,602 9392
Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 9393
Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 9394
Administration

8370 764602 Turnpike Policing \$ 11,553,959 \$ 11,553,959 9395

83C0 764630 Contraband, \$ 622,894 \$ 622,894 9396
Forfeiture, and Other

83F0 764657 Law Enforcement \$ 8,500,000 \$ 8,500,000 9397

		Automated Data System					
83G0	764633	OMVI	\$	641,927	\$	641,927	9398
		Enforcement/Education					
83M0	765624	Operating - EMS	\$	3,601,220	\$	3,601,220	9399
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	9400
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	9401
8400	764617	Security and	\$	9,514,236	\$	9,514,236	9402
		Investigations					
8400	764626	State Fairgrounds	\$	1,084,559	\$	1,084,559	9403
		Police Force					
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399	9404
		Highway Patrol					
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563	9405
		Education					
8490	762627	Automated Title	\$	16,367,293	\$	16,367,293	9406
		Processing Board					
8490	762630	Electronic Liens and	\$	2,900,000	\$	2,900,000	9407
		Titles					
TOTAL	HSF	Highway Safety Fund Group	\$	477,348,872	\$	477,346,272	9408
		Dedicated Purpose Fund Group					9409
5B90	766632	Private Investigator	\$	1,400,000	\$	1,400,000	9410
		and Security Guard					
		Provider					
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000	9411
		and Alcohol					
		Monitoring					
TOTAL	DPF	Dedicated Purpose Fund	\$	3,400,000	\$	3,400,000	9412
		Group					
		Fiduciary Fund Group					9413
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	9414
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000	9415
		Contributions					

TOTAL FID Fiduciary Fund Group	\$	3,600,000	\$	3,600,000	9416
Holding Account Fund Group					9417
R024 762619 Unidentified Motor	\$	1,885,000	\$	1,885,000	9418
Vehicle Receipts					
R052 762623 Security Deposits	\$	350,000	\$	350,000	9419
TOTAL HLD Holding Account Fund	\$	2,235,000	\$	2,235,000	9420
Group					
Federal Fund Group					9421
3DU0 762628 BMV Grants	\$	850,000	\$	850,000	9422
3GR0 764693 Highway Patrol	\$	2,100,000	\$	2,100,000	9423
Justice Contraband					
3GS0 764694 Highway Patrol	\$	21,000	\$	21,000	9424
Treasury Contraband					
3GU0 761610 Information and	\$	300,000	\$	300,000	9425
Education Grant					
3GU0 764608 Fatality Analysis	\$	175,000	\$	175,000	9426
Report System Grant					
3GU0 764610 Highway Safety	\$	2,250,000	\$	2,250,000	9427
Programs Grant					
3GU0 764659 Motor Carrier Safety	\$	5,200,000	\$	5,200,000	9428
Assistance Program					
Grant					
3GU0 765610 Emergency Medical	\$	225,000	\$	225,000	9429
Services Grants					
3GV0 761612 Traffic Safety Action	\$	24,200,000	\$	24,200,000	9430
Plan Grants					
TOTAL FED Federal Fund Group	\$	35,321,000	\$	35,321,000	9431
TOTAL ALL BUDGET FUND GROUPS	\$	521,904,872	\$	521,902,272	9432
MOTOR VEHICLE REGISTRATION					9433
The Director of Public Safety may deposit revenues to meet					9434
the cash needs of the State Bureau of Motor Vehicles Fund (Fund					9435
4W40) established in section 4501.25 of the Revised Code, obtained					9436

under sections 4503.02 and 4504.02 of the Revised Code, less all 9437
other available cash. Revenue deposited pursuant to this paragraph 9438
shall support, in part, appropriations for operating expenses and 9439
defray the cost of manufacturing and distributing license plates 9440
and license plate stickers and enforcing the law relative to the 9441
operation and registration of motor vehicles. Notwithstanding 9442
section 4501.03 of the Revised Code, the revenues shall be paid 9443
into Fund 4W40 before any revenues obtained pursuant to sections 9444
4503.02 and 4504.02 of the Revised Code are paid into any other 9445
fund. The deposit of revenues to meet the aforementioned cash 9446
needs shall be in approximately equal amounts on a monthly basis 9447
or as otherwise approved by the Director of Budget and Management 9448
pursuant to a plan submitted by the Director of Public Safety. 9449

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 9450

The foregoing appropriation item 761401, Public Safety 9451
Facilities Lease Rental Bond Payments, shall be used to meet all 9452
payments during the period July 1, 2015, through June 30, 2017, by 9453
the Department of Public Safety under the leases and agreements 9454
for facilities under Chapters 152. and 154. of the Revised Code. 9455
The appropriations are the source of funds pledged for bond 9456
service charges on related obligations issued under Chapters 152. 9457
and 154. of the Revised Code. 9458

CASH TRANSFERS BETWEEN FUNDS 9459

Upon written request of the Director of Public Safety, the 9460
Director of Budget and Management may transfer cash between the 9461
State Bureau of Motor Vehicles Fund (Fund 4W40) and the State 9462
Highway Safety Fund (Fund 7036). 9463

CASH TRANSFERS - HIGHWAY PATROL 9464

Upon written request of the Director of Public Safety, the 9465
Director of Budget and Management may transfer cash from the State 9466
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 9467

or the Highway Safety Salvage and Exchange Highway Patrol Fund 9468
(Fund 8410) to the Security, Investigations and Policing Fund 9469
(Fund 8400). 9470

CASH TRANSFERS TO THE HIGHWAY SAFETY FUND - SHIPLEY UPGRADES 9471

Pursuant to a plan submitted by the Director of Public 9472
Safety, or as otherwise determined by the Director of Budget and 9473
Management, the Director of Budget and Management may make 9474
appropriate cash transfers on a pro-rata basis as approved by the 9475
Director of Budget and Management from other funds used by the 9476
Department of Public Safety, excluding the Public Safety Building 9477
Fund (Fund 7025), to the State Highway Safety Fund (Fund 7036) in 9478
order to reimburse expenditures for capital upgrades to the 9479
Shipley Building. 9480

CASH TRANSFERS - FEDERAL FUNDS 9481

Upon written request of the Director of Public Safety, the 9482
Director of Budget and Management may transfer cash from the 9483
Highway Safety Federal Reimbursement Fund (Fund 8310) to the 9484
Highway Safety Federal Reimbursement Fund (Fund 3GU0). 9485

Upon written request of the Director of Public Safety, the 9486
Director of Budget and Management may transfer cash from the 9487
Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund (Fund 9488
3GV0). 9489

Upon written request of the Director of Public Safety, the 9490
Director of Budget and Management may transfer cash from the 9491
Highway Patrol Justice Contraband Fund (Fund 83J0) to the Highway 9492
Patrol Justice Contraband Fund (Fund 3GR0). 9493

Upon written request of the Director of Public Safety, the 9494
Director of Budget and Management may transfer cash from the 9495
Highway Patrol Treasury Contraband Fund (Fund 83T0) to the Highway 9496
Patrol Treasury Contraband Fund (Fund 3GS0). 9497

CREDITING OF MONEYS RECEIVED	9498
Beginning July 1, 2015, or as soon as possible thereafter,	9499
all moneys received pursuant to section 4501.08 of the Revised	9500
Code shall be deposited to the credit of the Highway Safety	9501
Federal Reimbursement Fund (Fund 3GU0).	9502
Beginning July 1, 2015, or as soon as possible thereafter,	9503
all moneys received pursuant to section 4501.09 of the Revised	9504
Code shall be deposited to the credit of the Traffic Safety Fund	9505
(Fund 3GV0).	9506
Beginning July 1, 2015, or as soon as possible thereafter,	9507
all moneys received pursuant to section 2981.14 of the Revised	9508
Code shall be deposited to the credit of the Highway Patrol	9509
Justice Contraband Fund (Fund 3GR0).	9510
Beginning July 1, 2015, or as soon as possible thereafter,	9511
all moneys received pursuant to section 2981.14 of the Revised	9512
Code shall be deposited to the credit of the Highway Patrol	9513
Treasury Contraband Fund (Fund 3GS0).	9514
COLLECTIVE BARGAINING INCREASES	9515
Notwithstanding division (D) of section 127.14 and division	9516
(B) of section 131.35 of the Revised Code, except for the General	9517
Revenue Fund, the Controlling Board may, upon the request of	9518
either the Director of Budget and Management, or the Department of	9519
Public Safety with the approval of the Director of Budget and	9520
Management, authorize expenditures in excess of appropriations and	9521
transfer appropriations, as necessary, for any fund used by the	9522
Department of Public Safety, to assist in paying the costs of	9523
increases in employee compensation that have occurred pursuant to	9524
collective bargaining agreements under Chapter 4117. of the	9525
Revised Code and, for exempt employees, under section 124.152 of	9526
the Revised Code. Any money approved for expenditure under this	9527
paragraph is hereby appropriated.	9528

CASH BALANCE FUND REVIEW 9529

The Director of Public Safety shall review the cash balances 9530
for each fund in the State Highway Safety Fund Group, and may 9531
submit a request in writing to the Director of Budget and 9532
Management to transfer amounts from any fund in the State Highway 9533
Safety Fund Group to the credit of the State Highway Safety Fund 9534
(Fund 7036) or the State Bureau of Motor Vehicles Fund (Fund 9535
4W40), as appropriate. Upon receipt of such a request, the 9536
Director of Budget and Management may make appropriate transfers 9537
as requested by the Director of Public Safety or as otherwise 9538
determined by the Director of Budget and Management. 9539

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 9540

Dedicated Purpose Fund Group 9541
4W00 195629 Roadwork Development \$ 15,200,000 \$ 15,200,000 9542
TOTAL DPF Dedicated Purpose 9543
Fund Group \$ 15,200,000 \$ 15,200,000 9544
TOTAL ALL BUDGET FUND GROUPS \$ 15,200,000 \$ 15,200,000 9545

ROADWORK DEVELOPMENT FUND 9546

The Roadwork Development Fund shall be used for road 9547
improvements associated with economic development opportunities 9548
that will retain or attract businesses for Ohio. "Road 9549
improvements" are improvements to public roadway facilities 9550
located on, or serving or capable of serving, a project site. 9551

The Department of Transportation, under the direction of the 9552
Development Services Agency, shall provide these funds in 9553
accordance with all guidelines and requirements established for 9554
other Development Services Agency programs, including Controlling 9555
Board review and approval as well as the requirements for usage of 9556
motor vehicle fuel tax revenue prescribed in Section 5a of Article 9557
XII, Ohio Constitution. Should the Development Services Agency 9558

require the assistance of the Department of Transportation to 9559
bring a project to completion, the Department of Transportation 9560
shall use its authority under Title 55 of the Revised Code to 9561
provide such assistance and may enter into contracts on behalf of 9562
the Development Services Agency. In addition, these funds may be 9563
used in conjunction with any other state funds appropriated for 9564
infrastructure improvements. 9565

The Director of Budget and Management, pursuant to a plan 9566
submitted by the Director of Development Services or as otherwise 9567
determined by the Director of Budget and Management, shall set a 9568
cash transfer schedule to meet the cash needs of the Development 9569
Services Agency Roadwork Development Fund (Fund 4W00), less any 9570
other available cash. The Director shall transfer to the Roadwork 9571
Development Fund from the Highway Operating Fund (Fund 7002), 9572
established in section 5735.291 of the Revised Code, such amounts 9573
at such times as determined by the transfer schedule. 9574

Section 209.10. PWC PUBLIC WORKS COMMISSION 9575

Dedicated Purpose Fund Group 9576

7052 150402 Local Transportation \$ 289,020 \$ 291,269 9577
Improvement Program -
Operating

7052 150701 Local Transportation \$ 56,000,000 \$ 58,000,000 9578
Improvement Program

TOTAL DPF Dedicated Purpose 9579

Fund Group \$ 56,289,020 \$ 58,291,269 9580

Capital Projects Fund Group 9581

7038 150321 State Capital \$ 899,507 \$ 905,807 9582
Improvements Program
- Operating Expenses

TOTAL CPF Capital Projects 9583

Fund Group \$ 899,507 \$ 905,807 9584

TOTAL ALL BUDGET FUND GROUPS	\$ 57,188,527	\$ 59,197,076	9585
STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES			9586
The foregoing appropriation item 150321, State Capital			9587
Improvements Program - Operating Expenses, shall be used by the			9588
Ohio Public Works Commission to administer the State Capital			9589
Improvement Program under sections 164.01 to 164.16 of the Revised			9590
Code.			9591
DISTRICT ADMINISTRATION COSTS			9592
The Director of the Public Works Commission is authorized to			9593
create a District Administration Costs Program from proceeds of			9594
the Capital Improvements Fund and Local Transportation Improvement			9595
Program Fund. The program shall be used to provide for the direct			9596
costs of district administration of the nineteen public works			9597
districts. Districts choosing to participate in the program shall			9598
only expend State Capital Improvements Fund moneys for State			9599
Capital Improvements Fund costs and Local Transportation			9600
Improvement Program Fund moneys for Local Transportation			9601
Improvement Program Fund costs. The District Administration Costs			9602
Program account shall not exceed \$1,235,000 per fiscal year. Each			9603
public works district may be eligible for up to \$65,000 per fiscal			9604
year from its district allocation as provided in sections 164.08			9605
and 164.14 of the Revised Code.			9606
The Director, by rule, shall define allowable and			9607
nonallowable costs for the purpose of the District Administration			9608
Costs Program. Nonallowable costs include indirect costs, elected			9609
official salaries and benefits, and project-specific costs. No			9610
district public works committee may participate in the District			9611
Administration Costs Program without the approval of those costs			9612
by the district public works committee under section 164.04 of the			9613
Revised Code.			9614
REAPPROPRIATIONS			9615

All capital appropriations from the Local Transportation Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 129th General Assembly remaining unencumbered as of June 30, 2015, are reappropriated for use during the period July 1, 2015, through June 30, 2016, for the same purpose.

Notwithstanding division (B) of section 127.14 of the Revised Code, all capital appropriations and reappropriations from the Local Transportation Improvement Program Fund (Fund 7052) in this act remaining unencumbered as of June 30, 2016, are reappropriated for use during the period July 1, 2016, through June 30, 2017, for the same purposes, subject to the availability of revenue as determined by the Director of the Public Works Commission.

TEMPORARY TRANSFERS

Notwithstanding section 127.14 of the Revised Code, the Director of the Public Works Commission may request the Director of Budget and Management to transfer moneys from the Local Transportation Improvement Fund (Fund 7052) to the State Capital Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund (Fund 7056). The Director of Budget and Management may approve temporary transfers if such transfers are needed for capital outlays for which notes or bonds will be issued. Any transfers executed under this section shall be reported to the Controlling Board by June 30 of the fiscal year in which the transfer occurred.

Section 401.10. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Building Improvement Fund (Fund 5KZ0) that are not otherwise appropriated for the biennium ending June 30, 2016:

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

C10035	Building Improvement	\$	1,252,000
TOTAL Department of Administrative Services		\$	1,252,000

Section 401.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 9648

The appropriations made in this act, excluding those made 9649
from the State Capital Improvement Fund (Fund 7038) and the State 9650
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 9651
or structures, including remodeling and renovations, are limited 9652
to: 9653

(A) Acquisition of real property or interests in real 9654
property; 9655

(B) Buildings and structures, which includes construction, 9656
demolition, complete heating and cooling, lighting and lighting 9657
fixtures, and all necessary utilities, ventilating, plumbing, 9658
sprinkling, water, and sewer systems, when such systems are 9659
authorized or necessary; 9660

(C) Architectural, engineering, and professional services 9661
expenses directly related to the projects; 9662

(D) Machinery that is a part of structures at the time of 9663
initial acquisition or construction; 9664

(E) Acquisition, development, and deployment of new computer 9665
systems, including the redevelopment or integration of existing 9666
and new computer systems, but excluding regular or ongoing 9667
maintenance or support agreements; 9668

(F) Equipment that meets all the following criteria: 9669

(1) The equipment is essential in bringing the facility up to 9670
its intended use; 9671

(2) The unit cost of the equipment, and not the individual 9672
parts of a unit, is about \$100 or more; 9673

(3) The equipment has a useful life of five years or more; 9674
and 9675

(4) The equipment is necessary for the functioning of the 9676

particular facility or project. 9677

Equipment shall not be paid for from these appropriations 9678
that is not an integral part of or directly related to the basic 9679
purpose or function of a project for which moneys are 9680
appropriated. This paragraph does not apply to appropriation line 9681
items for equipment. 9682

Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION 9683

There is hereby appropriated, from those funds designated by 9684
or pursuant to the applicable proceedings authorizing the issuance 9685
of state obligations, amounts computed at the time to represent 9686
the portion of investment income to be rebated or amounts in lieu 9687
of or in addition to any rebate amount to be paid to the federal 9688
government in order to maintain the exclusion from gross income 9689
for federal income tax purposes of interest on those state 9690
obligations under section 148(f) of the Internal Revenue Code. 9691

Rebate payments shall be approved and vouchered by the Office 9692
of Budget and Management. 9693

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 9694
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 9695

The Director of Budget and Management shall initiate and 9696
process payments from lease rental payment appropriation items 9697
during the period from July 1, 2015, to June 30, 2017, pursuant to 9698
the lease and other agreements relating to bonds or notes issued 9699
under Section 2i of Article VIII of the Ohio Constitution and 9700
Chapters 152. and 154. of the Revised Code. Payments shall be made 9701
upon certification by the Treasurer of State of the dates and 9702
amounts due on those dates. 9703

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 9704

Certain appropriations are in this act for the purpose of 9705

lease rental and other payments under leases and agreements 9706
relating to bonds or notes issued under the Ohio Constitution and 9707
acts of the General Assembly. If it is determined that additional 9708
appropriations are necessary for this purpose, such amounts are 9709
hereby appropriated. 9710

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 9711
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 9712

Upon the request of the Director of Transportation, the 9713
Director of Budget and Management may transfer cash from the 9714
Highway Operating Fund (Fund 7002) to the Highway Capital 9715
Improvement Fund (Fund 7042) created in section 5528.53 of the 9716
Revised Code. The Director of Budget and Management may transfer 9717
cash from Fund 7042 to Fund 7002 up to the amount of cash 9718
previously transferred to Fund 7042 under this section. 9719

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 9720

The Director of Budget and Management shall transfer cash in 9721
equal monthly increments totaling \$165,664,404 in each fiscal year 9722
of the biennium ending June 30, 2017 from the Highway Operating 9723
Fund (Fund 7002), created in section 5735.291 of the Revised Code, 9724
to the Gasoline Excise Tax Fund (Fund 7060) created in division 9725
(A) of section 5735.27 of the Revised Code. The monthly amounts 9726
transferred under this section shall be distributed as follows: 9727
42.86 per cent shall be distributed among the municipal 9728
corporations within the state under division (A)(2) of section 9729
5735.27 of the Revised Code; 37.14 per cent shall be distributed 9730
among the counties within the state under division (A)(3) of 9731
section 5735.27 of the Revised Code; and 20 per cent shall be 9732
distributed among the townships within the state under division 9733
(A)(5)(b) of section 5735.27 of the Revised Code. 9734

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 9735

On July 1, 2015, and on January 1, 2016, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

On July 1, 2016, and on January 1, 2017, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

Should additional amounts be necessary, the Inspector General, with the consent of the Director of Budget and Management, may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated from appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional cash transfers.

Section 512.40. ABOLISHMENT OF FUNDS

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the MARCS Operations Fund (Fund 4W60) to the MARCS Administration Fund (Fund 5C20). Upon completion of the transfer, Fund 4W60 is abolished.

On July 1, 2015, or as soon as possible thereafter, the Highway Obligation Bond Retirement Fund (Fund 7071) is abolished.

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Financial Responsibility Compliance Fund (Fund 8350) to the State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, Fund 8350 is abolished.

On January 1, 2016, or as soon as possible thereafter, the

Director of Budget and Management shall transfer the cash balance 9766
in the Motor Vehicle Dealers Board Fund (Fund 5390) to the State 9767
Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the 9768
transfer, Fund 5390 is abolished. 9769

On January 1, 2016, or as soon as possible thereafter, the 9770
Director of Budget and Management shall transfer the cash balance 9771
in the Law Enforcement Reimbursement Fund (Fund 83R0) to the State 9772
Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the 9773
transfer, Fund 83R0 is abolished. 9774

On March 1, 2016, or as soon as possible thereafter, the 9775
Director of Budget and Management shall transfer the cash balance 9776
in the Homeland Security Fund (Fund 5DS0) to the State Bureau of 9777
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 9778
Fund 5DS0 is abolished. 9779

On March 1, 2016, or as soon as possible thereafter, the 9780
Director of Budget and Management shall transfer the cash balance 9781
in the Investigations Fund (Fund 5FL0) to the State Bureau of 9782
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 9783
Fund 5FL0 is abolished. 9784

On March 1, 2016, or as soon as possible thereafter, the 9785
Director of Budget and Management shall transfer the cash balance 9786
in the Highway Safety Federal Reimbursement Fund (Fund 8310) to 9787
the Highway Safety Federal Reimbursement Fund (Fund 3GU0). Upon 9788
completion of the transfer, Fund 8310 is abolished. 9789

The Director shall cancel any existing encumbrances against 9790
Fund 8310 appropriation item 761610, Information and Education - 9791
Federal, and reestablish them against Fund 3GU0 appropriation item 9792
761610, Information and Education Grant. The reestablished 9793
encumbrance amounts are hereby appropriated. 9794

The Director shall cancel any existing encumbrances against 9795
Fund 8310 appropriation item 764608, FARS Grant Federal, and 9796

reestablish them against Fund 3GU0 appropriation item 764608, 9797
Fatality Analysis Report System Grant. The reestablished 9798
encumbrance amounts are hereby appropriated. 9799

The Director shall cancel any existing encumbrances against 9800
Fund 8310 appropriation item 764610, Patrol - Federal, and 9801
reestablish them against Fund 3GU0 appropriation item 764610, 9802
Highway Safety Programs Grant. The reestablished encumbrance 9803
amounts are hereby appropriated. 9804

The Director shall cancel any existing encumbrances against 9805
Fund 8310 appropriation item 764659, Transportation Enforcement - 9806
Federal, and reestablish them against Fund 3GU0 appropriation item 9807
764659, Motor Carrier Safety Assistance Program Grant. The 9808
reestablished encumbrance amounts are hereby appropriated. 9809

The Director shall cancel any existing encumbrances against 9810
Fund 8310 appropriation item 765610, EMS - Federal, and 9811
reestablish them against Fund 3GU0 appropriation item 765610, 9812
Emergency Medical Services Grants. The reestablished encumbrance 9813
amounts are hereby appropriated. 9814

The Director shall cancel any existing encumbrances against 9815
Fund 8310 appropriation item 769610, Investigative Unit Federal 9816
Reimbursement, and reestablish them against Fund 3GU0 9817
appropriation item 769610, Investigations Grants - Food Stamps, 9818
Liquor and Tobacco Laws. The reestablished encumbrance amounts are 9819
hereby appropriated. 9820

The Director shall cancel any existing encumbrances against 9821
Fund 8310 appropriation item 769631, Homeland Security - Federal, 9822
and reestablish them against Fund 3GU0 appropriation item 769631, 9823
Homeland Security Disaster Grants. The reestablished encumbrance 9824
amounts are hereby appropriated. 9825

On March 1, 2016, or as soon as possible thereafter, the 9826
Director of Budget and Management shall transfer the cash balance 9827

in the Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund 9828
(Fund 3GV0). Upon completion of the transfer, Fund 8320 is 9829
abolished. 9830

The Director shall cancel any existing encumbrances against 9831
Fund 8320 appropriation item 761612, Traffic Safety - Federal, and 9832
reestablish them against Fund 3GV0 appropriation item 761612, 9833
Traffic Safety - Federal. The reestablished encumbrance amounts 9834
are hereby appropriated. 9835

On March 1, 2016, or as soon as possible thereafter, the 9836
Director of Budget and Management shall transfer the cash balance 9837
in the Highway Patrol Justice Contraband Fund (Fund 83J0) to the 9838
Highway Patrol Justice Contraband Fund (Fund 3GR0). Upon 9839
completion of the transfer, Fund 83J0 is abolished. 9840

The Director shall cancel any existing encumbrances against 9841
Fund 83J0 appropriation item 764693, Highway Patrol Justice 9842
Contraband, and reestablish them against Fund 3GR0 appropriation 9843
item 764693, Highway Patrol Justice Contraband. The reestablished 9844
encumbrance amounts are hereby appropriated. 9845

On March 1, 2016, or as soon as possible thereafter, the 9846
Director of Budget and Management shall transfer the cash balance 9847
in the Highway Patrol Treasury Contraband Fund (Fund 83T0) to the 9848
Highway Patrol Treasury Contraband Fund (Fund 3GS0). Upon 9849
completion of the transfer, Fund 83T0 is abolished. 9850

The Director shall cancel any existing encumbrances against 9851
Fund 83T0 appropriation item 764694, Highway Patrol Treasury 9852
Contraband, and reestablish them against Fund 3GS0 appropriation 9853
item 764694, Highway Patrol Treasury Contraband. The reestablished 9854
encumbrance amounts are hereby appropriated. 9855

Section 521.10. To the extent permitted by federal law, 9856
federal money received by the state for fiscal stabilization and 9857

recovery purposes shall be used in accordance with the preferences 9858
for products and services made or performed in the United States 9859
and Ohio established in section 125.09 of the Revised Code. 9860

Section 610.10. That Section 227.10 of Am. H.B. 497 of the 9861
130th General Assembly be amended to read as follows: 9862

Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY 9863

Administrative Building Fund (Fund 7026) 9864

C76034 EMA Building System and Equipment \$ 526,600 9865

C76039 Clinton County Farmer's and Sportsman's \$ 50,000 9866
Association

C76040 Wayne County Emergency Services \$ 589,000 9867
Infrastructure

TOTAL Administrative Building Fund \$ 1,165,600 9868

Highway Safety Fund (Fund 7036) 9869

C76000 Platform Scales Improvements \$ 350,000 9870

C76036 Shipley Building Renovations and \$ 2,250,000 9871
Improvements

C76037 Cincinnati Consolidated Center \$ 3,500,000 9872
Renovations and Improvements

C76038 Brook Park Facility Renovations and \$ 900,000 9873
Improvements

C76043 Minor Capital Projects \$ 1,250,000 9874

TOTAL Highway Safety Fund \$ ~~7,000,000~~ 9875

8,250,000

TOTAL ALL FUNDS \$ ~~8,165,600~~ 9876

9,415,600

Section 610.11. That existing Section 227.10 of Am. H.B. 497 9878

of the 130th General Assembly is hereby repealed. 9879

Section 755.10. The Director of Transportation may enter into 9880
agreements as provided in this section with the United States or 9881
any department or agency of the United States, including, but not 9882
limited to, the United States Army Corps of Engineers, the United 9883
States Forest Service, the United States Environmental Protection 9884
Agency, and the United States Fish and Wildlife Service. An 9885
agreement entered into pursuant to this section shall be solely 9886
for the purpose of dedicating staff to the expeditious and timely 9887
review of environmentally related documents submitted by the 9888
Director of Transportation, as necessary for the approval of 9889
federal permits. The agreements may include provisions for advance 9890
payment by the Director of Transportation for labor and all other 9891
identifiable costs of the United States or any department or 9892
agency of the United States providing the services, as may be 9893
estimated by the United States, or the department or agency of the 9894
United States. The Director shall submit a request to the 9895
Controlling Board indicating the amount of the agreement, the 9896
services to be performed by the United States or the department or 9897
agency of the United States, and the circumstances giving rise to 9898
the agreement. 9899

Section 755.20. (A) As used in this section, "indefinite 9900
delivery indefinite quantity contract" means a contract for an 9901
indefinite quantity, within stated limits, of supplies or services 9902
that will be delivered by the awarded bidder over a defined 9903
contract period. 9904

(B) The Director of Transportation shall advertise and seek 9905
bids for, and shall award, indefinite delivery indefinite quantity 9906
contracts for not more than two projects in fiscal year 2016 and 9907
for not more than two projects in fiscal year 2017. For purposes 9908
of entering into indefinite delivery indefinite quantity 9909
contracts, the Director shall do all of the following: 9910

(1) Prepare bidding documents;	9911
(2) Establish contract forms;	9912
(3) Determine contract terms and conditions, including the following:	9913 9914
(a) The maximum overall value of the contract, which may include an allowable increase of one hundred thousand dollars or five per cent of the advertised contract value, whichever is less;	9915 9916 9917
(b) The duration of the contract, including a time extension of up to one year if determined appropriate by the Director;	9918 9919
(c) The defined geographical area to which the contract applies, which shall be not greater than the size of one district of the Department of Transportation.	9920 9921 9922
(4) Develop and implement a work order process in order to provide the awarded bidder adequate notice of requested supplies or services, the anticipated quantities of supplies, and work location information for each work order.	9923 9924 9925 9926
(5) Take any other action necessary to fulfill the duties and obligations of the Director under this section.	9927 9928
(C) Section 5525.01 of the Revised Code applies to indefinite delivery indefinite quantity contracts.	9929 9930
Section 755.30. (A) Notwithstanding section 5517.01 or any provision of Chapter 153. of the Revised Code, the Director of Transportation may establish a pilot program with regard to a single project by doing all of the following:	9931 9932 9933 9934
(1) Entering into a contract with a firm to provide professional engineering services for the project in accordance with Chapter 5526. of the Revised Code;	9935 9936 9937
(2) Entering into a contract with a construction manager general contractor (CMGC) to provide preconstruction services	9938 9939

during the planning or design phase of the project; 9940

(3) Entering into a subsequent contract with the CMGC to 9941
provide general contracting construction services for the project, 9942
unless division (F) of this section applies. 9943

(B) The Director shall issue public notice of the intent of 9944
the Department of Transportation to enter into a contract for CMGC 9945
services. The Director shall advertise the public notice via the 9946
internet in a manner that ensures that qualified firms are 9947
notified and given the opportunity to respond and be considered 9948
for the award of the contract. The Director shall issue the public 9949
notice in a uniform and consistent manner beginning a minimum of 9950
four weeks in advance of the deadline for the submission of 9951
responses. The Director shall include both of the following in the 9952
notice: 9953

(1) A general description of the project, a statement of the 9954
specific services required, and a description of the 9955
qualifications required of a CMGC for the project; 9956

(2) A description of the procedures by which firms may submit 9957
statements of qualifications to be considered for the contract. 9958

(C) The CMGC shall be selected using a qualification based 9959
selection process, combining technical qualifications and 9960
competitive bidding elements. The Director shall include in the 9961
process the consideration of small or disadvantaged businesses. 9962

(D) The Director shall enter into a contract for 9963
preconstruction services with the CMGC that includes a fee for 9964
those preconstruction services. The Director shall ensure that the 9965
preconstruction services governed by the contract complement the 9966
design process by providing constructability comments, schedule 9967
feasibility reviews, material availability reviews, costing 9968
guidance, and other design process assistance. 9969

(E) After construction plans are sufficiently developed, the 9970

Director shall negotiate a construction services contract with the 9971
CMGC. The Director shall negotiate the amount of the contract by 9972
utilizing either a fixed price, fixed unit prices, or guaranteed 9973
maximum price. The negotiated contract amount shall be 9974
independently and confidentially verified by a contracted 9975
third-party selected pursuant to the requirements set forth in 9976
Chapter 5526. of the Revised Code. The Director may award a 9977
construction services contract to the CMGC when the official 9978
engineer's estimate, the independent estimate, and the CMGC's 9979
prices differ by no more than ten per cent. 9980

(F) In the event the Director and the CMGC are unable to 9981
negotiate a price for construction services, the Director may 9982
advertise and award the construction services contract in 9983
accordance with Chapter 5525. of the Revised Code. 9984

(G) Upon completion of the pilot project the pilot program 9985
shall terminate. 9986

Section 757.10. Beginning on July 31, 2015, and on the last 9987
day of the month for each month thereafter, before making any of 9988
the distributions specified in sections 5735.23, 5735.26, 9989
5735.291, and 5735.30 of the Revised Code but after any transfers 9990
to the tax refund fund as required by those sections and section 9991
5703.052 of the Revised Code, the Treasurer of State shall deposit 9992
the first two per cent of the amount of motor fuel tax received 9993
for the preceding calendar month to the credit of the Highway 9994
Operating Fund (Fund 7002). 9995

Section 757.20. Notwithstanding Chapter 5735. of the Revised 9996
Code, the following apply for the period of July 1, 2015, through 9997
June 30, 2017: 9998

(A) For the discount under section 5735.06 of the Revised 9999
Code, if the monthly report is timely filed and the tax is timely 10000

paid, one per cent of the total number of gallons of motor fuel 10001
received by the motor fuel dealer within the state during the 10002
preceding calendar month, less the total number of gallons 10003
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 10004
the Revised Code, less one-half of one per cent of the total 10005
number of gallons of motor fuel that were sold to a retail dealer 10006
during the preceding calendar month. 10007

(B) For the semiannual periods ending December 31, 2015, June 10008
30, 2016, December 31, 2016, and June 30, 2017, the refund 10009
provided to retail dealers under section 5735.141 of the Revised 10010
Code shall be one-half of one per cent of the Ohio motor fuel 10011
taxes paid on fuel purchased during those semiannual periods. 10012

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 10013
APPROPRIATIONS 10014

Law contained in the main operating appropriations act of the 10015
131st General Assembly that is generally applicable to the 10016
appropriations made in the main operating appropriations act also 10017
is generally applicable to the appropriations made in this act. 10018

Section 801.20. As used in the uncodified law of this act, 10019
"American Recovery and Reinvestment Act of 2009" means the 10020
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 10021
111-5, 123 Stat. 115. 10022

Section 806.10. The items of law contained in this act, and 10023
their applications, are severable. If any item of law contained in 10024
this act, or if any application of any item of law contained in 10025
this act, is held invalid, the invalidity does not affect other 10026
items of law contained in this act and their applications that can 10027
be given effect without the invalid item or application. 10028

Section 812.10. Except as otherwise provided in this act, the 10029

amendment, enactment, or repeal by this act of a section of law is 10030
subject to the referendum under Ohio Constitution, Article II, 10031
Section 1c and therefore takes effect on the ninety-first day 10032
after this act is filed with the Secretary of State or, if a later 10033
effective date is specified below, on that date. 10034

Section 812.20. In this section, an "appropriation" includes 10035
another provision of law in this act that relates to the subject 10036
of the appropriation. 10037

An appropriation of money made in this act is not subject to 10038
the referendum insofar as a contemplated expenditure authorized 10039
thereby is wholly to meet a current expense within the meaning of 10040
Ohio Constitution, Article II, Section 1d and section 1.471 of the 10041
Revised Code. To that extent, the appropriation takes effect 10042
immediately when this act becomes law. Conversely, the 10043
appropriation is subject to the referendum insofar as a 10044
contemplated expenditure authorized thereby is wholly or partly 10045
not to meet a current expense within the meaning of Ohio 10046
Constitution, Article II, Section 1d and section 1.471 of the 10047
Revised Code. To that extent, the appropriation takes effect on 10048
the ninety-first day after this act is filed with the Secretary of 10049
State. 10050

Section 815.10. The General Assembly, applying the principle 10051
stated in division (B) of section 1.52 of the Revised Code that 10052
amendments are to be harmonized if reasonably capable of 10053
simultaneous operation, finds that the following sections, 10054
presented in this act as composites of the sections as amended by 10055
the acts indicated, are the resulting versions of the sections in 10056
effect prior to the effective date of the sections as presented in 10057
this act: 10058

Section 4506.09 of the Revised Code as amended by both Am. 10059

Sub. H.B. 51 and Am. Sub. H.B. 98 of the 130th General Assembly.	10060
Section 4507.11 of the Revised Code, that is effective until	10061
January 1, 2017, as amended by both S.B. 271 and Am. Sub. H.B. 600	10062
of the 123rd General Assembly.	10063
Section 4507.21 of the Revised Code as amended by both Am.	10064
Sub. H.B. 407 and Am. Sub. S.B. 123 of the 124th General Assembly.	10065
Section 4508.02 of the Revised Code as amended by both Sub.	10066
H.B. 99 and Am. Sub. H.B. 487 of the 129th General Assembly.	10067