

**As Reported by the Senate Transportation, Commerce and Labor
Committee**

**131st General Assembly
Regular Session
2015-2016**

Sub. H. B. No. 53

Representative Grossman

**Cosponsors: Representatives Smith, R., Cera, Sears, Scherer, Green,
Perales, Burkley, Sprague, Reece, Amstutz, Anielski, Antonio, Baker, Barnes,
Blessing, Boose, Brenner, Brown, Buchy, Celebrezze, Conditt, Derickson,
Dever, DeVitis, Dovilla, Driehaus, Duffey, Gerberry, Ginter, Hackett, Hambley,
Henne, Hill, Huffman, Johnson, T., Koehler, Kraus, Kunze, Leland, Maag,
Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Pelanda, Phillips,
Reineke, Rezabek, Rogers, Ruhl, Ryan, Sheehy, Slesnick, Smith, K.,
Strahorn, Terhar, Thompson, Young, Speaker Rosenberger**

Senator Manning

A B I L L

To amend sections 122.14, 125.834, 126.06, 126.11, 1
127.14, 163.06, 163.09, 163.15, 163.21, 164.05, 2
166.25, 307.202, 505.69, 717.01, 1548.07, 2953.36, 3
2953.61, 3772.10, 4117.10, 4501.01, 4501.03, 4
4501.04, 4501.044, 4501.045, 4501.06, 4501.11, 5
4501.21, 4501.26, 4501.34, 4503.04, 4503.102, 6
4503.103, 4503.11, 4503.182, 4503.21, 4503.22, 7
4503.233, 4503.26, 4503.499, 4503.544, 4505.09, 8
4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 9
4506.07, 4506.071, 4506.08, 4506.09, 4506.10, 10
4506.12, 4506.13, 4506.15, 4506.16, 4506.17, 11
4506.20, 4506.21, 4507.03, 4507.071, 4507.11, 12
4507.21, 4508.01, 4508.02, 4508.03, 4508.04, 13
4508.05, 4508.06, 4508.10, 4509.05, 4509.101, 14

4509.81, 4511.01, 4511.21, 4511.213, 4511.53,	15
4511.69, 4513.263, 4513.60, 4513.601, 4513.61,	16
4513.68, 4513.69, 4517.03, 4517.10, 4519.63,	17
4582.06, 4582.31, 4749.07, 4921.25, 4981.01,	18
4981.02, 4981.03, 4981.031, 4981.032, 4981.033,	19
4981.04, 4981.05, 4981.06, 4981.07, 4981.08,	20
4981.09, 4981.091, 4981.10, 4981.11, 4981.12,	21
4981.13, 4981.131, 4981.14, 4981.15, 4981.16,	22
4981.17, 4981.18, 4981.19, 4981.22, 4981.24,	23
4981.25, 4981.26, 4981.28, 4981.29, 4981.30,	24
4981.31, 4981.32, 4981.33, 4981.34, 4981.40,	25
5501.03, 5501.55, 5501.56, 5502.03, 5502.39,	26
5502.67, 5512.05, 5512.07, 5519.01, 5528.31,	27
5528.40, 5531.08, 5534.04, 5537.16, 5537.35,	28
5537.99, 5543.22, 5577.044, 5705.19, 5728.08,	29
5735.23, 5735.26, 5735.291, 5735.30, and 5739.02;	30
to amend, for the purpose of adopting new section	31
numbers as indicated in parentheses, sections	32
4981.01 (5501.57), 4981.02 (5501.58), 4981.03	33
(5501.581), 4981.031 (5501.59), 4981.032	34
(5501.591), 4981.033 (5501.592), 4981.04	35
(5501.60), 4981.05 (5501.593), 4981.06 (5501.61),	36
4981.07 (5501.611), 4981.08 (5501.612), 4981.09	37
(5501.66), 4981.091 (5501.661), 4981.10	38
(5501.613), 4981.11 (5501.64), 4981.12 (5501.641),	39
4981.13 (5501.642), 4981.131 (5501.643), 4981.14	40
(5501.582), 4981.15 (5501.644), 4981.16	41
(5501.645), 4981.17 (5501.646), 4981.18	42
(5501.647), 4981.19 (5501.648), 4981.22	43
(5501.649), 4981.24 (5501.614), 4981.25 (5501.62),	44
4981.26 (5501.63), 4981.28 (5501.65), 4981.29	45
(5501.651), 4981.30 (5501.652), 4981.31	46
(5501.653), 4981.32 (5501.654), 4981.33	47

(5501.655), 4981.34 (5501.656), 4981.35 48
(5501.601), and 4981.40 (5501.602); to enact 49
sections 4503.111, 4503.86, 4507.213, 4508.11, 50
4511.351, 4513.70, 5501.08, 5501.491, 5516.15, 51
5531.30, and 5533.261; and to repeal sections 52
4501.19, 4501.28, 4981.20, 4981.21, 5502.131, 53
5528.19, 5528.32, 5528.33, 5528.35, 5528.36, 54
5528.38, and 5528.39 of the Revised Code and to 55
amend Sections 729.10 and 729.11 of Am. Sub. H.B. 56
483 of the 130th General Assembly and Section 57
227.10 of Am. H.B. 497 of the 130th General 58
Assembly to make appropriations for programs 59
related to transportation and public safety for 60
the biennium beginning July 1, 2015, and ending 61
June 30, 2017, and to provide authorization and 62
conditions for the operation of those programs; 63
and to amend the versions of sections 4501.01 and 64
4507.11 of the Revised Code that are scheduled to 65
take effect January 1, 2017, to continue the 66
provisions of this act on and after that effective 67
date. 68

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

Section 101.01. That sections 122.14, 125.834, 126.06, 69
126.11, 127.14, 163.06, 163.09, 163.15, 163.21, 164.05, 166.25, 70
307.202, 505.69, 717.01, 1548.07, 2953.36, 2953.61, 3772.10, 71
4117.10, 4501.01, 4501.03, 4501.04, 4501.044, 4501.045, 4501.06, 72
4501.11, 4501.21, 4501.26, 4501.34, 4503.04, 4503.102, 4503.103, 73
4503.11, 4503.182, 4503.21, 4503.22, 4503.233, 4503.26, 4503.499, 74
4503.544, 4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 75
4506.07, 4506.071, 4506.08, 4506.09, 4506.10, 4506.12, 4506.13, 76
4506.15, 4506.16, 4506.17, 4506.20, 4506.21, 4507.03, 4507.071, 77

4507.11, 4507.21, 4508.01, 4508.02, 4508.03, 4508.04, 4508.05, 78
4508.06, 4508.10, 4509.05, 4509.101, 4509.81, 4511.01, 4511.21, 79
4511.213, 4511.53, 4511.69, 4513.263, 4513.60, 4513.601, 4513.61, 80
4513.68, 4513.69, 4517.03, 4517.10, 4519.63, 4582.06, 4582.31, 81
4749.07, 4921.25, 4981.01, 4981.02, 4981.03, 4981.031, 4981.032, 82
4981.033, 4981.04, 4981.05, 4981.06, 4981.07, 4981.08, 4981.09, 83
4981.091, 4981.10, 4981.11, 4981.12, 4981.13, 4981.131, 4981.14, 84
4981.15, 4981.16, 4981.17, 4981.18, 4981.19, 4981.22, 4981.24, 85
4981.25, 4981.26, 4981.28, 4981.29, 4981.30, 4981.31, 4981.32, 86
4981.33, 4981.34, 4981.40, 5501.03, 5501.55, 5501.56, 5502.03, 87
5502.39, 5502.67, 5512.05, 5512.07, 5519.01, 5528.31, 5528.40, 88
5531.08, 5534.04, 5537.16, 5537.35, 5537.99, 5543.22, 5577.044, 89
5705.19, 5728.08, 5735.23, 5735.26, 5735.291, 5735.30, and 5739.02 90
be amended; sections 4981.01 (5501.57), 4981.02 (5501.58), 4981.03 91
(5501.581), 4981.031 (5501.59), 4981.032 (5501.591), 4981.033 92
(5501.592), 4981.04 (5501.60), 4981.05 (5501.593), 4981.06 93
(5501.61), 4981.07 (5501.611), 4981.08 (5501.612), 4981.09 94
(5501.66), 4981.091 (5501.661), 4981.10 (5501.613), 4981.11 95
(5501.64), 4981.12 (5501.641), 4981.13 (5501.642), 4981.131 96
(5501.643), 4981.14 (5501.582), 4981.15 (5501.644), 4981.16 97
(5501.645), 4981.17 (5501.646), 4981.18 (5501.647), 4981.19 98
(5501.648), 4981.22 (5501.649), 4981.24 (5501.614), 4981.25 99
(5501.62), 4981.26 (5501.63), 4981.28 (5501.65), 4981.29 100
(5501.651), 4981.30 (5501.652), 4981.31 (5501.653), 4981.32 101
(5501.654), 4981.33 (5501.655), 4981.34 (5501.656), 4981.35 102
(5501.601), and 4981.40 (5501.602) be amended for the purpose of 103
adopting new section numbers as indicated in parentheses; and 104
sections 4503.111, 4503.86, 4507.213, 4508.11, 4511.351, 4513.70, 105
5501.08, 5501.491, 5516.15, 5531.30, and 5533.261 of the Revised 106
Code be enacted to read as follows: 107

Sec. 122.14. There is hereby created in the state treasury 108

the roadwork development fund. The fund shall consist of the 109
investment earnings of the security deposit fund created by 110
section 4509.27 of the Revised Code and revenue transferred to it 111
by the director of budget and management from the highway 112
operating fund created in section 5735.291 of the Revised Code. 113
The fund shall be used by the ~~department of~~ development services 114
agency in accordance with Section 5a of Article XII, Ohio 115
Constitution, to make road improvements associated with retaining 116
or attracting business for this state, including the construction, 117
reconstruction, maintenance, or repair of public roads that 118
provide access to a public airport or are located within a public 119
airport. All investment earnings of the fund shall be credited to 120
the fund. 121

Sec. 125.834. (A) The department of administrative services 122
shall ensure that all new motor vehicles acquired ~~on and after~~ 123
~~July 1, 2006,~~ by the state for use by state agencies under section 124
125.832 of the Revised Code are capable of using alternative 125
fuels. A state agency that is acquiring new motor vehicles under 126
division (G)(1) of section 125.832 of the Revised Code shall 127
report annually, in a manner prescribed by the director of 128
administrative services, the number of new motor vehicles acquired 129
by the state agency and the number of those motor vehicles that 130
are capable of using alternative fuel. 131

(B) The department shall not purchase or lease, or authorize 132
the purchase or lease by a state agency of, any motor vehicles 133
that are incapable of using alternative fuels, unless one or more 134
of the following apply: 135

(1) The department or state agency is unable to acquire or 136
operate motor vehicles within the cost limitations described in 137
rules adopted under division (D) of this section. 138

(2) The use of alternative fuels would not meet the energy 139

conservation and exhaust emissions criteria described in rules 140
adopted under division (D) of this section. 141

(3) An emergency exists or exigent circumstances exist, as 142
determined by the department of administrative services. 143

(C) ~~Not later than ninety days after October 12, 2006, all~~ 144
All motor vehicles owned or leased by the state that are capable 145
of using an alternative fuel shall use an alternative fuel if the 146
fuel is reasonably available at a reasonable price. ~~Subject to~~ 147
~~division (D) of this section, motor vehicles owned or leased by~~ 148
~~the state shall use at least sixty thousand gallons of E85 blend~~ 149
~~fuel per calendar year by January 1, 2007, with an increase of~~ 150
~~five thousand gallons per calendar year each calendar year~~ 151
~~thereafter, and at least one million gallons of blended biodiesel~~ 152
~~per calendar year by January 1, 2007, with an increase of one~~ 153
~~hundred thousand gallons per calendar year each calendar year~~ 154
~~thereafter.~~ The director of administrative services, under Chapter 155
119. of the Revised Code, shall adopt rules to implement the fuel 156
use requirement of this division, and the directors and heads of 157
all state departments and agencies shall issue a directive to all 158
state employees who use state motor vehicles informing them of the 159
fuel use requirement. The directive shall instruct state employees 160
to purchase alternative fuels at retail fuel facilities whenever 161
possible. 162

As used in this division, "motor vehicle" has the same 163
meaning as in section 125.831 of the Revised Code and also 164
includes all on-road and off-road vehicles powered by diesel fuel, 165
regardless of gross vehicle weight. 166

(D) The director of administrative services shall adopt and 167
may amend, under Chapter 119. of the Revised Code, rules that 168
include both of the following: 169

(1) Requirements for state agencies in the procurement of 170

alternative fuels and motor vehicles capable of using alternative 171
fuels, and cost limitations for the acquisition and operation of 172
such vehicles; 173

(2) Energy conservation and exhaust emissions criteria for 174
motor vehicles capable of using alternative fuels. 175

Sec. 126.06. The total operating fund consists of all funds 176
in the state treasury except the auto registration distribution 177
fund, local motor vehicle license tax fund, development bond 178
retirement fund, facilities establishment fund, gasoline excise 179
tax fund, higher education improvement fund, highway improvement 180
bond retirement fund, ~~highway obligations bond retirement fund,~~ 181
highway capital improvement fund, improvements bond retirement 182
fund, mental health facilities improvement fund, parks and 183
recreation improvement fund, public improvements bond retirement 184
fund, school district income tax fund, state agency facilities 185
improvement fund, state and local government highway distribution 186
fund, state highway safety fund, Vietnam conflict compensation 187
fund, any other fund determined by the director of budget and 188
management to be a bond fund or bond retirement fund, and such 189
portion of the highway operating fund as is determined by the 190
director of budget and management and the director of 191
transportation to be restricted by Section 5a of Article XII, Ohio 192
Constitution. 193

When determining the availability of money in the total 194
operating fund to pay claims chargeable to a fund contained within 195
the total operating fund, the director of budget and management 196
shall use the same procedures and criteria the director employs in 197
determining the availability of money in a fund contained within 198
the total operating fund. The director may establish limits on the 199
negative cash balance of the general revenue fund within the total 200
operating fund, but in no case shall the negative cash balance of 201

the general revenue fund exceed ten per cent of the total revenue 202
of the general revenue fund in the preceding fiscal year. 203

Sec. 126.11. (A)(1) The director of budget and management 204
shall, upon consultation with the treasurer of state, coordinate 205
and approve the scheduling of initial sales of publicly offered 206
securities of the state and of publicly offered fractionalized 207
interests in or securitized issues of public obligations of the 208
state. The director shall from time to time develop and distribute 209
to state issuers an approved sale schedule for each of the 210
obligations covered by division (A) or (B) of this section. 211
Division (A) of this section applies only to those obligations on 212
which the state or a state agency is the direct obligor or obligor 213
on any backup security or related credit enhancement facility or 214
source of money subject to state appropriations that is intended 215
for payment of those obligations. 216

(2) The issuers of obligations pursuant to section 151.03, 217
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 218
Revised Code shall submit to the director: 219

(a) For review and approval: the projected sale date, amount, 220
and type of obligations proposed to be sold; their purpose, 221
security, and source of payment; the proposed structure and 222
maturity schedule; the trust agreement and any supplemental 223
agreements; and any credit enhancement facilities or interest rate 224
hedges for the obligations; 225

(b) For review and comment: the authorizing order or 226
resolution; preliminary and final offering documents; method of 227
sale; preliminary and final pricing information; and any written 228
reports or recommendations of financial advisors or consultants 229
relating to those obligations; 230

(c) Promptly after each sale of those obligations: final 231
terms, including sale price, maturity schedule and yields, and 232

sources and uses; names of the original purchasers or 233
underwriters; a copy of the final offering document and of the 234
transcript of proceedings; and any other pertinent information 235
requested by the director. 236

(3) The issuer of obligations pursuant to section 151.06 or 237
151.40 or Chapter 154. of the Revised Code shall submit to the 238
director: 239

(a) For review and mutual agreement: the projected sale date, 240
amount, and type of obligations proposed to be sold; their 241
purpose, security, and source of payment; the proposed structure 242
and maturity schedule; the trust agreement and any supplemental 243
agreements; and any credit enhancement facilities or interest rate 244
hedges for the obligations; 245

(b) For review and comment: the authorizing order or 246
resolution; preliminary and final offering documents; method of 247
sale; preliminary and final pricing information; and any written 248
reports or recommendations of financial advisors or consultants 249
relating to those obligations; 250

(c) Promptly after each sale of those obligations: final 251
terms, including sale price, maturity schedule and yields, and 252
sources and uses; names of the original purchasers or 253
underwriters; a copy of the final offering document and of the 254
transcript of proceedings; and any other pertinent information 255
requested by the director. 256

(4) The issuers of obligations pursuant to Chapter 166., 257
~~4981.7~~ 5540., or 6121., ~~or~~ section 5531.10, or sections 5501.57 to 258
5501.661 of the Revised Code shall submit to the director: 259

(a) For review and comment: the projected sale date, amount, 260
and type of obligations proposed to be sold; the purpose, 261
security, and source of payment; and preliminary and final 262
offering documents; 263

(b) Promptly after each sale of those obligations: final 264
terms, including a maturity schedule; names of the original 265
purchasers or underwriters; a copy of the complete continuing 266
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 267
rule as from time to time in effect; and any other pertinent 268
information requested by the director. 269

(5) Not later than thirty days after the end of a fiscal 270
year, each issuer of obligations subject to divisions (A) and (B) 271
of this section shall submit to the director and to the treasurer 272
of state a sale plan for the then current fiscal year for each 273
type of obligation, projecting the amount and term of each 274
issuance, the method of sale, and the month of sale. 275

(B) Issuers of obligations pursuant to section 3318.085 or 276
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 277
Code shall submit to the director copies of the preliminary and 278
final offering documents upon their availability if not previously 279
submitted pursuant to division (A) of this section. 280

(C) Not later than the first day of January of each year, 281
every state agency obligated to make payments on outstanding 282
public obligations with respect to which fractionalized interests 283
have been publicly issued, such as certificates of participation, 284
shall submit a report to the director of the amounts payable from 285
state appropriations under those public obligations during the 286
then current and next two fiscal years, identifying the 287
appropriation or intended appropriation from which payment is 288
expected to be made. 289

(D)(1) Information relating generally to the historic, 290
current, or future demographics or economy or financial condition 291
or funds or general operations of the state, and descriptions of 292
any state contractual obligations relating to public obligations, 293
to be contained in any offering document, continuing disclosure 294
document, or written presentation prepared, approved, or provided, 295

or committed to be provided, by an issuer in connection with the 296
original issuance and sale of, or rating, remarketing, or credit 297
enhancement facilities relating to, public obligations referred to 298
in division (A) of this section shall be approved as to format and 299
accuracy by the director before being presented, published, or 300
disseminated in preliminary, draft, or final form, or publicly 301
filed in paper, electronic, or other format. 302

(2) Except for information described in division (D)(1) of 303
this section that is to be contained in an offering document, 304
continuing disclosure document, or written presentation, division 305
(D)(1) of this section does not inhibit direct communication 306
between an issuer and a rating agency, remarketing agent, or 307
credit enhancement provider concerning an issuance of public 308
obligations referred to in division (A) of this section or matters 309
associated with that issuance. 310

(3) The materials approved and provided pursuant to division 311
(D) of this section are the information relating to the particular 312
subjects provided by the state or state agencies that are required 313
or contemplated by any applicable state or federal securities laws 314
and any commitments by the state or state agencies made under 315
those laws. Reliance for the purpose should not be placed on any 316
other information publicly provided, in any format including 317
electronic, by any state agency for other purposes, including 318
general information provided to the public or to portions of the 319
public. A statement to that effect shall be included in those 320
materials so approved or provided. 321

(E) Issuers of obligations referred to in division (A) of 322
this section may take steps, by formal agreement, covenants in the 323
proceedings, or otherwise, as may be necessary or appropriate to 324
comply or permit compliance with applicable lawful disclosure 325
requirements relating to those obligations, and may, subject to 326
division (D) of this section, provide, make available, or file 327

copies of any required disclosure materials as necessary or 328
appropriate. Any such formal agreement or covenant relating to 329
subjects referred to in division (D) of this section, and any 330
description of that agreement or covenant to be contained in any 331
offering document, shall be approved by the director before being 332
entered into or published or publicly disseminated in preliminary, 333
draft, or final form or publicly filed in paper, electronic, or 334
other format. The director shall be responsible for making all 335
filings in compliance with those requirements relating to direct 336
obligations of the state, including fractionalized interests in 337
those obligations. 338

(F) No state agency or official shall, without the approval 339
of the director of budget and management and either the general 340
assembly or the state controlling board, do either of the 341
following: 342

(1) Enter into or commit to enter into a public obligation 343
under which fractionalized interests in the payments are to be 344
publicly offered, which payments are anticipated to be made from 345
money from any source appropriated or to be appropriated by the 346
general assembly or in which the provision stated in section 9.94 347
of the Revised Code is not included; 348

(2) Except as otherwise expressly authorized for the purpose 349
by law, agree or commit to provide, from money from any source to 350
be appropriated in the future by the general assembly, financial 351
assistance to or participation in the costs of capital facilities, 352
or the payment of debt charges, directly or by way of a credit 353
enhancement facility, a reserve, rental payments, or otherwise, on 354
obligations issued to pay costs of capital facilities. 355

(G) As used in this section, "interest rate hedge" has the 356
same meaning as in section 9.98 of the Revised Code; "credit 357
enhancement facilities," "debt charges," "fractionalized interests 358
in public obligations," "obligor," "public issuer," and 359

"securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; "obligations" means securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the employee of the office of budget and management designated by the director for the purpose.

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

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

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

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

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

authorized to be made, except that the controlling board may not	391
authorize such transfers from the accrued leave liability fund,	392
auto registration distribution fund, local motor vehicle license	393
tax fund, budget stabilization fund, building improvement fund,	394
development bond retirement fund, facilities establishment fund,	395
gasoline excise tax fund, general revenue fund, higher education	396
improvement fund, highway improvement bond retirement fund,	397
highway obligations bond retirement fund, highway capital	398
improvement fund, highway operating fund, horse racing tax fund,	399
improvements bond retirement fund, public library fund, liquor	400
control fund, local government fund, local transportation	401
improvement program fund, medicaid reserve fund, mental health	402
facilities improvement fund, Ohio fairs fund, parks and recreation	403
improvement fund, public improvements bond retirement fund, school	404
district income tax fund, state agency facilities improvement	405
fund, state and local government highway distribution fund, state	406
highway safety fund, state lottery fund, undivided liquor permit	407
fund, Vietnam conflict compensation bond retirement fund,	408
volunteer fire fighters' dependents fund, waterways safety fund,	409
wildlife fund, workers' compensation fund, or any fund not	410
specified in this division that the director of budget and	411
management determines to be a bond fund or bond retirement fund;	412
(E) Transfers of all or part of those appropriations included	413
in the emergency purposes account of the controlling board;	414
(F) Temporary transfers of all or part of an appropriation or	415
other moneys into and between existing funds, or new funds, as may	416
be established by law when needed for capital outlays for which	417
notes or bonds will be issued;	418
(G) Transfer or release of all or part of an appropriation to	419
a state agency requiring controlling board approval of such	420
transfer or release as provided by law;	421
(H) Temporary transfer of funds included in the emergency	422

purposes appropriation of the controlling board. Such temporary 423
transfers may be made subject to conditions specified by the 424
controlling board at the time temporary transfers are authorized. 425
No transfers shall be made under this division for the purpose of 426
effecting new or changed levels of program service not authorized 427
by the general assembly. 428

As used in this section, "request" means an application by a 429
state agency or the director of budget and management seeking some 430
action by the controlling board. 431

When authorizing the transfer of all or part of an 432
appropriation under this section, the controlling board may 433
authorize the transfer to an existing appropriation item and the 434
creation of and transfer to a new appropriation item. 435

Whenever there is a transfer of all or part of funds included 436
in the emergency purposes appropriation by the controlling board, 437
pursuant to division (E) of this section, the state agency or the 438
director of budget and management receiving such transfer shall 439
keep a detailed record of the use of the transferred funds. At the 440
earliest scheduled meeting of the controlling board following the 441
accomplishment of the purposes specified in the request originally 442
seeking the transfer, or following the total expenditure of the 443
transferred funds for the specified purposes, the state agency or 444
the director of budget and management shall submit a report on the 445
expenditure of such funds to the board. The portion of any 446
appropriation so transferred which is not required to accomplish 447
the purposes designated in the original request to the controlling 448
board shall be returned to the proper appropriation of the 449
controlling board at this time. 450

Notwithstanding any provisions of law providing for the 451
deposit of revenues received by a state agency to the credit of a 452
particular fund in the state treasury, whenever there is a 453
temporary transfer of funds included in the emergency purposes 454

appropriation of the controlling board pursuant to division (H) of 455
this section, revenues received by any state agency receiving such 456
a temporary transfer of funds shall, as directed by the 457
controlling board, be transferred back to the emergency purposes 458
appropriation. 459

The board may delegate to the director of budget and 460
management authority to approve transfers among items of 461
appropriation under division (A) of this section. 462

Sec. 163.06. (A) A public agency, other than an agency 463
appropriating property for the purposes described in division (B) 464
of this section, that qualifies pursuant to Section 19 of Article 465
I, Ohio Constitution, may deposit with the court at the time of 466
filing the petition the value of such property appropriated 467
together with the damages, if any, to the residue, as determined 468
by the public agency, and thereupon take possession of and enter 469
upon the property appropriated. The right of possession upon 470
deposit as provided in this division shall not extend to 471
structures. 472

(B) A public agency appropriating property for the purpose of 473
making or repairing roads which shall be open to the public, 474
without charge, or for the purpose of implementing rail service 475
under ~~Chapter 4981.~~ sections 5501.57 to 5501.661 of the Revised 476
Code, may deposit with the court at the time of filing the 477
petition the value of such property appropriated together with the 478
damages, if any, to the residue, as determined by the public 479
agency, and stated in an attached declaration of intention to 480
obtain possession and thereupon take possession of and enter upon 481
the property appropriated, including structures situated upon the 482
land appropriated for such purpose or situated partly upon the 483
land appropriated therefor and partly upon adjoining land, so that 484
such structures cannot be divided upon the line between such lands 485

without manifest injury thereto. The jury, in assessing 486
compensation to any owner of land appropriated under this division 487
shall assess the value thereof in accordance with section 163.14 488
of the Revised Code. The owner or occupant of such structures 489
shall vacate the same within sixty days after service of summons 490
as required under section 163.07 of the Revised Code, after which 491
time the agency may remove said structures. In the event such 492
structures are to be removed before the jury has fixed the value 493
of the same, the court, upon motion of the agency, shall: 494

(1) Order appraisals to be made by three persons, one to be 495
named by the owner, one by the county auditor, and one by the 496
agency. Such appraisals may be used as evidence by the owner or 497
the agency in the trial of said case but shall not be binding on 498
said owner, agency, or the jury, and the expense of said 499
appraisals shall be approved by the court and charged as costs in 500
said case. 501

(2) Cause pictures to be taken of all sides of said 502
structures; 503

(3) Compile a complete description of said structures, which 504
shall be preserved as evidence in said case to which the owner or 505
occupants shall have access. 506

(C) Any time after the deposit is made by the public agency 507
under division (A) or (B) of this section, the owner may apply to 508
the court to withdraw the deposit, and such withdrawal shall in no 509
way interfere with the action except that the sum so withdrawn 510
shall be deducted from the sum of the final verdict or award. Upon 511
such application being made the court shall direct that the sum be 512
paid to such owner subject to the rights of other parties in 513
interest provided such parties make timely application as provided 514
in section 163.18 of the Revised Code. Interest shall not accrue 515
on any sums withdrawable as provided in this division. 516

Sec. 163.09. (A) If no answer is filed pursuant to section 517
163.08 of the Revised Code, and no approval ordered by the court 518
to a settlement of the rights of all necessary parties, the court, 519
on motion of a public agency, shall declare the value of the 520
property taken and the damages, if any, to the residue to be as 521
set forth in any document properly filed with the clerk of the 522
court of common pleas by the public agency. In all other cases, 523
the court shall fix a time, within twenty days from the last date 524
that the answer could have been filed, for the assessment of 525
compensation by a jury. 526

(B)(1) When an answer is filed pursuant to section 163.08 of 527
the Revised Code and any of the matters relating to the right to 528
make the appropriation, the inability of the parties to agree, or 529
the necessity for the appropriation are specifically denied in the 530
manner provided in that section, the court shall set a day, not 531
less than five or more than fifteen days from the date the answer 532
was filed, to hear those matters. Upon those matters, the burden 533
of proof is upon the agency by a preponderance of the evidence 534
except as follows: 535

(a) A resolution or ordinance of the governing or controlling 536
body, council, or board of the agency declaring the necessity for 537
the appropriation creates a rebuttable presumption of the 538
necessity for the appropriation if the agency is not appropriating 539
the property because it is a blighted parcel or part of a blighted 540
area or slum. 541

(b) The presentation by a public utility or common carrier of 542
evidence of the necessity for the appropriation creates a 543
rebuttable presumption of the necessity for the appropriation. 544

(c) Approval by a state or federal regulatory authority of an 545
appropriation by a public utility or common carrier creates an 546
irrebuttable presumption of the necessity for the appropriation. 547

(2) Subject to the irrebuttable presumption in division 548
(B)(1)(c) of this section, only the judge may determine the 549
necessity of the appropriation. If, as to any or all of the 550
property or other interests sought to be appropriated, the court 551
determines the matters in favor of the agency, the court shall set 552
a time for the assessment of compensation by the jury not less 553
than sixty days from the date of the journalization of that 554
determination, subject to the right of the parties to request 555
mediation under section 163.051 of the Revised Code and the right 556
of the owner to an immediate appeal under division (B)(3) of this 557
section. Except as provided in division (B)(3) of this section, an 558
order of the court in favor of the agency on any of the matters or 559
on qualification under section 163.06 of the Revised Code shall 560
not be a final order for purposes of appeal. An order of the court 561
against the agency on any of the matters or on the question of 562
qualification under section 163.06 of the Revised Code shall be a 563
final order for purposes of appeal. If a public agency has taken 564
possession prior to such an order and such an order, after any 565
appeal, is against the agency on any of the matters, the agency 566
shall restore the property to the owner in its original condition 567
or respond in damages, which may include the items set forth in 568
division (A)(2) of section 163.21 of the Revised Code, recoverable 569
by civil action, to which the state consents. 570

(3) An owner has a right to an immediate appeal if the order 571
of the court is in favor of the agency in any of the matters the 572
owner denied in the answer, unless the agency is appropriating 573
property in time of war or other public exigency imperatively 574
requiring its immediate seizure, for the purpose of making or 575
repairing roads which shall be open to the public without charge, 576
for the purpose of implementing rail service under ~~Chapter 4981-~~ 577
sections 5501.57 to 5501.661 of the Revised Code, or under section 578
307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the 579
Revised Code or by a public utility owned and operated by a 580

municipal corporation as the result of a public exigency. 581

(C) When an answer is filed pursuant to section 163.08 of the 582
Revised Code, and none of the matters set forth in division (B) of 583
this section is specifically denied, the court shall fix a time 584
within twenty days from the date the answer was filed for the 585
assessment of compensation by a jury. 586

(D) If answers are filed pursuant to divisions (B) and (C) of 587
this section, or an answer is filed on behalf of fewer than all 588
the named owners, the court shall set the hearing or hearings at 589
such times as are reasonable under all the circumstances, but in 590
no event later than twenty days after the issues are joined as to 591
all necessary parties or twenty days after rule therefor, 592
whichever is earlier. 593

(E) The court, with the consent of the parties, may order two 594
or more cases to be consolidated and tried together, but the 595
rights of each owner to compensation, damages, or both shall be 596
separately determined by the jury in its verdict. 597

(F) If an answer is filed under section 163.08 of the Revised 598
Code with respect to the value of property, the trier of fact 599
shall determine that value based on the evidence presented, with 600
neither party having the burden of proof with respect to that 601
value. 602

(G) If the court determines the matter in the favor of the 603
owner as to the necessity of the appropriation or whether the use 604
for which the agency seeks to appropriate the property is a public 605
use, in a final, unappealable order, the court shall award the 606
owner reasonable attorney's fees, expenses, and costs. 607

Sec. 163.15. (A) As soon as the agency pays to the party 608
entitled thereto or deposits with the court the amount of the 609
award and the costs assessed against the agency, it may take 610

possession; provided, that this shall not be construed to limit 611
the right of a public agency to enter and take possession, as 612
provided in section 163.06 of the Revised Code. When the agency is 613
entitled to possession the court shall enter an order to such 614
effect upon the record and, if necessary, process shall be issued 615
to place the agency in possession. Whenever a final journal entry 616
in an appropriation proceeding, granting to this state a fee title 617
or any lesser estate or interest in real property is filed and 618
journalized by the clerk of courts, the clerk of courts shall 619
forthwith transmit to the county auditor a certified copy of said 620
final journal entry who shall transfer the property on the 621
auditor's books and transmit said entry with proper endorsement to 622
the county recorder for recording. The costs of filing such final 623
journal entry with the county auditor and the county recorder 624
shall be taxed as costs in the appropriation proceedings the same 625
as other costs are taxed under section 163.16 of the Revised Code. 626

(B)(1) Whenever the appropriation of real property requires 627
the owner, a commercial tenant, or a residential tenant identified 628
by the owner in a notice filed with the court to move or relocate, 629
the agency shall make a payment to that person, upon proper 630
application as approved by the agency, for all of the following: 631

(a) Actual reasonable expenses in moving the person and the 632
person's family, business, farm operation, or other personal 633
property; 634

(b) Actual direct losses of tangible personal property as a 635
result of moving or discontinuing a business or farm operation, 636
but not to exceed an amount equal to the reasonable expenses that 637
would have been required to relocate such property, as determined 638
by the agency; 639

(c) Actual reasonable expenses in searching for a replacement 640
business or farm, but not to exceed two thousand five hundred 641
dollars; 642

(d) Actual and reasonable expenses necessary to reestablish a 643
farm, nonprofit organization, or small business at its new site, 644
but not to exceed twenty-five thousand dollars. 645

(2) If the agency does not approve a payment for which the 646
owner applied under division (B)(1) of this section, the trier of 647
fact, upon presentation of proof, shall determine whether to award 648
a payment for the expenses described in division (B)(1) of this 649
section and the amount of any award. The owner shall have the 650
burden of proof with respect to those expenses. 651

(3)(a) In addition to any payments an owner of a business may 652
receive under division (B)(1) of this section, an owner of a 653
business who is required by an appropriation of real property to 654
relocate the business may recover damages for the owner's actual 655
economic loss resulting from the appropriation, as proven by the 656
owner by a preponderance of the evidence. Compensation for actual 657
economic loss under this division shall not include any attorney's 658
fees and shall not duplicate any amount awarded as compensation 659
under this chapter. 660

(b) The amount of compensation awarded under division 661
(B)(3)(a) of this section shall not exceed twelve months net 662
profit of the business on an annualized basis. Except as otherwise 663
provided in division (B)(3)(c) of this section, if the agency is 664
appropriating property in time of war or other public exigency 665
imperatively requiring its immediate seizure, for the purpose of 666
making or repairing roads that shall be open to the public without 667
charge, for the purpose of implementing rail service under ~~Chapter~~ 668
~~4981-~~ sections 5501.57 to 5501.661 of the Revised Code, or under 669
section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of 670
the Revised Code as the result of a public exigency, or the agency 671
is a municipal corporation that is appropriating property as a 672
result of a public exigency, the period for which the net profit 673
of the business is calculated shall be twelve months minus the 674

time period from the date the agency gives the notice required by 675
section 163.04 of the Revised Code to the date the agency deposits 676
the value of the property with the court pursuant to section 677
163.06 of the Revised Code or pays that amount to the owner, but 678
in no event shall the compensation time period be less than 679
fifteen days. If the period on which the loss is calculated is 680
reduced to fifteen days and the relocation is unusually complex, 681
the owner may request the agency to increase that period by up to 682
fifteen additional days. If the agency fails to pay the 683
compensation as provided under division (B)(3)(a) of this section 684
or denies the request, the owner may seek an award of such 685
compensation pursuant to this section. 686

(c) In case of an act of God or other public exigency that 687
requires an immediate taking of property to protect public health 688
or safety or in case of a voluntary conveyance, the amount of 689
compensation awarded under division (B)(3)(a) of this section 690
shall not exceed fifteen days net profit of the business on an 691
annualized basis. The owner may request the agency to increase 692
that period by up to fifteen additional days. If the agency fails 693
to pay the compensation as provided under division (B)(3)(a) of 694
this section or denies the request, the owner may seek an award of 695
such compensation pursuant to this section. 696

Sec. 163.21. (A)(1) If it has not taken possession of 697
property that is appropriated, an agency may abandon appropriation 698
proceedings under sections 163.01 to 163.22 of the Revised Code at 699
any time after the proceedings are commenced but not later than 700
ninety days after the final determination of the cause. 701

(2) In all cases of abandonment as described in division 702
(A)(1) of this section, the court shall enter a judgment against 703
the agency for costs, including jury fees, and shall enter a 704
judgment in favor of each affected owner, in amounts that the 705

court considers to be just, for each of the following that the owner incurred:

- (a) Witness fees, including expert witness fees;
- (b) Attorney's fees;
- (c) Other actual expenses.

(B)(1) In appropriation proceedings under sections 163.01 to 163.22 of the Revised Code or as authorized by divisions (A) and (B) of section 163.02 of the Revised Code for appropriation proceedings in time of a public exigency under other sections of the Revised Code, if the court determines that an agency is not entitled to appropriate particular property, the court shall enter both of the following:

- (a) A judgment against the agency for costs, including jury fees;
- (b) A judgment in favor of each affected owner, in amounts that the court considers to be just, for the owner's reasonable disbursements and expenses, to include witness fees, expert witness fees, attorney's fees, appraisal and engineering fees, and for other actual expenses that the owner incurred in connection with the proceedings.

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

(C)(1) Except as otherwise provided in division (C)(2) or (3) of this section and subject to division (C)(5) of this section, when an agency appropriates property and the final award of compensation is greater than one hundred twenty-five per cent of the agency's good faith offer for the property or, if before commencing the appropriation proceeding the agency made a revised offer based on conditions indigenous to the property that could

not reasonably have been discovered at the time of the good faith 736
offer, one hundred twenty-five per cent of the revised offer, the 737
court shall enter judgment in favor of the owner, in amounts the 738
court considers just, for all costs and expenses, including 739
attorney's and appraisal fees, that the owner actually incurred. 740

(2) The court shall not enter judgment for costs and 741
expenses, including attorney's fees and appraisal fees, if the 742
agency is appropriating property in time of war or other public 743
exigency imperatively requiring its immediate seizure, for the 744
purpose of making or repairing roads that shall be open to the 745
public without charge, for the purpose of implementing rail 746
service under ~~Chapter 4981~~, sections 5501.57 to 5501.661 of the 747
Revised Code, or under section 307.08, 504.19, 6101.181, 6115.221, 748
6117.39, or 6119.11 of the Revised Code as the result of a public 749
exigency, or the agency is a municipal corporation that is 750
appropriating property as a result of a public exigency, except 751
that the court shall enter judgment in favor of the owner for 752
costs and expenses, including attorney's and appraisal fees, that 753
the owner actually incurred only if the property being 754
appropriated is land used for agricultural purposes as defined in 755
section 303.01 or 519.01 of the Revised Code, or the county 756
auditor of the county in which the land is located has determined 757
under section 5713.31 of the Revised Code that the land is "land 758
devoted exclusively to agricultural use" as defined in section 759
5713.30 of the Revised Code and the final award of compensation is 760
more than one hundred fifty per cent of the agency's good faith 761
offer or a revised offer made by the agency under division (C)(1) 762
or (3) of this section. 763

(3) The court shall not enter judgment for costs and 764
expenses, including attorney's fees and appraisal fees, that the 765
owner actually incurred if the owner and the agency exchanged 766
appraisals prior to the filing of the petition and the final award 767

of compensation was not more than one hundred twenty-five per cent 768
of the agency's first offer for the property made subsequent to 769
the exchange of appraisals and at least thirty days before the 770
filing of the petition. 771

(4) An award of costs and expenses, including attorney's and 772
appraisal fees, that the owner actually incurred, under division 773
(C) of this section shall not exceed the lesser of twenty-five per 774
cent of the amount by which the final award of compensation 775
exceeds the agency's initial good faith offer or revised offer or 776
twenty-five per cent of the amount by which the final award of 777
compensation exceeds the agency's last written offer made not less 778
than forty-five days before the date initially designated for 779
trial by the court. 780

(5)(a) An award of costs and expenses, including attorney's 781
and appraisal fees, that the owner actually incurred, made under 782
division (G) of section 163.09 of the Revised Code is not subject 783
to the conditions and limitations set forth in divisions (C)(1), 784
(2), (3), and (4) of this section. 785

(b) The court shall not enter judgment for costs and 786
expenses, including attorney's fees and appraisal fees, under 787
division (C) of this section unless not less than fifty days prior 788
to the date initially designated by the court for trial the owner 789
provided the agency with an appraisal or summary appraisal of the 790
property being appropriated or with the owner's sworn statement 791
setting forth the value of the property and an explanation of how 792
the owner arrived at that value. 793

Sec. 164.05. (A) The director of the Ohio public works 794
commission shall do all of the following: 795

(1) Approve requests for financial assistance from district 796
public works integrating committees and enter into agreements with 797
one or more local subdivisions to provide loans, grants, and local 798

debt support and credit enhancements for a capital improvement project if the director determines that:

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

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

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

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

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

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

(3) Retain the services of or employ financial consultants, engineers, accountants, attorneys, and such other employees as the director determines are necessary to carry out the director's duties under this chapter and fix the compensation for their services. From among these employees, the director shall appoint a

deputy with the necessary qualifications to act as the director 830
when the director is absent or temporarily unable to carry out the 831
duties of office. 832

(4) Adopt rules establishing the procedures for making 833
applications, reviewing, approving, and rejecting projects for 834
which assistance is authorized under this chapter, and any other 835
rules needed to implement the provisions of this chapter. Such 836
rules shall be adopted under Chapter 119. of the Revised Code. 837

(5) Provide information and other assistance to local 838
subdivisions and district public works integrating committees in 839
developing their requests for financial assistance for capital 840
improvements under this chapter and encourage cooperation and 841
coordination of requests and the development of multisubdivision 842
and multidistrict projects in order to maximize the benefits that 843
may be derived by districts from each year's allocation; 844

(6) Require local subdivisions, to the extent practicable, to 845
use Ohio products, materials, services, and labor in connection 846
with any capital improvement project financed in whole or in part 847
under this chapter; 848

(7) Notify the director of budget and management of all 849
approved projects, and supply all information necessary to track 850
approved projects through the state accounting system; 851

(8) Appoint the administrator of the Ohio small government 852
capital improvements commission; 853

(9) Do all other acts, enter into contracts, and execute all 854
instruments necessary or appropriate to carry out this chapter; 855

(10) Develop a standardized methodology for evaluating 856
capital improvement needs which will be used by local subdivisions 857
in preparing the plans required by division (C) of section 164.06 858
of the Revised Code. The director shall develop this methodology 859
not later than July 1, 1991. 860

(11) Establish a program to provide local subdivisions with 861
technical assistance in preparing project applications. The 862
program shall be designed to assist local subdivisions that lack 863
the financial or technical resources to prepare project 864
applications on their own. 865

(B) When the director of the Ohio public works commission 866
decides to conditionally approve or disapprove projects, the 867
director's decisions and the reasons for which they are made shall 868
be made in writing. These written decisions shall be conclusive 869
for the purposes of the validity and enforceability of such 870
determinations. 871

(C) Fees, charges, rates of interest, times of payment of 872
interest and principal, and other terms, conditions, and 873
provisions of and security for financial assistance provided 874
pursuant to the provisions of this chapter shall be such as the 875
director determines to be appropriate. If any payments required by 876
a loan agreement entered into pursuant to this chapter are not 877
paid, the funds which would otherwise be apportioned to the local 878
subdivision from the county undivided local government fund, 879
pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, 880
at the direction of the director of the Ohio public works 881
commission, be reduced by the amount payable. The county treasurer 882
shall, at the direction of the director, pay the amount of such 883
reductions to the state capital improvements revolving loan fund. 884
The director may renegotiate a loan repayment schedule with a 885
local subdivision whose payments from the county undivided local 886
government fund could be reduced pursuant to this division, but 887
such a renegotiation may occur only one time with respect to any 888
particular loan agreement. 889

(D) Grants approved for the repair and replacement of 890
existing infrastructure pursuant to this chapter shall not exceed 891
ninety per cent of the estimated total cost of the capital 892

improvement project. Grants approved for new or expanded 893
infrastructure shall not exceed fifty per cent of the estimated 894
cost of the new or expansion elements of the capital improvement 895
project. A local subdivision share of the estimated cost of a 896
capital improvement may consist of any of the following: 897

(1) The reasonable value, as determined by the director or 898
the administrator, of labor, materials, and equipment that will be 899
contributed by the local subdivision in performing the capital 900
improvement project; 901

(2) Moneys received by the local subdivision in any form from 902
an authority, commission, or agency of the United States for use 903
in performing the capital improvement project; 904

(3) Loans made to the local subdivision under this chapter; 905

(4) Engineering costs incurred by the local subdivision in 906
performing engineering activities related to the project. 907

A local subdivision share of the cost of a capital 908
improvement shall not include any amounts awarded to it from the 909
local transportation improvement program fund created in section 910
164.14 of the Revised Code. 911

(E) The following portion of a district public works 912
integrating committee's annual allocation share pursuant to 913
section 164.08 of the Revised Code may be awarded to subdivisions 914
only in the form of interest-free, low-interest, market rate of 915
interest, or blended-rate loans: 916

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	919
Year 2	0%	920
Year 3	10%	921
Year 4	12%	922
Year 5	15%	923

Year 6	20%	924
Year 7, 8, 9, and 10	22%	925

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

	PORTIONS USED FOR	930
YEAR IN WHICH	LOCAL DEBT SUPPORT	931
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	932
Year 1	0%	933
Year 2	0%	934
Year 3	3%	935
Year 4	5%	936
Year 5	5%	937
Year 6	7%	938
Year 7	7%	939
Year 8	8%	940
Year 9	8%	941
Year 10	8%	942

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

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

follows:		956
	PORTION WHICH MAY	957
YEAR IN WHICH	BE USED FOR NEW OR	958
MONEYS ARE ALLOCATED	EXPANSION INFRASTRUCTURE	959
Year 1	5%	960
Year 2	5%	961
Year 3	10%	962
Year 4	10%	963
Year 5	10%	964
Year 6	15%	965
Year 7	15%	966
Year 8	20%	967
Year 9	20%	968
Year 10 and each year		969
thereafter	20%	970

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

	PORTION USED FOR LOANS	977
YEAR IN WHICH	OR LOCAL DEBT SUPPORT	978
MONEYS ARE ALLOCATED	AND CREDIT ENHANCEMENTS	979
Year 11 <u>30</u> and each year		980
thereafter	20 <u>15</u> %	981

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

Sec. 166.25. (A) The director of development services, with 987
the approval of the controlling board and subject to the other 988
applicable provisions of this chapter, may lend money in the 989
logistics and distribution infrastructure fund to persons for the 990
purpose of paying allowable costs of eligible logistics and 991
distribution projects. 992

(B) In determining the eligible logistics and distribution 993
projects to be assisted and the nature, amount, and terms of 994
assistance to be provided for an eligible logistics and 995
distribution project, the director shall consult with appropriate 996
governmental agencies, including the department of transportation 997
~~and the Ohio rail development commission.~~ 998

(C) Any loan made pursuant to this section shall be evidenced 999
by a loan agreement, which shall contain such terms as the 1000
director determines necessary or appropriate, including 1001
performance measures and reporting requirements. The director may 1002
take actions necessary or appropriate to collect or otherwise deal 1003
with any loan made under this section, including requiring a loan 1004
recipient to repay the amount of the loan plus interest at a rate 1005
of three per cent above the federal short term interest rate or 1006
any other rate determined by the director. 1007

Sec. 307.202. As used in this section, "rail property" and 1008
"rail service" have the same meanings as in section ~~4981.01~~ 1009
5501.57 of the Revised Code. 1010

The board of county commissioners may acquire, rehabilitate, 1011
and develop rail property and rail service, and may enter into 1012
agreements with the ~~Ohio rail development commission~~ division of 1013
freight, boards of township trustees, legislative authorities of 1014
municipal corporations, other boards of county commissioners, with 1015
other governmental agencies or organizations, and with private 1016

agencies or organizations in order to achieve those purposes. 1017

Sec. 505.69. As used in this section, "rail property" and 1018
"rail service" have the same meanings as in section ~~4981.01~~ 1019
5501.57 of the Revised Code. 1020

The board of township trustees may acquire, rehabilitate, and 1021
develop rail property and rail service, and may enter into 1022
agreements with the ~~Ohio rail development commission~~ division of 1023
freight, boards of county commissioners, legislative authorities 1024
of municipal corporations, other boards of township trustees, with 1025
other governmental agencies or organizations, and with private 1026
agencies or organizations in order to achieve those purposes. 1027

Sec. 717.01. Each municipal corporation may do any of the 1028
following: 1029

(A) Acquire by purchase or condemnation real estate with or 1030
without buildings on it, and easements or interests in real 1031
estate; 1032

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 1033
improve a building or improvement that it is authorized to acquire 1034
or construct; 1035

(C) Erect a crematory or provide other means for disposing of 1036
garbage or refuse, and erect public comfort stations; 1037

(D) Purchase turnpike roads and make them free; 1038

(E) Construct wharves and landings on navigable waters; 1039

(F) Construct infirmaries, workhouses, prisons, police 1040
stations, houses of refuge and correction, market houses, public 1041
halls, public offices, municipal garages, repair shops, storage 1042
houses, and warehouses; 1043

(G) Construct or acquire waterworks for supplying water to 1044
the municipal corporation and its inhabitants and extend the 1045

waterworks system outside of the municipal corporation limits;	1046
(H) Construct or purchase gas works or works for the	1047
generation and transmission of electricity, for the supplying of	1048
gas or electricity to the municipal corporation and its	1049
inhabitants;	1050
(I) Provide grounds for cemeteries or crematories, enclose	1051
and embellish them, and construct vaults or crematories;	1052
(J) Construct sewers, sewage disposal works, flushing	1053
tunnels, drains, and ditches;	1054
(K) Construct free public libraries and reading rooms, and	1055
free recreation centers;	1056
(L) Establish free public baths and municipal lodging houses;	1057
(M) Construct monuments or memorial buildings to commemorate	1058
the services of soldiers, sailors, and marines of the state and	1059
nation;	1060
(N) Provide land for and improve parks, boulevards, and	1061
public playgrounds;	1062
(O) Construct hospitals and pesthouses;	1063
(P) Open, construct, widen, extend, improve, resurface, or	1064
change the line of any street or public highway;	1065
(Q) Construct and improve levees, dams, waterways,	1066
waterfronts, and embankments and improve any watercourse passing	1067
through the municipal corporation;	1068
(R) Construct or improve viaducts, bridges, and culverts;	1069
(S)(1) Construct any building necessary for the police or	1070
fire department;	1071
(2) Purchase fire engines or fire boats;	1072
(3) Construct water towers or fire cisterns;	1073

(4) Place underground the wires or signal apparatus of any	1074
police or fire department.	1075
(T) Construct any municipal ice plant for the purpose of	1076
manufacturing ice for the citizens of a municipal corporation;	1077
(U) Construct subways under any street or boulevard or	1078
elsewhere;	1079
(V) Acquire by purchase, gift, devise, bequest, lease,	1080
condemnation proceedings, or otherwise, real or personal property,	1081
and thereon and thereof to establish, construct, enlarge, improve,	1082
equip, maintain, and operate airports, landing fields, or other	1083
air navigation facilities, either within or outside the limits of	1084
a municipal corporation, and acquire by purchase, gift, devise,	1085
lease, or condemnation proceedings rights-of-way for connections	1086
with highways, waterways, and electric, steam, and interurban	1087
railroads, and improve and equip such facilities with structures	1088
necessary or appropriate for such purposes. No municipal	1089
corporation may take or disturb property or facilities belonging	1090
to any public utility or to a common carrier engaged in interstate	1091
commerce, which property or facilities are required for the proper	1092
and convenient operation of the utility or carrier, unless	1093
provision is made for the restoration, relocation, or duplication	1094
of the property or facilities elsewhere at the sole cost of the	1095
municipal corporation.	1096
(W) Provide by agreement with any regional airport authority,	1097
created under section 308.03 of the Revised Code, for the making	1098
of necessary surveys, appraisals, and examinations preliminary to	1099
the acquisition or construction of any airport or airport facility	1100
and pay the portion of the expense of the surveys, appraisals, and	1101
examinations as set forth in the agreement;	1102
(X) Provide by agreement with any regional airport authority,	1103
created under section 308.03 of the Revised Code, for the	1104

acquisition, construction, maintenance, or operation of any 1105
airport or airport facility owned or to be owned and operated by 1106
the regional airport authority or owned or to be owned and 1107
operated by the municipal corporation and pay the portion of the 1108
expense of it as set forth in the agreement; 1109

(Y) Acquire by gift, purchase, lease, or condemnation, land, 1110
forest, and water rights necessary for conservation of forest 1111
reserves, water parks, or reservoirs, either within or without the 1112
limits of the municipal corporation, and improve and equip the 1113
forest and water parks with structures, equipment, and 1114
reforestation necessary or appropriate for any purpose for the 1115
utilization of any of the forest and water benefits that may 1116
properly accrue therefrom to the municipal corporation; 1117

(Z) Acquire real property by purchase, gift, or devise and 1118
construct and maintain on it public swimming pools, either within 1119
or outside the limits of the municipal corporation; 1120

(AA) Construct or rehabilitate, equip, maintain, operate, and 1121
lease facilities for housing of elderly persons and for persons of 1122
low and moderate income, and appurtenant facilities. No municipal 1123
corporation shall deny housing accommodations to or withhold 1124
housing accommodations from elderly persons or persons of low and 1125
moderate income because of race, color, religion, sex, familial 1126
status as defined in section 4112.01 of the Revised Code, military 1127
status as defined in that section, disability as defined in that 1128
section, ancestry, or national origin. Any elderly person or 1129
person of low or moderate income who is denied housing 1130
accommodations or has them withheld by a municipal corporation 1131
because of race, color, religion, sex, familial status as defined 1132
in section 4112.01 of the Revised Code, military status as defined 1133
in that section, disability as defined in that section, ancestry, 1134
or national origin may file a charge with the Ohio civil rights 1135
commission as provided in Chapter 4112. of the Revised Code. 1136

(BB) Acquire, rehabilitate, and develop rail property or rail 1137
service, and enter into agreements with the ~~Ohio rail development~~ 1138
~~commission~~ division of freight, boards of county commissioners, 1139
boards of township trustees, legislative authorities of other 1140
municipal corporations, with other governmental agencies or 1141
organizations, and with private agencies or organizations in order 1142
to achieve those purposes; 1143

(CC) Appropriate and contribute money to a soil and water 1144
conservation district for use under Chapter 1515. of the Revised 1145
Code; 1146

(DD) Authorize the board of county commissioners, pursuant to 1147
a contract authorizing the action, to contract on the municipal 1148
corporation's behalf for the administration and enforcement within 1149
its jurisdiction of the state building code by another county or 1150
another municipal corporation located within or outside the 1151
county. The contract for administration and enforcement shall 1152
provide for obtaining certification pursuant to division (E) of 1153
section 3781.10 of the Revised Code for the exercise of 1154
administration and enforcement authority within the municipal 1155
corporation seeking those services and shall specify which 1156
political subdivision is responsible for securing that 1157
certification. 1158

(EE) Expend money for providing and maintaining services and 1159
facilities for senior citizens. 1160

"Airport," "landing field," and "air navigation facility," as 1161
defined in section 4561.01 of the Revised Code, apply to division 1162
(V) of this section. 1163

As used in divisions (W) and (X) of this section, "airport" 1164
and "airport facility" have the same meanings as in section 308.01 1165
of the Revised Code. 1166

As used in division (BB) of this section, "rail property" and 1167

"rail service" have the same meanings as in section ~~4981.01~~ 1168
5501.57 of the Revised Code. 1169

Sec. 1548.07. (A) An application for a certificate of title 1170
shall be sworn to before a notary public or other officer 1171
empowered to administer oaths by the lawful owner or purchaser of 1172
the watercraft or outboard motor and shall contain the following 1173
information in the form and together with any other information 1174
that the chief of the division of watercraft may require: 1175

(1) Name, address, and social security number or employer's 1176
tax identification number of the applicant; 1177

(2) Statement of how the watercraft or outboard motor was 1178
acquired; 1179

(3) Name and address of the previous owner; 1180

(4) A statement of all liens, mortgages, or other 1181
encumbrances on the watercraft or outboard motor, including a 1182
description of the nature and amount of each lien, mortgage, or 1183
encumbrance, and the name and address of each holder of the lien, 1184
mortgage, or encumbrance; 1185

(5) If there are no outstanding liens, mortgages, or other 1186
encumbrances, a statement of that fact; 1187

(6) A description of the watercraft, including the make, 1188
year, length, series or model, if any, body type, and hull 1189
identification number or serial number, ~~and make, manufacturer's~~ 1190
~~serial number, and horsepower of any inboard motor or motors;~~ or a 1191
description of the outboard motor, including the make, year, 1192
series or model, if any, manufacturer's serial number, and 1193
horsepower; 1194

(7) The purchase price, trade-in allowed, and amount of sales 1195
or use tax paid under Chapter 5739. or 5741. of the Revised Code. 1196

(B) If the application is made by two persons regarding a 1197

watercraft or outboard motor in which they wish to establish joint 1198
ownership with right of survivorship, they may do so as provided 1199
in section 2131.12 of the Revised Code. 1200

(C) If the applicant wishes to designate a watercraft or 1201
outboard motor in beneficiary form, the applicant may do so as 1202
provided in section 2131.13 of the Revised Code. 1203

(D) If the watercraft or outboard motor contains a permanent 1204
identification number placed on the watercraft or outboard motor 1205
by the manufacturer, this number shall be used as the serial 1206
number or hull identification number. If there is no 1207
manufacturer's identification number, or if the manufacturer's 1208
identification number has been removed or obliterated, the chief, 1209
upon receipt of a prescribed application and proof of ownership, 1210
may assign an identification number for the watercraft or outboard 1211
motor, and this number shall be permanently affixed or imprinted 1212
by the applicant, at the place and in the manner designated by the 1213
chief, upon the watercraft or outboard motor for which it is 1214
assigned. 1215

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code 1216
do not apply to any of the following: 1217

(A) Convictions when the offender is subject to a mandatory 1218
prison term; 1219

(B) Convictions under section 2907.02, 2907.03, 2907.04, 1220
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 1221
2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. of the 1222
Revised Code, or a conviction for a violation of a municipal 1223
ordinance that is substantially similar to any section contained 1224
in any of those chapters, except as otherwise provided in section 1225
2953.61 of the Revised Code; 1226

(C) Convictions of an offense of violence when the offense is 1227

a misdemeanor of the first degree or a felony and when the offense 1228
is not a violation of section 2917.03 of the Revised Code and is 1229
not a violation of section 2903.13, 2917.01, or 2917.31 of the 1230
Revised Code that is a misdemeanor of the first degree; 1231

(D) Convictions on or after October 10, 2007, under section 1232
2907.07 of the Revised Code or a conviction on or after October 1233
10, 2007, for a violation of a municipal ordinance that is 1234
substantially similar to that section; 1235

(E) Convictions on or after October 10, 2007, under section 1236
2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 1237
2907.32, or 2907.33 of the Revised Code when the victim of the 1238
offense was under eighteen years of age; 1239

(F) Convictions of an offense in circumstances in which the 1240
victim of the offense was under eighteen years of age when the 1241
offense is a misdemeanor of the first degree or a felony, except 1242
for convictions under section 2919.21 of the Revised Code; 1243

(G) Convictions of a felony of the first or second degree; 1244

(H) Bail forfeitures in a traffic case as defined in Traffic 1245
Rule 2. 1246

Sec. 2953.61. (A) Except as provided in division (B)(1) of 1247
this section, a person charged with two or more offenses as a 1248
result of or in connection with the same act may not apply to the 1249
court pursuant to section 2953.32 or 2953.52 of the Revised Code 1250
for the sealing of the person's record in relation to any of the 1251
charges when at least one of the charges has a final disposition 1252
that is different from the final disposition of the other charges 1253
until such time as the person would be able to apply to the court 1254
and have all of the records pertaining to all of those charges 1255
sealed pursuant to section 2953.32 or 2953.52 of the Revised Code. 1256

(B)(1) When a person is charged with two or more offenses as 1257

a result of or in connection with the same act and the final 1258
disposition of one, and only one, of the charges is a conviction 1259
under any section of Chapter 4507., 4510., 4511., or 4549., other 1260
than section 4511.19 or 4511.194 of the Revised Code, or under a 1261
municipal ordinance that is substantially similar to any section 1262
other than section 4511.19 or 4511.194 of the Revised Code 1263
contained in any of those chapters, and if the records pertaining 1264
to all the other charges would be eligible for sealing under 1265
section 2953.52 of the Revised Code in the absence of that 1266
conviction, the court may order that the records pertaining to all 1267
the charges be sealed. In such a case, the court shall not order 1268
that only a portion of the records be sealed. 1269

(2) Division (B)(1) of this section does not apply if the 1270
person convicted of the offenses currently holds a commercial 1271
driver's license or commercial driver's license temporary 1272
instruction permit. 1273

Sec. 3772.10. (A) In determining whether to grant or maintain 1274
the privilege of a casino operator, management company, holding 1275
company, key employee, casino gaming employee, or gaming-related 1276
vendor license, the Ohio casino control commission shall consider 1277
all of the following, as applicable: 1278

(1) The reputation, experience, and financial integrity of 1279
the applicant, its holding company, if applicable, and any other 1280
person that directly or indirectly controls the applicant; 1281

(2) The financial ability of the applicant to purchase and 1282
maintain adequate liability and casualty insurance and to provide 1283
an adequate surety bond; 1284

(3) The past and present compliance of the applicant and its 1285
affiliates or affiliated companies with casino-related licensing 1286
requirements in this state or any other jurisdiction, including 1287
whether the applicant has a history of noncompliance with the 1288

casino licensing requirements of any jurisdiction;	1289
(4) If the applicant has been indicted, convicted, pleaded guilty or no contest, or forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations;	1290 1291 1292 1293
(5) If the applicant has filed, or had filed against it a proceeding for bankruptcy or has ever been involved in any formal process to adjust, defer, suspend, or otherwise work out the payment of any debt;	1294 1295 1296 1297
(6) If the applicant has been served with a complaint or other notice filed with any public body regarding a payment of any tax required under federal, state, or local law that has been delinquent for one or more years;	1298 1299 1300 1301
(7) If the applicant is or has been a defendant in litigation involving its business practices;	1302 1303
(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state;	1304 1305
(9) If the applicant meets other standards for the issuance of a license that the commission adopts by rule, which shall not be arbitrary, capricious, or contradictory to the expressed provisions of this chapter.	1306 1307 1308 1309
(B) All applicants for a license under this chapter shall establish their suitability for a license by clear and convincing evidence. If the commission determines that a person is eligible under this chapter to be issued a license as a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor, the commission shall issue such license for not more than three years, as determined by commission rule, if all other requirements of this chapter have been satisfied.	1310 1311 1312 1313 1314 1315 1316 1317 1318

(C) The commission shall not issue a casino operator, 1319
management company, holding company, key employee, casino gaming 1320
employee, or gaming-related vendor license under this chapter to 1321
an applicant if: 1322

(1) The applicant has been convicted of a disqualifying 1323
offense, as defined in section 3772.07 of the Revised Code. 1324

(2) The applicant has submitted an application for license 1325
under this chapter that contains false information. 1326

(3) The applicant is a commission member. 1327

(4) The applicant owns an ownership interest that is unlawful 1328
under this chapter, unless waived by the commission. 1329

(5) The applicant violates specific rules adopted by the 1330
commission related to denial of licensure. 1331

(6) The applicant is a member of or employed by a gaming 1332
regulatory body of a governmental unit in this state, another 1333
state, or the federal government, or is ~~employed by~~ an employee of 1334
a governmental unit of this state and in that capacity has 1335
significant influence or control, as determined by the commission, 1336
over the ability of a casino operator, management company, holding 1337
company, institutional investor, or gaming-related vendor to 1338
conduct business in this state. This division does not prohibit a 1339
casino operator or management company from hiring special duty law 1340
enforcement officers if the officers are not specifically involved 1341
in gaming-related regulatory functions. 1342

(7) The commission otherwise determines the applicant is 1343
ineligible for the license. 1344

(D)(1) The commission shall investigate the qualifications of 1345
each applicant under this chapter before any license is issued and 1346
before any finding with regard to acts or transactions for which 1347
commission approval is required is made. The commission shall 1348

continue to observe the conduct of all licensees and all other 1349
persons having a material involvement directly or indirectly with 1350
a casino operator, management company, or holding company to 1351
ensure that licenses are not issued to or held by, or that there 1352
is not any material involvement with a casino operator, management 1353
company, or holding company by, an unqualified, disqualified, or 1354
unsuitable person or a person whose operations are conducted in an 1355
unsuitable manner or in unsuitable or prohibited places or 1356
locations. 1357

(2) The executive director may recommend to the commission 1358
that it deny any application, or limit, condition, or restrict, or 1359
suspend or revoke, any license or finding, or impose any fine upon 1360
any licensee or other person according to this chapter and the 1361
rules adopted thereunder. 1362

(3) A license issued under this chapter is a revocable 1363
privilege. No licensee has a vested right in or under any license 1364
issued under this chapter. The initial determination of the 1365
commission to deny, or to limit, condition, or restrict, a license 1366
may be appealed under section 2505.03 of the Revised Code. 1367

(E)(1) An institutional investor may be found to be suitable 1368
or qualified by the commission under this chapter and the rules 1369
adopted under this chapter. An institutional investor shall be 1370
presumed suitable or qualified upon submitting documentation 1371
sufficient to establish qualifications as an institutional 1372
investor and upon certifying all of the following: 1373

(a) The institutional investor owns, holds, or controls 1374
securities issued by a licensee or holding, intermediate, or 1375
parent company of a licensee or in the ordinary course of business 1376
for investment purposes only. 1377

(b) The institutional investor does not exercise influence 1378
over the affairs of the issuer of such securities nor over any 1379

licensed subsidiary of the issuer of such securities. 1380

(c) The institutional investor does not intend to exercise 1381
influence over the affairs of the issuer of such securities, nor 1382
over any licensed subsidiary of the issuer of such securities, in 1383
the future, and that it agrees to notify the commission in writing 1384
within thirty days if such intent changes. 1385

(2) The exercise of voting privileges with regard to 1386
securities shall not be deemed to constitute the exercise of 1387
influence over the affairs of a licensee. 1388

(3) The commission shall rescind the presumption of 1389
suitability for an institutional investor at anytime if the 1390
institutional investor exercises or intends to exercise influence 1391
or control over the affairs of the licensee. 1392

(4) This division shall not be construed to preclude the 1393
commission from requesting information from or investigating the 1394
suitability or qualifications of an institutional investor if: 1395

(a) The commission becomes aware of facts or information that 1396
may result in the institutional investor being found unsuitable or 1397
disqualified; or 1398

(b) The commission has any other reason to seek information 1399
from the investor to determine whether it qualifies as an 1400
institutional investor. 1401

(5) If the commission finds an institutional investor to be 1402
unsuitable or unqualified, the commission shall so notify the 1403
investor and the casino operator, holding company, management 1404
company, or gaming-related vendor licensee in which the investor 1405
invested. The commission shall allow the investor and the licensee 1406
a reasonable amount of time, as specified by the commission on a 1407
case-by-case basis, to cure the conditions that caused the 1408
commission to find the investor unsuitable or unqualified. If 1409
during the specified period of time the investor or the licensee 1410

does not or cannot cure the conditions that caused the commission 1411
to find the investor unsuitable or unqualified, the commission may 1412
allow the investor or licensee more time to cure the conditions or 1413
the commission may begin proceedings to deny, suspend, or revoke 1414
the license of the casino operator, holding company, management 1415
company, or gaming-related vendor in which the investor invested 1416
or to deny any of the same the renewal of any such license. 1417

(6) A private licensee or holding company shall provide the 1418
same information to the commission as a public company would 1419
provide in a form 13d or form 13g filing to the securities and 1420
exchange commission. 1421

(F) Information provided on the application shall be used as 1422
a basis for a thorough background investigation of each applicant. 1423
A false or incomplete application is cause for denial of a license 1424
by the commission. All applicants and licensees shall consent to 1425
inspections, searches, and seizures and to the disclosure to the 1426
commission and its agents of confidential records, including tax 1427
records, held by any federal, state, or local agency, credit 1428
bureau, or financial institution and to provide handwriting 1429
exemplars, photographs, fingerprints, and information as 1430
authorized in this chapter and in rules adopted by the commission. 1431

(G) The commission shall provide a written statement to each 1432
applicant for a license under this chapter who is denied the 1433
license that describes the reason or reasons for which the 1434
applicant was denied the license. 1435

(H) Not later than January 31 in each calendar year, the 1436
commission shall provide to the general assembly and the governor 1437
a report that, for each type of license issued under this chapter, 1438
specifies the number of applications made in the preceding 1439
calendar year for each type of such license, the number of 1440
applications denied in the preceding calendar year for each type 1441
of such license, and the reasons for those denials. The 1442

information regarding the reasons for the denials shall specify 1443
each reason that resulted in, or that was a factor resulting in, 1444
denial for each type of license issued under this chapter and, for 1445
each of those reasons, the total number of denials for each such 1446
type that involved that reason. 1447

Sec. 4117.10. (A) An agreement between a public employer and 1448
an exclusive representative entered into pursuant to this chapter 1449
governs the wages, hours, and terms and conditions of public 1450
employment covered by the agreement. If the agreement provides for 1451
a final and binding arbitration of grievances, public employers, 1452
employees, and employee organizations are subject solely to that 1453
grievance procedure and the state personnel board of review or 1454
civil service commissions have no jurisdiction to receive and 1455
determine any appeals relating to matters that were the subject of 1456
a final and binding grievance procedure. Where no agreement exists 1457
or where an agreement makes no specification about a matter, the 1458
public employer and public employees are subject to all applicable 1459
state or local laws or ordinances pertaining to the wages, hours, 1460
and terms and conditions of employment for public employees. Laws 1461
pertaining to civil rights, affirmative action, unemployment 1462
compensation, workers' compensation, the retirement of public 1463
employees, and residency requirements, the minimum educational 1464
requirements contained in the Revised Code pertaining to public 1465
education including the requirement of a certificate by the fiscal 1466
officer of a school district pursuant to section 5705.41 of the 1467
Revised Code, the provisions of division (A) of section 124.34 of 1468
the Revised Code governing the disciplining of officers and 1469
employees who have been convicted of a felony, and the minimum 1470
standards promulgated by the state board of education pursuant to 1471
division (D) of section 3301.07 of the Revised Code prevail over 1472
conflicting provisions of agreements between employee 1473
organizations and public employers. The law pertaining to the 1474

leave of absence and compensation provided under section 5923.05 1475
of the Revised Code prevails over any conflicting provisions of 1476
such agreements if the terms of the agreement contain benefits 1477
which are less than those contained in that section or the 1478
agreement contains no such terms and the public authority is the 1479
state or any agency, authority, commission, or board of the state 1480
or if the public authority is another entity listed in division 1481
(B) of section 4117.01 of the Revised Code that elects to provide 1482
leave of absence and compensation as provided in section 5923.05 1483
of the Revised Code. The law pertaining to the leave established 1484
under section 5906.02 of the Revised Code prevails over any 1485
conflicting provision of an agreement between an employee 1486
organization and public employer if the terms of the agreement 1487
contain benefits that are less than those contained in section 1488
5906.02 of the Revised Code. Except for sections 306.08, 306.12, 1489
306.35, and ~~4981.22~~ 5501.649 of the Revised Code and arrangements 1490
entered into thereunder, ~~and section 4981.21 of the Revised Code~~ 1491
~~as necessary to comply with section 13(c) of the "Urban Mass~~ 1492
~~Transportation Act of 1964," 87 Stat. 295, 49 U.S.C.A. 1609(e), as~~ 1493
~~amended, and arrangements entered into thereunder,~~ this chapter 1494
prevails over any and all other conflicting laws, resolutions, 1495
provisions, present or future, except as otherwise specified in 1496
this chapter or as otherwise specified by the general assembly. 1497
Nothing in this section prohibits or shall be construed to 1498
invalidate the provisions of an agreement establishing 1499
supplemental workers' compensation or unemployment compensation 1500
benefits or exceeding minimum requirements contained in the 1501
Revised Code pertaining to public education or the minimum 1502
standards promulgated by the state board of education pursuant to 1503
division (D) of section 3301.07 of the Revised Code. 1504

(B) The public employer shall submit a request for funds 1505
necessary to implement an agreement and for approval of any other 1506
matter requiring the approval of the appropriate legislative body 1507

to the legislative body within fourteen days of the date on which 1508
the parties finalize the agreement, unless otherwise specified, 1509
but if the appropriate legislative body is not in session at the 1510
time, then within fourteen days after it convenes. The legislative 1511
body must approve or reject the submission as a whole, and the 1512
submission is deemed approved if the legislative body fails to act 1513
within thirty days after the public employer submits the 1514
agreement. The parties may specify that those provisions of the 1515
agreement not requiring action by a legislative body are effective 1516
and operative in accordance with the terms of the agreement, 1517
provided there has been compliance with division (C) of this 1518
section. If the legislative body rejects the submission of the 1519
public employer, either party may reopen all or part of the entire 1520
agreement. 1521

As used in this section, "legislative body" includes the 1522
governing board of a municipal corporation, school district, 1523
college or university, village, township, or board of county 1524
commissioners or any other body that has authority to approve the 1525
budget of their public jurisdiction and, with regard to the state, 1526
"legislative body" means the controlling board. 1527

(C) The chief executive officer, or the chief executive 1528
officer's representative, of each municipal corporation, the 1529
designated representative of the board of education of each school 1530
district, college or university, or any other body that has 1531
authority to approve the budget of their public jurisdiction, the 1532
designated representative of the board of county commissioners and 1533
of each elected officeholder of the county whose employees are 1534
covered by the collective negotiations, and the designated 1535
representative of the village or the board of township trustees of 1536
each township is responsible for negotiations in the collective 1537
bargaining process; except that the legislative body may accept or 1538
reject a proposed collective bargaining agreement. When the 1539

matters about which there is agreement are reduced to writing and 1540
approved by the employee organization and the legislative body, 1541
the agreement is binding upon the legislative body, the employer, 1542
and the employee organization and employees covered by the 1543
agreement. 1544

(D) There is hereby established an office of collective 1545
bargaining in the department of administrative services for the 1546
purpose of negotiating with and entering into written agreements 1547
between state agencies, departments, boards, and commissions and 1548
the exclusive representative on matters of wages, hours, terms and 1549
other conditions of employment and the continuation, modification, 1550
or deletion of an existing provision of a collective bargaining 1551
agreement. Nothing in any provision of law to the contrary shall 1552
be interpreted as excluding the bureau of workers' compensation 1553
and the industrial commission from the preceding sentence. This 1554
office shall not negotiate on behalf of other statewide elected 1555
officials or boards of trustees of state institutions of higher 1556
education who shall be considered as separate public employers for 1557
the purposes of this chapter; however, the office may negotiate on 1558
behalf of these officials or trustees where authorized by the 1559
officials or trustees. The staff of the office of collective 1560
bargaining are in the unclassified service. The director of 1561
administrative services shall fix the compensation of the staff. 1562

The office of collective bargaining shall: 1563

(1) Assist the director in formulating management's 1564
philosophy for public collective bargaining as well as planning 1565
bargaining strategies; 1566

(2) Conduct negotiations with the exclusive representatives 1567
of each employee organization; 1568

(3) Coordinate the state's resources in all mediation, 1569
fact-finding, and arbitration cases as well as in all labor 1570

disputes;	1571
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	1572 1573
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	1574 1575
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	1576 1577 1578 1579
Sec. 4501.01. As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:	1580 1581 1582
(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions.	1583 1584 1585 1586 1587 1588 1589
(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a	1590 1591 1592 1593 1594 1595 1596 1597 1598 1599 1600

marina, when drawn or towed on a public road or highway for a 1601
distance of no more than ten miles and at a speed of twenty-five 1602
miles per hour or less. 1603

(C) "Agricultural tractor" and "traction engine" mean any 1604
self-propelling vehicle that is designed or used for drawing other 1605
vehicles or wheeled machinery, but has no provisions for carrying 1606
loads independently of such other vehicles, and that is used 1607
principally for agricultural purposes. 1608

(D) "Commercial tractor," except as defined in division (C) 1609
of this section, means any motor vehicle that has motive power and 1610
either is designed or used for drawing other motor vehicles, or is 1611
designed or used for drawing another motor vehicle while carrying 1612
a portion of the other motor vehicle or its load, or both. 1613

(E) "Passenger car" means any motor vehicle that is designed 1614
and used for carrying not more than nine persons and includes any 1615
motor vehicle that is designed and used for carrying not more than 1616
fifteen persons in a ridesharing arrangement. 1617

(F) "Collector's vehicle" means any motor vehicle or 1618
agricultural tractor or traction engine that is of special 1619
interest, that has a fair market value of one hundred dollars or 1620
more, whether operable or not, and that is owned, operated, 1621
collected, preserved, restored, maintained, or used essentially as 1622
a collector's item, leisure pursuit, or investment, but not as the 1623
owner's principal means of transportation. "Licensed collector's 1624
vehicle" means a collector's vehicle, other than an agricultural 1625
tractor or traction engine, that displays current, valid license 1626
tags issued under section 4503.45 of the Revised Code, or a 1627
similar type of motor vehicle that displays current, valid license 1628
tags issued under substantially equivalent provisions in the laws 1629
of other states. 1630

(G) "Historical motor vehicle" means any motor vehicle that 1631

is over twenty-five years old and is owned solely as a collector's 1632
item and for participation in club activities, exhibitions, tours, 1633
parades, and similar uses, but that in no event is used for 1634
general transportation. 1635

(H) "Noncommercial motor vehicle" means any motor vehicle, 1636
including a farm truck as defined in section 4503.04 of the 1637
Revised Code, that is designed by the manufacturer to carry a load 1638
of no more than one ton and is used exclusively for purposes other 1639
than engaging in business for profit. 1640

(I) "Bus" means any motor vehicle that has motor power and is 1641
designed and used for carrying more than nine passengers, except 1642
any motor vehicle that is designed and used for carrying not more 1643
than fifteen passengers in a ridesharing arrangement. 1644

(J) "Commercial car" or "truck" means any motor vehicle that 1645
has motor power and is designed and used for carrying merchandise 1646
or freight, or that is used as a commercial tractor. 1647

(K) "Bicycle" means every device, other than a device that is 1648
designed solely for use as a play vehicle by a child, that is 1649
propelled solely by human power upon which a person may ride, and 1650
that has two or more wheels, any of which is more than fourteen 1651
inches in diameter. 1652

(L) "Motorized bicycle" means any vehicle that either has two 1653
tandem wheels or one wheel in the front and two wheels in the 1654
rear, that is capable of being pedaled, and that is equipped with 1655
a helper motor of not more than fifty cubic centimeters piston 1656
displacement that produces no more than one brake horsepower and 1657
is capable of propelling the vehicle at a speed of no greater than 1658
twenty miles per hour on a level surface. 1659

(M) "Trailer" means any vehicle without motive power that is 1660
designed or used for carrying property or persons wholly on its 1661
own structure and for being drawn by a motor vehicle, and includes 1662

any such vehicle that is formed by or operated as a combination of 1663
a semitrailer and a vehicle of the dolly type such as that 1664
commonly known as a trailer dolly, a vehicle used to transport 1665
agricultural produce or agricultural production materials between 1666
a local place of storage or supply and the farm when drawn or 1667
towed on a public road or highway at a speed greater than 1668
twenty-five miles per hour, and a vehicle that is designed and 1669
used exclusively to transport a boat between a place of storage 1670
and a marina, or in and around a marina, when drawn or towed on a 1671
public road or highway for a distance of more than ten miles or at 1672
a speed of more than twenty-five miles per hour. "Trailer" does 1673
not include a manufactured home or travel trailer. 1674

(N) "Noncommercial trailer" means any trailer, except a 1675
travel trailer or trailer that is used to transport a boat as 1676
described in division (B) of this section, but, where applicable, 1677
includes a vehicle that is used to transport a boat as described 1678
in division (M) of this section, that has a gross weight of no 1679
more than ten thousand pounds, and that is used exclusively for 1680
purposes other than engaging in business for a profit, such as the 1681
transportation of personal items for personal or recreational 1682
purposes. 1683

(O) "Mobile home" means a building unit or assembly of closed 1684
construction that is fabricated in an off-site facility, is more 1685
than thirty-five body feet in length or, when erected on site, is 1686
three hundred twenty or more square feet, is built on a permanent 1687
chassis, is transportable in one or more sections, and does not 1688
qualify as a manufactured home as defined in division (C)(4) of 1689
section 3781.06 of the Revised Code or as an industrialized unit 1690
as defined in division (C)(3) of section 3781.06 of the Revised 1691
Code. 1692

(P) "Semitrailer" means any vehicle of the trailer type that 1693
does not have motive power and is so designed or used with another 1694

and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by the other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under those chapters, any vehicle of the dolly type, such as a trailer dolly, that is designed or used for the conversion of a semitrailer into a trailer.

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

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

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

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

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

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

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

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

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

food, and for sleeping. 1725

(c) "Truck camper" means a nonself-propelled recreational 1726
vehicle that does not have wheels for road use and is designed to 1727
be placed upon and attached to a motor vehicle. "Truck camper" 1728
does not include truck covers that consist of walls and a roof, 1729
but do not have floors and facilities enabling them to be used as 1730
a dwelling. 1731

(d) "Fifth wheel trailer" means a vehicle that is of such 1732
size and weight as to be movable without a special highway permit, 1733
that has a gross trailer area of four hundred square feet or less, 1734
that is constructed with a raised forward section that allows a 1735
bi-level floor plan, and that is designed to be towed by a vehicle 1736
equipped with a fifth-wheel hitch ordinarily installed in the bed 1737
of a truck. 1738

(e) "Park trailer" means a vehicle that is commonly known as 1739
a park model recreational vehicle, meets the American national 1740
standard institute standard A119.5 (1988) for park trailers, is 1741
built on a single chassis, has a gross trailer area of four 1742
hundred square feet or less when set up, is designed for seasonal 1743
or temporary living quarters, and may be connected to utilities 1744
necessary for the operation of installed features and appliances. 1745

(R) "Pneumatic tires" means tires of rubber and fabric or 1746
tires of similar material, that are inflated with air. 1747

(S) "Solid tires" means tires of rubber or similar elastic 1748
material that are not dependent upon confined air for support of 1749
the load. 1750

(T) "Solid tire vehicle" means any vehicle that is equipped 1751
with two or more solid tires. 1752

(U) "Farm machinery" means all machines and tools that are 1753
used in the production, harvesting, and care of farm products, and 1754
includes trailers that are used to transport agricultural produce 1755

or agricultural production materials between a local place of 1756
storage or supply and the farm, agricultural tractors, threshing 1757
machinery, hay-baling machinery, corn shellers, hammermills, and 1758
machinery used in the production of horticultural, agricultural, 1759
and vegetable products. 1760

(V) "Owner" includes any person or firm, other than a 1761
manufacturer or dealer, that has title to a motor vehicle, except 1762
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 1763
includes in addition manufacturers and dealers. 1764

(W) "Manufacturer" and "dealer" include all persons and firms 1765
that are regularly engaged in the business of manufacturing, 1766
selling, displaying, offering for sale, or dealing in motor 1767
vehicles, at an established place of business that is used 1768
exclusively for the purpose of manufacturing, selling, displaying, 1769
offering for sale, or dealing in motor vehicles. A place of 1770
business that is used for manufacturing, selling, displaying, 1771
offering for sale, or dealing in motor vehicles shall be deemed to 1772
be used exclusively for those purposes even though snowmobiles or 1773
all-purpose vehicles are sold or displayed for sale thereat, even 1774
though farm machinery is sold or displayed for sale thereat, or 1775
even though repair, accessory, gasoline and oil, storage, parts, 1776
service, or paint departments are maintained thereat, or, in any 1777
county having a population of less than seventy-five thousand at 1778
the last federal census, even though a department in a place of 1779
business is used to dismantle, salvage, or rebuild motor vehicles 1780
by means of used parts, if such departments are operated for the 1781
purpose of furthering and assisting in the business of 1782
manufacturing, selling, displaying, offering for sale, or dealing 1783
in motor vehicles. Places of business or departments in a place of 1784
business used to dismantle, salvage, or rebuild motor vehicles by 1785
means of using used parts are not considered as being maintained 1786
for the purpose of assisting or furthering the manufacturing, 1787

selling, displaying, and offering for sale or dealing in motor vehicles. 1788
1789

(X) "Operator" includes any person who drives or operates a motor vehicle upon the public highways. 1790
1791

(Y) "Chauffeur" means any operator who operates a motor vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than a taxicab, who operates such vehicle for transporting, for gain, compensation, or profit, either persons or property owned by another. Any operator of a motor vehicle who is voluntarily involved in a ridesharing arrangement is not considered an employee for hire or operating such vehicle for gain, compensation, or profit. 1792
1793
1794
1795
1796
1797
1798
1799
1800

(Z) "State" includes the territories and federal districts of the United States, and the provinces of Canada. 1801
1802

(AA) "Public roads and highways" for vehicles includes all public thoroughfares, bridges, and culverts. 1803
1804

(BB) "Manufacturer's number" means the manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle. 1805
1806
1807

(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle. 1808
1809
1810

(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership. 1811
1812
1813
1814
1815
1816
1817
1818

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

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

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

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

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

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

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

(HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American

association of motor vehicle administrators, and that promotes and 1850
encourages the fullest possible use of the highway system by 1851
authorizing apportioned registration of fleets of vehicles and 1852
recognizing registration of vehicles apportioned in member 1853
jurisdictions. 1854

(II) "Restricted plate" means a license plate that has a 1855
restriction of time, geographic area, mileage, or commodity, and 1856
includes license plates issued to farm trucks under division (J) 1857
of section 4503.04 of the Revised Code. 1858

(JJ) "Gross vehicle weight," with regard to any commercial 1859
car, trailer, semitrailer, or bus that is taxed at the rates 1860
established under section 4503.042 or 4503.65 of the Revised Code, 1861
means the unladen weight of the vehicle fully equipped plus the 1862
maximum weight of the load to be carried on the vehicle. 1863

(KK) "Combined gross vehicle weight" with regard to any 1864
combination of a commercial car, trailer, and semitrailer, that is 1865
taxed at the rates established under section 4503.042 or 4503.65 1866
of the Revised Code, means the total unladen weight of the 1867
combination of vehicles fully equipped plus the maximum weight of 1868
the load to be carried on that combination of vehicles. 1869

(LL) "Chauffeured limousine" means a motor vehicle that is 1870
designed to carry nine or fewer passengers and is operated for 1871
hire pursuant to a prearranged contract for the transportation of 1872
passengers on public roads and highways along a route under the 1873
control of the person hiring the vehicle and not over a defined 1874
and regular route. "Prearranged contract" means an agreement, made 1875
in advance of boarding, to provide transportation from a specific 1876
location in a chauffeured limousine. "Chauffeured limousine" does 1877
not include any vehicle that is used exclusively in the business 1878
of funeral directing. 1879

(MM) "Manufactured home" has the same meaning as in division 1880

(C)(4) of section 3781.06 of the Revised Code. 1881

(NN) "Acquired situs," with respect to a manufactured home or 1882
a mobile home, means to become located in this state by the 1883
placement of the home on real property, but does not include the 1884
placement of a manufactured home or a mobile home in the inventory 1885
of a new motor vehicle dealer or the inventory of a manufacturer, 1886
remanufacturer, or distributor of manufactured or mobile homes. 1887

(OO) "Electronic" includes electrical, digital, magnetic, 1888
optical, electromagnetic, or any other form of technology that 1889
entails capabilities similar to these technologies. 1890

(PP) "Electronic record" means a record generated, 1891
communicated, received, or stored by electronic means for use in 1892
an information system or for transmission from one information 1893
system to another. 1894

(QQ) "Electronic signature" means a signature in electronic 1895
form attached to or logically associated with an electronic 1896
record. 1897

(RR) "Financial transaction device" has the same meaning as 1898
in division (A) of section 113.40 of the Revised Code. 1899

(SS) "Electronic motor vehicle dealer" means a motor vehicle 1900
dealer licensed under Chapter 4517. of the Revised Code whom the 1901
registrar of motor vehicles determines meets the criteria 1902
designated in section 4503.035 of the Revised Code for electronic 1903
motor vehicle dealers and designates as an electronic motor 1904
vehicle dealer under that section. 1905

(TT) "Electric personal assistive mobility device" means a 1906
self-balancing two non-tandem wheeled device that is designed to 1907
transport only one person, has an electric propulsion system of an 1908
average of seven hundred fifty watts, and when ridden on a paved 1909
level surface by an operator who weighs one hundred seventy pounds 1910
has a maximum speed of less than twenty miles per hour. 1911

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

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

(WW) "Motorcycle" means a motor vehicle with motive power
having a seat or saddle for the use of the operator, designed to
travel on not more than three wheels in contact with the ground,
and having no occupant compartment top or occupant compartment top
that can be installed or removed by the user.

(XX) "Cab-enclosed motorcycle" means a motor vehicle with
motive power having a seat or saddle for the use of the operator,
designed to travel on not more than three wheels in contact with
the ground, and having an occupant compartment top or an occupant
compartment top that is installed.

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

Revised Code into the state treasury to the credit of the auto 1943
registration distribution fund, which is hereby created, for 1944
distribution in the manner provided for in this section and 1945
section 4501.04 of the Revised Code. All other moneys received by 1946
the registrar shall be deposited in the state bureau of motor 1947
vehicles fund established in section 4501.25 of the Revised Code 1948
for the purposes enumerated in that section, unless otherwise 1949
provided by law. 1950

All moneys credited to the auto registration distribution 1951
fund shall be distributed to the counties and districts of 1952
registration, ~~after receipt of certifications from the~~ 1953
~~commissioners of the sinking fund certifying, as required by~~ 1954
~~sections 5528.15 and 5528.35 of the Revised Code, that there are~~ 1955
~~sufficient moneys to the credit of the highway improvement bond~~ 1956
~~retirement fund created by section 5528.12 of the Revised Code to~~ 1957
~~meet in full all payments of interest, principal, and charges for~~ 1958
~~the retirement of bonds and other obligations issued pursuant to~~ 1959
~~Section 2g of Article VIII, Ohio Constitution, and sections~~ 1960
~~5528.10 and 5528.11 of the Revised Code due and payable during the~~ 1961
~~current calendar year, and that there are sufficient moneys to the~~ 1962
~~credit of the highway obligations bond retirement fund created by~~ 1963
~~section 5528.32 of the Revised Code to meet in full all payments~~ 1964
~~of interest, principal, and charges for the retirement of highway~~ 1965
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 1966
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 1967
~~due and payable during the current calendar year, in the manner~~ 1968
provided in section 4501.04 of the Revised Code. 1969

The treasurer of state may invest any portion of the moneys 1970
credited to the auto registration distribution fund, in the same 1971
manner and subject to all the laws with respect to the investment 1972
of state funds by the treasurer of state, and all investment 1973
earnings of the fund shall be credited to the fund. 1974

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

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

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

~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, due and payable during the current calendar year, and that there are sufficient moneys to the credit of the highway obligations bond retirement fund created by section 5528.32 of the Revised Code to meet in full all payments of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, shall be distributed as follows:~~

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

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

pursuant to section 5531.09 of the Revised Code for the purpose of 2039
acquiring or constructing roads, highways, bridges, or viaducts or 2040
acquiring or making other highway improvements for which the board 2041
of county commissioners may issue bonds under such chapter; and 2042
for no other purpose. 2043

(B) Five per cent of all such moneys, together with interest 2044
earned by the treasurer of state as provided in section 4501.03 of 2045
the Revised Code, shall constitute a fund for the use of the 2046
several counties for the purposes specified in division (C) of 2047
this section. The moneys shall be divided equally among all the 2048
counties in the state and shall be paid out by the registrar of 2049
motor vehicles in equal proportions to the county auditor of each 2050
county within the state. 2051

(C) Forty-seven per cent of all such moneys shall be for the 2052
use of the county in which the owner resides or in which the place 2053
is located at which the established business or branch business in 2054
connection with which the motor vehicle registered is used, for 2055
the planning, construction, reconstruction, improvement, 2056
maintenance, and repair of roads and highways; maintaining and 2057
repairing bridges and viaducts; and the payment of principal, 2058
interest, and charges on bonds and other obligations issued 2059
pursuant to Chapter 133. of the Revised Code or incurred pursuant 2060
to section 5531.09 of the Revised Code for the purpose of 2061
acquiring or constructing roads, highways, bridges, or viaducts or 2062
acquiring or making other highway improvements for which the board 2063
of county commissioners may issue bonds under such chapter. 2064

(D) Nine per cent of all such moneys shall be for the use of 2065
the several counties for the purposes specified in division (C) of 2066
this section and shall be distributed to the several counties in 2067
the ratio which the total number of miles of county roads under 2068
the jurisdiction of each board of county commissioners in each 2069
county bears to the total number of miles of county roads in the 2070

state, as determined by the director of transportation. Before 2071
such distribution is made each board of county commissioners shall 2072
certify in writing to the director the actual number of miles 2073
under its statutory jurisdiction which are used by and maintained 2074
for the public. 2075

(E) Five per cent of all such moneys shall be for the use of 2076
the several townships and shall be distributed to the several 2077
townships in the ratio which the total number of miles of township 2078
roads under the jurisdiction of each board of township trustees in 2079
each township bears to the total number of miles of township roads 2080
in the state, as determined by the director of transportation. 2081
Before such distribution is made each board of township trustees 2082
shall certify in writing to the director the actual number of 2083
miles under its statutory jurisdiction which are used by and 2084
maintained for the public. 2085

Sec. 4501.044. (A) All moneys received under section 4503.65 2086
of the Revised Code and from the tax imposed by section 4503.02 of 2087
the Revised Code on vehicles that are apportionable and to which 2088
the rates specified in divisions (A)(1) to (21) and division (B) 2089
of section 4503.042 of the Revised Code apply shall be paid into 2090
the international registration plan distribution fund, which is 2091
hereby created in the state treasury, and distributed as follows: 2092

(1) First, to make payments to other states that are members 2093
of the international registration plan of the portions of 2094
registration taxes the states are eligible to receive because of 2095
the operation within their borders of apportionable vehicles that 2096
are registered in Ohio; 2097

(2) Second, two and five-tenths per cent of all the moneys 2098
received from apportionable vehicles under section 4503.65 of the 2099
Revised Code that are collected from other international 2100
registration plan jurisdictions commencing on and after October 1, 2101

2009, shall be deposited into the state highway safety fund 2102
established in section 4501.06 of the Revised Code; 2103

(3) Third, forty-two and six-tenths per cent of the moneys 2104
received from apportionable vehicles under divisions (A)(8) to 2105
(21) of section 4503.042 and forty-two and six-tenths per cent of 2106
the balance remaining from the moneys received under section 2107
4503.65 of the Revised Code after distribution under division 2108
(A)(2) of this section shall be deposited in the state treasury to 2109
the credit of the ~~highway obligations bond retirement fund created~~ 2110
~~by section 5528.32 of the Revised Code and used solely for the~~ 2111
~~purposes set forth in that section, except that, from the date the~~ 2112
~~commissioners of the sinking fund make the certification to the~~ 2113
~~treasurer of state on the sufficiency of funds in the highway~~ 2114
~~obligation bond retirement fund as required by section 5528.38 of~~ 2115
~~the Revised Code, and until the thirty first day of December of~~ 2116
~~the year in which the certification is made, the amounts~~ 2117
~~distributed under division (A)(3) of this section shall be~~ 2118
~~credited to the state highway operating safety fund created by~~ 2119
section ~~5735.291~~ 4501.06 of the Revised Code; 2120

(4) Fourth, an amount estimated as the annual costs that the 2121
department of taxation will incur in conducting audits of persons 2122
who have registered motor vehicles under the international 2123
registration plan, one-twelfth of which amount shall be paid by 2124
the registrar of motor vehicles into the international 2125
registration plan auditing fund created by section 5703.12 of the 2126
Revised Code by the fifteenth day of each month; 2127

(5) Fifth, to the state bureau of motor vehicles fund 2128
established in section 4501.25 of the Revised Code, to offset 2129
operating expenses incurred by the bureau of motor vehicles in 2130
administering the international registration plan; 2131

(6) Any moneys remaining in the international registration 2132
plan distribution fund after distribution under divisions (A)(1) 2133

to (5) of this section shall be distributed in accordance with 2134
division (B) of this section. 2135

(B)(1) Moneys received from the tax imposed by section 2136
4503.02 of the Revised Code on vehicles that are apportionable and 2137
to which the rates specified in divisions (A)(1) to (21) and 2138
division (B) of section 4503.042 of the Revised Code apply shall 2139
be distributed and used in the manner provided in section 4501.04 2140
of the Revised Code and rules adopted by the registrar of motor 2141
vehicles for moneys deposited to the credit of the auto 2142
registration distribution fund. 2143

(2) Moneys received from collections under section 4503.65 of 2144
the Revised Code shall be distributed under divisions (B)(2) and 2145
(3) of this section. 2146

Each county, township, and municipal corporation shall 2147
receive an amount such that the ratio that the amount of moneys 2148
received by that county, township, or municipal corporation under 2149
division (B)(1) of this section from apportionable vehicles 2150
registered in Ohio and under section 4503.65 of the Revised Code 2151
from apportionable vehicles registered in other international 2152
registration plan jurisdictions bears to the total amount of 2153
moneys received by all counties, townships, and municipal 2154
corporations under division (B)(1) of this section from 2155
apportionable vehicles registered in Ohio and under section 2156
4503.65 of the Revised Code from apportionable vehicles registered 2157
in other international registration plan jurisdictions equals the 2158
ratio that the amount of moneys that the county, township, or 2159
municipal corporation would receive from apportionable vehicles 2160
registered in Ohio were the moneys from such vehicles distributed 2161
under section 4501.04 of the Revised Code, based solely on the 2162
weight schedules contained in section 4503.042 of the Revised 2163
Code, bears to the total amount of money that all counties, 2164
townships, and municipal corporations would receive from 2165

apportionable vehicles registered in Ohio were the moneys from 2166
such vehicles distributed under section 4501.04 of the Revised 2167
Code, based solely on the weight schedules contained in section 2168
4503.042 of the Revised Code. 2169

No county, township, or municipal corporation shall receive 2170
under division (B)(2) of this section an amount greater than the 2171
amount of money that that county, township, or municipal 2172
corporation would receive from apportionable vehicles registered 2173
in Ohio were the money from the taxation of such vehicles 2174
distributed under section 4501.04 of the Revised Code based solely 2175
on the weight schedules contained in section 4503.042 of the 2176
Revised Code. 2177

(3) If, at the end of the distribution year, the total of all 2178
moneys received under section 4503.65 of the Revised Code exceeds 2179
the total moneys subject to distribution under division (B)(2) of 2180
this section, the registrar shall distribute to each county, 2181
township, and municipal corporation a portion of the excess. The 2182
excess shall be distributed to counties, townships, and municipal 2183
corporations in the same proportion that the revenues received by 2184
each county, township, and municipal corporation from collections 2185
under section 4503.02 and from collections under section 4503.65 2186
of the Revised Code during that distribution year bears to the 2187
total revenues received by counties, townships, and municipal 2188
corporations from taxes levied under section 4503.02 and from 2189
collections under section 4503.65 of the Revised Code during that 2190
distribution year. 2191

(C) All moneys received from the administrative fee imposed 2192
by division (C) of section 4503.042 of the Revised Code shall be 2193
deposited to the credit of the state bureau of motor vehicles fund 2194
established in section 4501.25 of the Revised Code, to offset 2195
operating expenses incurred by the bureau of motor vehicles in 2196
administering the international registration plan. 2197

(D) All investment earnings of the international registration
plan distribution fund shall be credited to the fund.

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

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

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

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

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

Sec. 4501.06. The taxes, fees, and fines levied, charged, or

referred to in division (A)(3) of section 4501.044, division 2228
(A)(1) of section 4501.045, division (O) of section 4503.04, 2229
division (E) of section 4503.042, division (B) of section 4503.07, 2230
division (C)(1) of section 4503.10, division (D) of section 2231
4503.182, division (A) of section 4503.19, division (D)(2) of 2232
section 4507.24, division (A) of section 4508.06, and sections 2233
4503.40, 4503.42, 4505.11, 4505.111, 4506.08, 4507.23, 4508.05, 2234
4513.53, and 5502.12 of the Revised Code, and the taxes charged in 2235
section 4503.65 that are distributed in accordance with division 2236
(A)(2) of section 4501.044 of the Revised Code unless otherwise 2237
designated by law, shall be deposited in the state treasury to the 2238
credit of the state highway safety fund, which is hereby created. 2239
Money credited to the fund shall, ~~after receipt of certifications~~ 2240
~~from the commissioners of the sinking fund certifying that there~~ 2241
~~are sufficient moneys to the credit of the highway obligations~~ 2242
~~bond retirement fund created by section 5528.32 of the Revised~~ 2243
~~Code to meet in full all payments of interest, principal, and~~ 2244
~~charges for the retirement of highway obligations issued pursuant~~ 2245
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 2246
~~5528.30 and 5528.31 of the Revised Code due and payable during the~~ 2247
~~current calendar year,~~ be used for the purpose of enforcing and 2248
paying the expenses of administering the law relative to the 2249
registration and operation of motor vehicles on the public roads 2250
or highways. Amounts credited to the fund may also be used to pay 2251
the expenses of administering and enforcing the laws under which 2252
such fees were collected. All investment earnings of the state 2253
highway safety fund shall be credited to the fund. 2254

Sec. 4501.11. (A) There is hereby created in the state 2255
treasury the security, investigations, and policing fund. 2256
Notwithstanding section 5503.04 of the Revised Code, no fines 2257
collected from or money arising from bonds or bail forfeited by 2258
persons apprehended or arrested by state highway patrol troopers 2259

shall be credited to the general revenue fund until sufficient 2260
revenue to fund appropriations for the activities described under 2261
division (B) of this section are credited to the security, 2262
investigations, and policing fund. All investment earnings of the 2263
security, investigations, and policing fund shall be credited to 2264
that fund. 2265

This division does not apply to fines for violations of 2266
division (B) of section 4513.263 of the Revised Code, or to fines 2267
for violations of any municipal ordinance that is substantively 2268
comparable to that division, which fines shall be delivered to the 2269
treasurer of state as provided in division (E) of section 4513.263 2270
of the Revised Code. 2271

(B) The money credited to the security, investigations, and 2272
policing fund shall be used to pay the costs of: 2273

(1) Providing security for the governor, other officials and 2274
dignitaries, the capitol square, and other state property pursuant 2275
to division (E) of section 5503.02 of the Revised Code; 2276

(2) Undertaking major criminal investigations that involve 2277
state property interests; 2278

(3) Providing traffic control and security for the Ohio 2279
expositions commission on a full-time, year-round basis; 2280

(4) Performing nonhighway-related duties of the state highway 2281
patrol at the Ohio state fair; 2282

~~(5) Coordinating homeland security activities. 2283~~

Sec. 4501.21. (A) There is hereby created in the state 2284
treasury the license plate contribution fund. The fund shall 2285
consist of all contributions paid by motor vehicle registrants and 2286
collected by the registrar of motor vehicles pursuant to sections 2287
4503.491, 4503.492, 4503.493, 4503.494, 4503.496, 4503.498, 2288
4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 2289

4503.522, 4503.523, 4503.524, 4503.525, 4503.526, 4503.531, 2290
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 2291
4503.554, 4503.561, 4503.562, 4503.564, 4503.576, 4503.591, 2292
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 2293
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 2294
4503.85, 4503.86, 4503.89, 4503.90, 4503.92, and 4503.94 of the 2295
Revised Code. 2296

(B) The registrar shall pay the contributions the registrar 2297
collects in the fund as follows: 2298

The registrar shall pay the contributions received pursuant 2299
to section 4503.491 of the Revised Code to the breast cancer fund 2300
of Ohio, which shall use that money only to pay for programs that 2301
provide assistance and education to Ohio breast cancer patients 2302
and that improve access for such patients to quality health care 2303
and clinical trials and shall not use any of the money for 2304
abortion information, counseling, services, or other 2305
abortion-related activities. 2306

The registrar shall pay the contributions the registrar 2307
receives pursuant to section 4503.492 of the Revised Code to the 2308
organization cancer support community central Ohio, which shall 2309
deposit the money into the Sheryl L. Kraner Fund of that 2310
organization. Cancer support community central Ohio shall expend 2311
the money it receives pursuant to this division only in the same 2312
manner and for the same purposes as that organization expends 2313
other money in that fund. 2314

The registrar shall pay the contributions received pursuant 2315
to section 4503.493 of the Revised Code to the autism society of 2316
Ohio, which shall use the contributions for programs and autism 2317
awareness efforts throughout the state. 2318

The registrar shall pay the contributions the registrar 2319
receives pursuant to section 4503.494 of the Revised Code to the 2320

national multiple sclerosis society for distribution in equal 2321
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 2322
chapters of the national multiple sclerosis society. These 2323
chapters shall use the money they receive under this section to 2324
assist in paying the expenses they incur in providing services 2325
directly to their clients. 2326

The registrar shall pay the contributions the registrar 2327
receives pursuant to section 4503.496 of the Revised Code to the 2328
Ohio sickle cell and health association, which shall use the 2329
contributions to help support educational, clinical, and social 2330
support services for adults who have sickle cell disease. 2331

The registrar shall pay the contributions the registrar 2332
receives pursuant to section 4503.498 of the Revised Code to 2333
special olympics Ohio, inc., which shall use the contributions for 2334
its programs, charitable efforts, and other activities. 2335

The registrar shall pay the contributions the registrar 2336
receives pursuant to section 4503.499 of the Revised Code to the 2337
children's glioma cancer foundation, which shall use the 2338
contributions for its research and other programs. 2339

The registrar shall pay the contributions the registrar 2340
receives pursuant to section 4503.50 of the Revised Code to the 2341
future farmers of America foundation, which shall deposit the 2342
contributions into its general account to be used for educational 2343
and scholarship purposes of the future farmers of America 2344
foundation. 2345

The registrar shall pay the contributions the registrar 2346
receives pursuant to section 4503.501 of the Revised Code to the 2347
4-H youth development program of the Ohio state university 2348
extension program, which shall use those contributions to pay the 2349
expenses it incurs in conducting its educational activities. 2350

The registrar shall pay the contributions received pursuant 2351

to section 4503.502 of the Revised Code to the Ohio cattlemen's 2352
foundation, which shall use those contributions for scholarships 2353
and other educational activities. 2354

The registrar shall pay the contributions received pursuant 2355
to section 4503.505 of the Revised Code to the organization Ohio 2356
region phi theta kappa, which shall use those contributions for 2357
scholarships for students who are members of that organization. 2358

The registrar shall pay each contribution the registrar 2359
receives pursuant to section 4503.51 of the Revised Code to the 2360
university or college whose name or marking or design appears on 2361
collegiate license plates that are issued to a person under that 2362
section. A university or college that receives contributions from 2363
the fund shall deposit the contributions into its general 2364
scholarship fund. 2365

The registrar shall pay the contributions the registrar 2366
receives pursuant to section 4503.522 of the Revised Code to the 2367
"friends of Perry's victory and international peace memorial, 2368
incorporated," a nonprofit corporation organized under the laws of 2369
this state, to assist that organization in paying the expenses it 2370
incurs in sponsoring or holding charitable, educational, and 2371
cultural events at the monument. 2372

The registrar shall pay the contributions the registrar 2373
receives pursuant to section 4503.523 of the Revised Code to the 2374
fairport lights foundation, which shall use the money to pay for 2375
the restoration, maintenance, and preservation of the lighthouses 2376
of fairport harbor. 2377

The registrar shall pay the contributions the registrar 2378
receives pursuant to section 4503.524 of the Revised Code to the 2379
Massillon tiger football booster club, which shall use the 2380
contributions only to promote and support the football team of 2381
Washington high school of the Massillon city school district. 2382

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to 2414
the registrar pursuant to section 4503.545 of the Revised Code to 2415
the national rifle association foundation, which shall use the 2416
money to pay the costs of the educational activities and programs 2417
the foundation holds or sponsors in this state. 2418

The registrar shall pay to the Ohio pet fund the 2419
contributions the registrar receives pursuant to section 4503.551 2420
of the Revised Code and any other money from any other source, 2421
including donations, gifts, and grants, that is designated by the 2422
source to be paid to the Ohio pet fund. The Ohio pet fund shall 2423
use the moneys it receives under this section to support programs 2424
for the sterilization of dogs and cats and for educational 2425
programs concerning the proper veterinary care of those animals, 2426
and for expenses of the Ohio pet fund that are reasonably 2427
necessary for it to obtain and maintain its tax-exempt status and 2428
to perform its duties. 2429

The registrar shall pay the contributions the registrar 2430
receives pursuant to section 4503.552 of the Revised Code to the 2431
rock and roll hall of fame and museum, incorporated. 2432

The registrar shall pay the contributions the registrar 2433
receives pursuant to section 4503.553 of the Revised Code to the 2434
Ohio coalition for animals, incorporated, a nonprofit corporation. 2435
Except as provided in division (B) of this section, the coalition 2436
shall distribute the money to its members, and the members shall 2437
use the money only to pay for educational, charitable, and other 2438
programs of each coalition member that provide care for unwanted, 2439
abused, and neglected horses. The Ohio coalition for animals may 2440
use a portion of the money to pay for reasonable marketing costs 2441
incurred in the design and promotion of the license plate and for 2442
administrative costs incurred in the disbursement and management 2443
of funds received under this section. 2444

The registrar shall pay the contributions the registrar 2445

receives pursuant to section 4503.554 of the Revised Code to the 2446
Ohio state council of the knights of Columbus, which shall use the 2447
contributions to pay for its charitable activities and programs. 2448

The registrar shall pay the contributions the registrar 2449
receives pursuant to section 4503.561 of the Revised Code to the 2450
state of Ohio chapter of ducks unlimited, inc., which shall 2451
deposit the contributions into a special bank account that it 2452
establishes. The special bank account shall be separate and 2453
distinct from any other account the state of Ohio chapter of ducks 2454
unlimited, inc., maintains and shall be used exclusively for the 2455
purpose of protecting, enhancing, restoring, and managing wetlands 2456
and conserving wildlife habitat. The state of Ohio chapter of 2457
ducks unlimited, inc., annually shall notify the registrar in 2458
writing of the name, address, and account to which such payments 2459
are to be made. 2460

The registrar shall pay the contributions the registrar 2461
receives pursuant to section 4503.562 of the Revised Code to the 2462
Mahoning river consortium, which shall use the money to pay the 2463
expenses it incurs in restoring and maintaining the Mahoning river 2464
watershed. 2465

The registrar shall pay the contributions the registrar 2466
receives pursuant to section 4503.564 of the Revised Code to 2467
Antioch college for the use of the Glen Helen ecology institute to 2468
pay expenses related to the Glen Helen nature preserve. 2469

The registrar shall pay the contributions the registrar 2470
receives pursuant to section 4503.576 of the Revised Code to the 2471
Ohio state beekeepers association, which shall use those 2472
contributions to promote beekeeping, provide educational 2473
information about beekeeping, and to support other state and local 2474
beekeeping programs. 2475

The registrar shall pay to a sports commission created 2476

pursuant to section 4503.591 of the Revised Code each contribution 2477
the registrar receives under that section that an applicant pays 2478
to obtain license plates that bear the logo of a professional 2479
sports team located in the county of that sports commission and 2480
that is participating in the license plate program pursuant to 2481
division (E) of that section, irrespective of the county of 2482
residence of an applicant. 2483

The registrar shall pay to a community charity each 2484
contribution the registrar receives under section 4503.591 of the 2485
Revised Code that an applicant pays to obtain license plates that 2486
bear the logo of a professional sports team that is participating 2487
in the license plate program pursuant to division (G) of that 2488
section. 2489

The registrar shall pay the contributions the registrar 2490
receives pursuant to section 4503.67 of the Revised Code to the 2491
Dan Beard council of the boy scouts of America. The council shall 2492
distribute all contributions in an equitable manner throughout the 2493
state to regional councils of the boy scouts. 2494

The registrar shall pay the contributions the registrar 2495
receives pursuant to section 4503.68 of the Revised Code to the 2496
great river council of the girl scouts of the United States of 2497
America. The council shall distribute all contributions in an 2498
equitable manner throughout the state to regional councils of the 2499
girl scouts. 2500

The registrar shall pay the contributions the registrar 2501
receives pursuant to section 4503.69 of the Revised Code to the 2502
Dan Beard council of the boy scouts of America. The council shall 2503
distribute all contributions in an equitable manner throughout the 2504
state to regional councils of the boy scouts. 2505

The registrar shall pay the contributions the registrar 2506
receives pursuant to section 4503.701 of the Revised Code to the 2507

Prince Hall grand lodge of free and accepted masons of Ohio, which 2508
shall use the contributions for scholarship purposes. 2509

The registrar shall pay the contributions the registrar 2510
receives pursuant to section 4503.71 of the Revised Code to the 2511
fraternal order of police of Ohio, incorporated, which shall 2512
deposit the fees into its general account to be used for purposes 2513
of the fraternal order of police of Ohio, incorporated. 2514

The registrar shall pay the contributions the registrar 2515
receives pursuant to section 4503.711 of the Revised Code to the 2516
fraternal order of police of Ohio, incorporated, which shall 2517
deposit the contributions into an account that it creates to be 2518
used for the purpose of advancing and protecting the law 2519
enforcement profession, promoting improved law enforcement 2520
methods, and teaching respect for law and order. 2521

The registrar shall pay the contributions received pursuant 2522
to section 4503.712 of the Revised Code to Ohio concerns of police 2523
survivors, which shall use those contributions to provide whatever 2524
assistance may be appropriate to the families of Ohio law 2525
enforcement officers who are killed in the line of duty. 2526

The registrar shall pay the contributions received pursuant 2527
to section 4503.713 of the Revised Code to the greater Cleveland 2528
peace officers memorial society, which shall use those 2529
contributions to honor law enforcement officers who have died in 2530
the line of duty and support its charitable purposes. 2531

The registrar shall pay the contributions the registrar 2532
receives pursuant to section 4503.72 of the Revised Code to the 2533
organization known on March 31, 2003, as the Ohio CASA/GAL 2534
association, a private, nonprofit corporation organized under 2535
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 2536
shall use these contributions to pay the expenses it incurs in 2537
administering a program to secure the proper representation in the 2538

courts of this state of abused, neglected, and dependent children, 2539
and for the training and supervision of persons participating in 2540
that program. 2541

The registrar shall pay the contributions the registrar 2542
receives pursuant to section 4503.73 of the Revised Code to Wright 2543
B. Flyer, incorporated, which shall deposit the contributions into 2544
its general account to be used for purposes of Wright B. Flyer, 2545
incorporated. 2546

The registrar shall pay the contributions the registrar 2547
receives pursuant to section 4503.732 of the Revised Code to the 2548
Siegel & Shuster society, a nonprofit organization dedicated to 2549
commemorating and celebrating the creation of Superman in 2550
Cleveland, Ohio. 2551

The registrar shall pay the contributions the registrar 2552
receives pursuant to section 4503.74 of the Revised Code to the 2553
Columbus zoological park association, which shall disburse the 2554
moneys to Ohio's major metropolitan zoos, as defined in section 2555
4503.74 of the Revised Code, in accordance with a written 2556
agreement entered into by the major metropolitan zoos. 2557

The registrar shall pay the contributions the registrar 2558
receives pursuant to section 4503.75 of the Revised Code to the 2559
rotary foundation, located on March 31, 2003, in Evanston, 2560
Illinois, to be placed in a fund known as the permanent fund and 2561
used to endow educational and humanitarian programs of the rotary 2562
foundation. 2563

The registrar shall pay the contributions the registrar 2564
receives pursuant to section 4503.751 of the Revised Code to the 2565
Ohio association of realtors, which shall deposit the 2566
contributions into a property disaster relief fund maintained 2567
under the Ohio realtors charitable and education foundation. 2568

The registrar shall pay the contributions the registrar 2569

receives pursuant to section 4503.85 of the Revised Code to the 2570
Ohio sea grant college program to be used for Lake Erie area 2571
research projects. 2572

The registrar shall pay the contributions the registrar 2573
receives pursuant to section 4503.86 of the Revised Code to the 2574
Ohio Lincoln highway historic byway, which shall use those 2575
contributions solely to promote and support the historical 2576
preservation and advertisement of the Lincoln highway in this 2577
state. 2578

The registrar shall pay the contributions the registrar 2579
receives pursuant to section 4503.89 of the Revised Code to the 2580
American red cross of greater Columbus on behalf of the Ohio 2581
chapters of the American red cross, which shall use the 2582
contributions for disaster readiness, preparedness, and response 2583
programs on a statewide basis. 2584

The registrar shall pay the contributions the registrar 2585
receives pursuant to section 4503.90 of the Revised Code to the 2586
nationwide children's hospital foundation. 2587

The registrar shall pay the contributions received pursuant 2588
to section 4503.92 of the Revised Code to support our troops, 2589
incorporated, a national nonprofit corporation, which shall use 2590
those contributions in accordance with its articles of 2591
incorporation and for the benefit of servicemembers of the armed 2592
forces of the United States and their families when they are in 2593
financial need. 2594

The registrar shall pay the contributions the registrar 2595
receives pursuant to section 4503.94 of the Revised Code to the 2596
Michelle's leading star foundation, which shall use the money 2597
solely to fund the rental, lease, or purchase of the simulated 2598
driving curriculum of the Michelle's leading star foundation by 2599
boards of education of city, exempted village, local, and joint 2600

vocational school districts. 2601

(C) All investment earnings of the license plate contribution 2602
fund shall be credited to the fund. Not later than the first day 2603
of May of every year, the registrar shall distribute to each 2604
entity described in division (B) of this section the investment 2605
income the fund earned the previous calendar year. The amount of 2606
such a distribution paid to an entity shall be proportionate to 2607
the amount of money the entity received from the fund during the 2608
previous calendar year. 2609

Sec. 4501.26. The unidentified public safety receipts fund is 2610
hereby created in the state treasury. The fund shall consist of 2611
money received by the department of public safety that is 2612
provisional in nature or for which proper identification or 2613
disposition cannot immediately be determined. Refunds and other 2614
disbursements from the fund shall be made once proper 2615
identification and disposition is determined. All investment 2616
earnings of the fund shall be credited to the state bureau of 2617
motor vehicles fund created in section 4501.25 of the Revised 2618
Code. 2619

Sec. 4501.34. (A) The registrar of motor vehicles may adopt 2620
and publish rules to govern the registrar's proceedings. All 2621
proceedings of the registrar shall be open to the public, and all 2622
documents in the registrar's possession are public records. The 2623
registrar shall adopt a seal bearing the inscription: "Motor 2624
Vehicle Registrar of Ohio." The seal shall be affixed to all writs 2625
and authenticated copies of records, and, when it has been so 2626
attached, the copies shall be received in evidence with the same 2627
effect as other public records. All courts shall take judicial 2628
notice of the seal. 2629

(B) Upon the request of any person accompanied by a 2630

nonrefundable fee of five dollars per name, the registrar may 2631
furnish lists of names and addresses as they appear upon the 2632
applications for driver's licenses, provided that any further 2633
information contained in the applications shall not be disclosed. 2634
The registrar shall pay ~~two dollars~~ of each five-dollar fee 2635
collected into the state treasury to the credit of the state 2636
bureau of motor vehicles fund established in section 4501.25 of 2637
the Revised Code. ~~Of the remaining three dollars of each such fee~~ 2638
~~the registrar collects, the registrar shall deposit sixty cents~~ 2639
~~into the state treasury to the credit of the trauma and emergency~~ 2640
~~medical services fund established in section 4513.263 of the~~ 2641
~~Revised Code, sixty cents into the state treasury to the credit of~~ 2642
~~the homeland security fund established in section 5502.03 of the~~ 2643
~~Revised Code, thirty cents into the state treasury to the credit~~ 2644
~~of the investigations fund established in section 5502.131 of the~~ 2645
~~Revised Code, one dollar and twenty five cents into the state~~ 2646
~~treasury to the credit of the emergency management agency service~~ 2647
~~and reimbursement fund established in section 5502.39 of the~~ 2648
~~Revised Code, and twenty five cents into the state treasury to the~~ 2649
~~credit of the justice program services fund established in section~~ 2650
~~5502.67 of the Revised Code.~~ 2651

This division does not apply to the list of qualified driver 2652
licensees required to be compiled and filed pursuant to section 2653
2313.06 of the Revised Code. 2654

Sec. 4503.04. Except as provided in sections 4503.042 and 2655
4503.65 of the Revised Code for the registration of commercial 2656
cars, trailers, semitrailers, and certain buses, the rates of the 2657
taxes imposed by section 4503.02 of the Revised Code shall be as 2658
follows: 2659

(A) For motor vehicles having three wheels or less, the 2660
license tax is: 2661

(1) For each motorized bicycle, ten dollars;	2662
(2) For each motorcycle <u>or cab-enclosed motorcycle</u> , fourteen dollars.	2663 2664
(B) For each passenger car, twenty dollars;	2665
(C) For each manufactured home, each mobile home, and each travel trailer, ten dollars;	2666 2667
(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;	2668 2669 2670 2671 2672 2673
(E) For each noncommercial trailer, the license tax is:	2674
(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	2675 2676 2677
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	2678 2679 2680
(F) Notwithstanding its weight, twelve dollars for any:	2681
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	2682 2683 2684
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into and out of the van;	2685 2686 2687 2688
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	2689 2690

(G) Notwithstanding its weight, twenty dollars for any bus 2691
used principally for the transportation of persons in a 2692
ridesharing arrangement. 2693

(H) For each transit bus having motor power the license tax 2694
is twelve dollars. 2695

"Transit bus" means either a motor vehicle having a seating 2696
capacity of more than seven persons which is operated and used by 2697
any person in the rendition of a public mass transportation 2698
service primarily in a municipal corporation or municipal 2699
corporations and provided at least seventy-five per cent of the 2700
annual mileage of such service and use is within such municipal 2701
corporation or municipal corporations or a motor vehicle having a 2702
seating capacity of more than seven persons which is operated 2703
solely for the transportation of persons associated with a 2704
charitable or nonprofit corporation, but does not mean any motor 2705
vehicle having a seating capacity of more than seven persons when 2706
such vehicle is used in a ridesharing capacity or any bus 2707
described by division (F)(3) of this section. 2708

The application for registration of such transit bus shall be 2709
accompanied by an affidavit prescribed by the registrar of motor 2710
vehicles and signed by the person or an agent of the firm or 2711
corporation operating such bus stating that the bus has a seating 2712
capacity of more than seven persons, and that it is either to be 2713
operated and used in the rendition of a public mass transportation 2714
service and that at least seventy-five per cent of the annual 2715
mileage of such operation and use shall be within one or more 2716
municipal corporations or that it is to be operated solely for the 2717
transportation of persons associated with a charitable or 2718
nonprofit corporation. 2719

The form of the license plate, and the manner of its 2720
attachment to the vehicle, shall be prescribed by the registrar of 2721
motor vehicles. 2722

(I) ~~The~~ Except as otherwise provided in division (A) or (J) 2723
of this section, the minimum tax for any vehicle having motor 2724
power ~~other than a farm truck, a motorized bicycle, or motorcycle~~ 2725
is ten dollars and eighty cents, and for each noncommercial 2726
trailer, five dollars. 2727

(J)(1) Except as otherwise provided in division (J) of this 2728
section, for each farm truck, except a noncommercial motor 2729
vehicle, that is owned, controlled, or operated by one or more 2730
farmers exclusively in farm use as defined in this section, and 2731
not for commercial purposes, and provided that at least 2732
seventy-five per cent of such farm use is by or for the one or 2733
more owners, controllers, or operators of the farm in the 2734
operation of which a farm truck is used, the license tax is five 2735
dollars plus: 2736

(a) Fifty cents per one hundred pounds or part thereof for 2737
the first three thousand pounds; 2738

(b) Seventy cents per one hundred pounds or part thereof in 2739
excess of three thousand pounds up to and including four thousand 2740
pounds; 2741

(c) Ninety cents per one hundred pounds or part thereof in 2742
excess of four thousand pounds up to and including six thousand 2743
pounds; 2744

(d) Two dollars for each one hundred pounds or part thereof 2745
in excess of six thousand pounds up to and including ten thousand 2746
pounds; 2747

(e) Two dollars and twenty-five cents for each one hundred 2748
pounds or part thereof in excess of ten thousand pounds; 2749

(f) The minimum license tax for any farm truck shall be 2750
twelve dollars. 2751

(2) The owner of a farm truck may register the truck for a 2752

period of one-half year by paying one-half the registration tax 2753
imposed on the truck under this chapter and one-half the amount of 2754
any tax imposed on the truck under Chapter 4504. of the Revised 2755
Code. 2756

(3) A farm bus may be registered for a period of two hundred 2757
ten days from the date of issue of the license plates for the bus, 2758
for a fee of ten dollars, provided such license plates shall not 2759
be issued for more than one such period in any calendar year. Such 2760
use does not include the operation of trucks by commercial 2761
processors of agricultural products. 2762

(4) License plates for farm trucks and for farm buses shall 2763
have some distinguishing marks, letters, colors, or other 2764
characteristics to be determined by the director of public safety. 2765

(5) Every person registering a farm truck or bus under this 2766
section shall furnish an affidavit certifying that the truck or 2767
bus licensed to that person is to be so used as to meet the 2768
requirements necessary for the farm truck or farm bus 2769
classification. 2770

Any farmer may use a truck owned by the farmer for commercial 2771
purposes by paying the difference between the commercial truck 2772
registration fee and the farm truck registration fee for the 2773
remaining part of the registration period for which the truck is 2774
registered. Such remainder shall be calculated from the beginning 2775
of the semiannual period in which application for such commercial 2776
license is made. 2777

Taxes at the rates provided in this section are in lieu of 2778
all taxes on or with respect to the ownership of such motor 2779
vehicles, except as provided in section 4503.042 and section 2780
4503.06 of the Revised Code. 2781

(K) Other than trucks registered under the international 2782
registration plan in another jurisdiction and for which this state 2783

has received an apportioned registration fee, the license tax for 2784
each truck which is owned, controlled, or operated by a 2785
nonresident, and licensed in another state, and which is used 2786
exclusively for the transportation of nonprocessed agricultural 2787
products intrastate, from the place of production to the place of 2788
processing, is twenty-four dollars. 2789

"Truck," as used in this division, means any pickup truck, 2790
straight truck, semitrailer, or trailer other than a travel 2791
trailer. Nonprocessed agricultural products, as used in this 2792
division, does not include livestock or grain. 2793

A license issued under this division shall be issued for a 2794
period of one hundred thirty days in the same manner in which all 2795
other licenses are issued under this section, provided that no 2796
truck shall be so licensed for more than one 2797
one-hundred-thirty-day period during any calendar year. 2798

The license issued pursuant to this division shall consist of 2799
a windshield decal to be designed by the director of public 2800
safety. 2801

Every person registering a truck under this division shall 2802
furnish an affidavit certifying that the truck licensed to the 2803
person is to be used exclusively for the purposes specified in 2804
this division. 2805

(L) Every person registering a motor vehicle as a 2806
noncommercial motor vehicle as defined in section 4501.01 of the 2807
Revised Code, or registering a trailer as a noncommercial trailer 2808
as defined in that section, shall furnish an affidavit certifying 2809
that the motor vehicle or trailer so licensed to the person is to 2810
be so used as to meet the requirements necessary for the 2811
noncommercial vehicle classification. 2812

(M) Every person registering a van or bus as provided in 2813
divisions (F)(2) and (3) of this section shall furnish a notarized 2814

statement certifying that the van or bus licensed to the person is 2815
to be used for the purposes specified in those divisions. The form 2816
of the license plate issued for such motor vehicles shall be 2817
prescribed by the registrar. 2818

(N) Every person registering as a passenger car a motor 2819
vehicle designed and used for carrying more than nine but not more 2820
than fifteen passengers, and every person registering a bus as 2821
provided in division (G) of this section, shall furnish an 2822
affidavit certifying that the vehicle so licensed to the person is 2823
to be used in a ridesharing arrangement and that the person will 2824
have in effect whenever the vehicle is used in a ridesharing 2825
arrangement a policy of liability insurance with respect to the 2826
motor vehicle in amounts and coverages no less than those required 2827
by section 4509.79 of the Revised Code. The form of the license 2828
plate issued for such a motor vehicle shall be prescribed by the 2829
registrar. 2830

(O)(1) Commencing on October 1, 2009, if an application for 2831
registration renewal is not applied for prior to the expiration 2832
date of the registration or within thirty days after that date, 2833
the registrar or deputy registrar shall collect a fee of ten 2834
dollars for the issuance of the vehicle registration. For any 2835
motor vehicle that is used on a seasonal basis, whether used for 2836
general transportation or not, and that has not been used on the 2837
public roads or highways since the expiration of the registration, 2838
the registrar or deputy registrar shall waive the fee established 2839
under this division if the application is accompanied by 2840
supporting evidence of seasonal use as the registrar may require. 2841
The registrar or deputy registrar may waive the fee for other good 2842
cause shown if the application is accompanied by supporting 2843
evidence as the registrar may require. The fee shall be in 2844
addition to all other fees established by this section. A deputy 2845
registrar shall retain fifty cents of the fee and shall transmit 2846

the remaining amount to the registrar at the time and in the 2847
manner provided by section 4503.10 of the Revised Code. The 2848
registrar shall deposit all moneys received under this division 2849
into the state highway safety fund established in section 4501.06 2850
of the Revised Code. 2851

(2) Division (O)(1) of this section does not apply to a farm 2852
truck or farm bus registered under division (J) of this section. 2853

(P) As used in this section: 2854

(1) "Van" means any motor vehicle having a single rear axle 2855
and an enclosed body without a second seat. 2856

(2) "Handicapped person" means any person who has lost the 2857
use of one or both legs, or one or both arms, or is blind, deaf, 2858
or so severely disabled as to be unable to move about without the 2859
aid of crutches or a wheelchair. 2860

(3) "Farm truck" means a truck used in the transportation 2861
from the farm of products of the farm, including livestock and its 2862
products, poultry and its products, floricultural and 2863
horticultural products, and in the transportation to the farm of 2864
supplies for the farm, including tile, fence, and every other 2865
thing or commodity used in agricultural, floricultural, 2866
horticultural, livestock, and poultry production and livestock, 2867
poultry, and other animals and things used for breeding, feeding, 2868
or other purposes connected with the operation of the farm. 2869

(4) "Farm bus" means a bus used only for the transportation 2870
of agricultural employees and used only in the transportation of 2871
such employees as are necessary in the operation of the farm. 2872

(5) "Farm supplies" includes fuel used exclusively in the 2873
operation of a farm, including one or more homes located on and 2874
used in the operation of one or more farms, and furniture and 2875
other things used in and around such homes. 2876

Sec. 4503.102. (A) The registrar of motor vehicles shall 2877
adopt rules to establish a centralized system of motor vehicle 2878
registration renewal by mail or by electronic means. Any person 2879
owning a motor vehicle that was registered in the person's name 2880
during the preceding registration year shall renew the 2881
registration of the motor vehicle not more than ninety days prior 2882
to the expiration date of the registration either by mail or by 2883
electronic means through the centralized system of registration 2884
established under this section, or in person at any office of the 2885
registrar or at a deputy registrar's office. 2886

(B)(1) No less than forty-five days prior to the expiration 2887
date of any motor vehicle registration, the registrar shall mail a 2888
renewal notice to the person in whose name the motor vehicle is 2889
registered. The renewal notice shall clearly state that the 2890
registration of the motor vehicle may be renewed by mail or 2891
electronic means through the centralized system of registration or 2892
in person at any office of the registrar or at a deputy 2893
registrar's office and shall be preprinted with information 2894
including, but not limited to, the owner's name and residence 2895
address as shown in the records of the bureau of motor vehicles, a 2896
brief description of the motor vehicle to be registered, notice of 2897
the license taxes and fees due on the motor vehicle, the toll-free 2898
telephone number of the registrar as required under division 2899

(D)(1) of section 4503.031 of the Revised Code, a statement that 2900
payment for a renewal may be made by financial transaction device 2901
using the toll-free telephone number, and any additional 2902
information the registrar may require by rule. The renewal notice 2903
shall not include the social security number of either the owner 2904
of the motor vehicle or the person in whose name the motor vehicle 2905
is registered. The renewal notice shall be sent by regular mail to 2906
the owner's last known address as shown in the records of the 2907
bureau of motor vehicles. 2908

(2) If the application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar or a deputy registrar by division (D) of section 2935.27, division (A) of section 2937.221, division (A) of section 4503.13, division (B) of section 4510.22, or division (B)(1) of section 4521.10 of the Revised Code, the registrar is not required to send a renewal notice to the vehicle owner or vehicle lessee.

(C) The owner of the motor vehicle shall verify the information contained in the notice, sign it either manually or by electronic means, and return it, either by mail or electronic means, or the owner may take it in person to any office of the registrar or of a deputy registrar, ~~together with.~~ The owner shall include with the notice a financial transaction device number when renewing in person or by electronic means but not by mail, when permitted by rule of the registrar, check, or money order in the amount of the registration taxes and fees payable on the motor vehicle and a mail service fee of two dollars and seventy five cents commencing on July 1, 2001, three dollars and twenty five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, plus postage as indicated on the notice, if the registration is renewed or fulfilled by mail, and an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code. For purposes of the centralized system of motor vehicle registration, the registrar shall accept payments via the toll-free telephone number established under division (D)(1) of section 4503.031 of the Revised Code for renewals made by mail. If the motor vehicle owner chooses to renew the motor vehicle registration by electronic means, the owner shall proceed in accordance with the rules the registrar adopts.

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the

current registration year have not been paid, if division (D) of 2941
section 2935.27, division (A) of section 2937.221, division (A) of 2942
section 4503.13, division (B) of section 4510.22, or division 2943
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 2944
of the renewal notice, or if the owner or lessee does not have an 2945
inspection certificate for the motor vehicle as provided in 2946
section 3704.14 of the Revised Code, if that section is 2947
applicable, the license shall be refused, and the registrar or 2948
deputy registrar shall so notify the owner. This section does not 2949
require the payment of license or registration taxes on a motor 2950
vehicle for any preceding year, or for any preceding period of a 2951
year, if the motor vehicle was not taxable for that preceding year 2952
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 2953
4503.16 or Chapter 4504. of the Revised Code. 2954

(E)(1) Failure to receive a renewal notice does not relieve a 2955
motor vehicle owner from the responsibility to renew the 2956
registration for the motor vehicle. Any person who has a motor 2957
vehicle registered in this state and who does not receive a 2958
renewal notice as provided in division (B) of this section prior 2959
to the expiration date of the registration shall request an 2960
application for registration from the registrar or a deputy 2961
registrar and sign the application manually or by electronic means 2962
and submit the application and pay any applicable license taxes 2963
and fees to the registrar or deputy registrar. 2964

(2) If the owner of a motor vehicle submits an application 2965
for registration and the registrar is prohibited by division (D) 2966
of section 2935.27, division (A) of section 2937.221, division (A) 2967
of section 4503.13, division (B) of section 4510.22, or division 2968
(B)(1) of section 4521.10 of the Revised Code from accepting the 2969
application, the registrar shall return the application and the 2970
payment to the owner. If the owner of a motor vehicle submits a 2971
registration renewal application to the registrar by electronic 2972

means and the registrar is prohibited from accepting the 2973
application as provided in this division, the registrar shall 2974
notify the owner of this fact and deny the application and return 2975
the payment or give a credit on the financial transaction device 2976
account of the owner in the manner the registrar prescribes by 2977
rule adopted pursuant to division (A) of this section. 2978

(F) Every deputy registrar shall post in a prominent place at 2979
the deputy's office a notice informing the public of the mail 2980
registration system required by this section and also shall post a 2981
notice that every owner of a motor vehicle and every chauffeur 2982
holding a certificate of registration is required to notify the 2983
registrar in writing of any change of residence within ten days 2984
after the change occurs. The notice shall be in such form as the 2985
registrar prescribes by rule. 2986

(G) ~~The two dollars and seventy five cents fee collected from~~ 2987
~~July 1, 2001, through December 31, 2002, the three dollars and~~ 2988
~~twenty five cents fee collected from January 1, 2003, through~~ 2989
~~December 31, 2003, and the~~ Of each three dollars dollar and fifty 2990
cents cent service fee collected after January 1, 2004 from a 2991
person who renews a motor vehicle registration by electronic means 2992
or by mail, one dollar and seventy-five cents, plus postage ~~and~~ 2993
~~any financial transaction device surcharge~~ collected by the 2994
registrar ~~for registration by mail~~ and any financial transaction 2995
device surcharge collected by the registrar, shall be paid to the 2996
credit of the state bureau of motor vehicles fund established by 2997
section 4501.25 of the Revised Code. The registrar shall remit the 2998
remaining one dollar and seventy-five cents of each service fee to 2999
the deputy registrar whose office is located closest to the 3000
address of the person who paid the service fee as shown in the 3001
records of the bureau. The registrar shall make such remittances 3002
on a monthly basis. 3003

(H)(1) Pursuant to section 113.40 of the Revised Code, the 3004

registrar ~~may~~ shall implement a program permitting payment of 3005
motor vehicle registration taxes and fees, driver's license and 3006
commercial driver's license fees, and any other taxes, fees, 3007
penalties, or charges imposed or levied by the state by means of a 3008
financial transaction device for transactions occurring online, at 3009
any office of the registrar, and at all deputy registrar 3010
locations. The program shall take effect not later than July 1, 3011
2016. The registrar ~~may~~ shall adopt rules as necessary for this 3012
purpose, but all such rules are subject to any action, policy, or 3013
procedure of the board of deposit or treasurer of state taken or 3014
adopted under section 113.40 of the Revised Code. 3015

(2) ~~Commencing~~ The rules adopted under division (H)(1) of 3016
this section shall require a deputy registrar to accept payments 3017
by means of a financial transaction device beginning on the 3018
effective date of the rules unless the deputy registrar contract 3019
entered into by the deputy registrar prohibits the acceptance of 3020
such payments by financial transaction device. However, commencing 3021
with deputy registrar contract awards that have a start date of 3022
July 1, ~~2008~~ 2016, and for all contract awards thereafter, the 3023
registrar shall ~~incorporate in the review process a score for~~ 3024
~~whether or not a proposer states~~ require that the proposer ~~will~~ 3025
accept payment by means of a financial transaction device, 3026
including credit cards and debit cards, for all department of 3027
public safety transactions conducted at that deputy registrar 3028
location. 3029

~~A deputy registrar shall not be required to accept payment by~~ 3030
~~means of a financial transaction device unless the deputy~~ 3031
~~registrar agreed to do so in the deputy registrar's contract. The~~ 3032
bureau ~~shall~~ and deputy registrars are not ~~be~~ required to pay any 3033
costs ~~incurred by a deputy registrar who accepts~~ that result from 3034
accepting payment by means of a financial transaction device ~~that~~ 3035
~~result from the deputy registrar accepting payment by means of a~~ 3036

~~financial transaction device. A deputy registrar may charge a~~ 3037
~~person who tenders payment for a department transaction by means~~ 3038
~~of a financial transaction device any cost the deputy registrar~~ 3039
~~incurs from accepting payment by the financial transaction device,~~ 3040
~~but the deputy registrar shall not require the person to pay any~~ 3041
~~additional fee of any kind in connection with the use by the~~ 3042
~~person of the financial transaction device.~~ 3043

(3) A ~~In accordance with division (H)(1) of this section and~~ 3044
~~rules adopted by the registrar under that division, a county~~ 3045
~~auditor or clerk of a court of common pleas that is designated a~~ 3046
~~deputy registrar may choose to shall~~ accept payment by means of a 3047
financial transaction device, including credit cards and debit 3048
cards, for all department ~~of public safety~~ transactions conducted 3049
at the office of the county auditor ~~or clerk~~ in the county 3050
auditor's ~~or clerk's~~ capacity as deputy registrar. The bureau 3051
~~shall~~ is not be required to pay any costs incurred by a county 3052
auditor ~~who accepts~~ or clerk that result from accepting payment by 3053
means of a financial transaction device ~~that result from the~~ 3054
~~county auditor accepting payment by means of a financial~~ 3055
~~transaction device~~ for any ~~such~~ department ~~of public safety~~ 3056
transaction. 3057

(I) For persons who reside in counties where tailpipe 3058
emissions inspections are required under the motor vehicle 3059
inspection and maintenance program, the notice required by 3060
division (B) of this section shall also include the toll-free 3061
telephone number maintained by the Ohio environmental protection 3062
agency to provide information concerning the locations of 3063
emissions testing centers. 3064

Sec. 4503.103. (A)(1) The registrar of motor vehicles may 3065
adopt rules to permit any person or lessee, other than a person 3066
receiving an apportioned license plate under the international 3067

registration plan, who owns or leases one or more motor vehicles 3068
to file a written application for registration for no more than 3069
five succeeding registration years. The rules adopted by the 3070
registrar may designate the classes of motor vehicles that are 3071
eligible for such registration. At the time of application, all 3072
annual taxes and fees shall be paid for each year for which the 3073
person is registering. 3074

(2)(a) Not later than December 31, 2013, the registrar shall 3075
adopt rules to permit any person or lessee who owns or leases a 3076
trailer or semitrailer that is subject to the tax rates prescribed 3077
in section 4503.042 of the Revised Code for such trailers or 3078
semitrailers to file a written application for registration for 3079
any number of succeeding registration years, including a permanent 3080
registration. At the time of application, all annual taxes and 3081
fees shall be paid for each year for which the person is 3082
registering, provided that the annual taxes due, regardless of the 3083
number of years for which the person is registering, shall not 3084
exceed two hundred dollars. A person who registers a vehicle under 3085
division (A)(2) of this section shall pay for each year of 3086
registration the additional fee established under division (C)(1) 3087
of section 4503.10 of the Revised Code, provided that the 3088
additional fee due, regardless of the number of years for which 3089
the person is registering, shall not exceed eighty-eight dollars. 3090
The person also shall pay one single deputy registrar service fee 3091
in the amount specified in division (D) of section 4503.10 of the 3092
Revised Code or one single bureau of motor vehicles service fee in 3093
the amount specified in division (G) of that section, as 3094
applicable, regardless of the number of years for which the person 3095
is registering. 3096

(b) In addition, each person registering a trailer or 3097
semitrailer under division (A)(2)(a) of this section shall pay any 3098
applicable local motor vehicle license tax levied under Chapter 3099

4504. of Revised Code for each year for which the person is 3100
registering, provided that not more than eight times any such 3101
annual local taxes shall be due upon registration. 3102

(c) The period of registration for a trailer or semitrailer 3103
registered under division (A)(2)(a) of this section is exclusive 3104
to the trailer or semitrailer for which that certificate of 3105
registration is issued and is not transferable to any other 3106
trailer or semitrailer if the registration is a permanent 3107
registration. 3108

(3) Except as provided in division (A)(4) of this section, 3109
the registrar shall adopt rules to permit any person who owns a 3110
motor vehicle to file an application for registration for not more 3111
than five succeeding registration years. At the time of 3112
application, the person shall pay the annual taxes and fees for 3113
each registration year, calculated in accordance with division (C) 3114
of section 4503.11 of the Revised Code. A person who is 3115
registering a vehicle under division (A)(3) of this section shall 3116
pay for each year of registration the additional fee established 3117
under division (C)(1) of section 4503.10 of the Revised Code. The 3118
person shall also pay the deputy registrar service fee or the 3119
bureau of motor vehicles service fee, as follows: 3120

(a) For a two-year registration, the service fee is five 3121
dollars and twenty-five cents. 3122

(b) For a three-year registration, the service fee is eight 3123
dollars. 3124

(c) For a four- or five-year registration, the service fee is 3125
ten dollars. 3126

(4) Division (A)(3) of this section does not apply to a 3127
person receiving an apportioned license plate under the 3128
international registration plan, or the owner of a commercial car 3129
used solely in intrastate commerce, or the owner of a bus as 3130

defined in section 4513.50 of the Revised Code. 3131

(B) No person applying for a multi-year registration under 3132
division (A) of this section is entitled to a refund of any taxes 3133
or fees paid. 3134

(C) The registrar shall not issue to any applicant who has 3135
been issued a final, nonappealable order under division (D) of 3136
this section a multi-year registration or renewal thereof under 3137
this division or rules adopted under it for any motor vehicle that 3138
is required to be inspected under section 3704.14 of the Revised 3139
Code the district of registration of which, as determined under 3140
section 4503.10 of the Revised Code, is or is located in the 3141
county named in the order. 3142

(D) Upon receipt from the director of environmental 3143
protection of a notice issued under rules adopted under section 3144
3704.14 of the Revised Code indicating that an owner of a motor 3145
vehicle that is required to be inspected under that section who 3146
obtained a multi-year registration for the vehicle under division 3147
(A) of this section or rules adopted under that division has not 3148
obtained a required inspection certificate for the vehicle, the 3149
registrar in accordance with Chapter 119. of the Revised Code 3150
shall issue an order to the owner impounding the certificate of 3151
registration and identification license plates for the vehicle. 3152
The order also shall prohibit the owner from obtaining or renewing 3153
a multi-year registration for any vehicle that is required to be 3154
inspected under that section, the district of registration of 3155
which is or is located in the same county as the county named in 3156
the order during the number of years after expiration of the 3157
current multi-year registration that equals the number of years 3158
for which the current multi-year registration was issued. 3159

An order issued under this division shall require the owner 3160
to surrender to the registrar the certificate of registration and 3161
license plates for the vehicle named in the order within five days 3162

after its issuance. If the owner fails to do so within that time, 3163
the registrar shall certify that fact to the county sheriff or 3164
local police officials who shall recover the certificate of 3165
registration and license plates for the vehicle. 3166

(E) Upon the occurrence of either of the following 3167
circumstances, the registrar in accordance with Chapter 119. of 3168
the Revised Code shall issue to the owner a modified order 3169
rescinding the provisions of the order issued under division (D) 3170
of this section impounding the certificate of registration and 3171
license plates for the vehicle named in that original order: 3172

(1) Receipt from the director of environmental protection of 3173
a subsequent notice under rules adopted under section 3704.14 of 3174
the Revised Code that the owner has obtained the inspection 3175
certificate for the vehicle as required under those rules; 3176

(2) Presentation to the registrar by the owner of the 3177
required inspection certificate for the vehicle. 3178

(F) The owner of a motor vehicle for which the certificate of 3179
registration and license plates have been impounded pursuant to an 3180
order issued under division (D) of this section, upon issuance of 3181
a modified order under division (E) of this section, may apply to 3182
the registrar for their return. A fee of two dollars and fifty 3183
cents shall be charged for the return of the certificate of 3184
registration and license plates for each vehicle named in the 3185
application. 3186

Sec. 4503.11. (A) Except as provided by sections 4503.103, 3187
4503.173, 4503.41, 4503.43, and 4503.46 of the Revised Code, no 3188
person who is the owner or chauffeur of a motor vehicle operated 3189
or driven upon the public roads or highways shall fail to file 3190
annually the application for registration or to pay the tax 3191
therefor. 3192

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

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

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

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

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

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

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

Sec. 4503.111. (A) Within thirty days of becoming a resident of this state, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this state. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this state under a license issued by another state and the person's nonresident operating privileges established under section 4507.04 of the Revised Code are suspended.

(B) For purposes of division (A) of this section, "resident" means any person to whom any of the following applies:

(1) The person has registered to vote in this state.

(2) The person attends a college or university in this state and receives an in-state tuition rate.

(3) The person states the person's address, for purposes of federal or state income taxes, as being in this state.

(4) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.

(5) The person is determined by the registrar of motor

vehicles to be a resident in accordance with standards adopted by 3255
the registrar under section 4507.01 of the Revised Code. 3256

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 3257
application and proof of purchase of the vehicle, may be issued a 3258
temporary license placard or windshield sticker for the motor 3259
vehicle. 3260

The purchaser of a vehicle applying for a temporary license 3261
placard or windshield sticker under this section shall execute an 3262
affidavit stating that the purchaser has not been issued 3263
previously during the current registration year a license plate 3264
that could legally be transferred to the vehicle. 3265

Placards or windshield stickers shall be issued only for the 3266
applicant's use of the vehicle to enable the applicant to legally 3267
operate the motor vehicle while proper title, license plates, and 3268
a certificate of registration are being obtained, and shall be 3269
displayed on no other motor vehicle. 3270

Placards or windshield stickers issued under division (A) of 3271
this section are valid for a period of ~~thirty~~ forty-five days from 3272
date of issuance and are not transferable or renewable. 3273

The fee for the placards or windshield stickers issued under 3274
this section is two dollars plus a service fee of three dollars 3275
and fifty cents. 3276

(B)(1) The registrar of motor vehicles may issue to a 3277
motorized bicycle dealer or a licensed motor vehicle dealer 3278
temporary license placards to be issued to purchasers for use on 3279
vehicles sold by the dealer, in accordance with rules prescribed 3280
by the registrar. The dealer shall notify the registrar, within 3281
forty-eight hours, of the issuance of a placard by electronic 3282
means via computer equipment purchased and maintained by the 3283
dealer or in any other manner prescribed by the registrar. 3284

(2) The fee for each placard issued by the registrar to a dealer is two dollars. The registrar shall charge an additional three dollars and fifty cents for each placard issued to a dealer who notifies the registrar of the issuance of the placards in a manner other than by approved electronic means.

(3) When a dealer issues a temporary license placard to a purchaser, the dealer shall collect and retain the fees established under divisions (A) and (D) of this section.

(C) The registrar of motor vehicles, at the registrar's discretion, may issue a temporary license placard. Such a placard may be issued in the case of extreme hardship encountered by a citizen from this state or another state who has attempted to comply with all registration laws, but for extreme circumstances is unable to properly register the citizen's vehicle. Placards issued under division (C) of this section are valid for a period of thirty days from the date of issuance and are not transferable or renewable.

(D) In addition to the fees charged under divisions (A) and (B) of this section, commencing on October 1, 2003, the registrar and each deputy registrar shall collect a fee of five dollars and commencing on October 1, 2009, a fee of thirteen dollars, for each temporary license placard issued. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio. At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit to the registrar the fees collected under this section. The registrar shall deposit all moneys received under this division into the state highway safety fund established in section 4501.06 of the Revised Code.

(E) The registrar shall adopt rules, in accordance with division (B) of section 111.15 of the Revised Code, to specify the

procedures for reporting the information from applications for 3317
temporary license placards and windshield stickers and for 3318
providing the information from these applications to law 3319
enforcement agencies. 3320

(F) Temporary license placards issued under this section 3321
shall bear a distinctive combination of seven letters, numerals, 3322
or letters and numerals, and shall incorporate a security feature 3323
that, to the greatest degree possible, prevents tampering with any 3324
of the information that is entered upon a placard when it is 3325
issued. 3326

(G) Whoever violates division (A) of this section is guilty 3327
of a misdemeanor of the fourth degree. Whoever violates division 3328
(B) of this section is guilty of a misdemeanor of the first 3329
degree. 3330

(H) As used in this section, "motorized bicycle dealer" means 3331
any person engaged in the business of selling at retail, 3332
displaying, offering for sale, or dealing in motorized bicycles 3333
who is not subject to section 4503.09 of the Revised Code. 3334

Sec. 4503.21. (A) No person who is the owner or operator of a 3335
motor vehicle shall fail to display in plain view on the front and 3336
rear of the motor vehicle the distinctive number and registration 3337
mark, including any county identification sticker and any 3338
validation sticker issued under sections 4503.19 and 4503.191 of 3339
the Revised Code, furnished by the director of public safety, 3340
except that a manufacturer of motor vehicles or dealer therein, 3341
the holder of an in transit permit, and the owner or operator of a 3342
motorcycle, cab-enclosed motorcycle, motorized bicycle, 3343
manufactured home, mobile home, trailer, or semitrailer shall 3344
display on the rear only. A motor vehicle that is issued two 3345
license plates shall display the validation sticker only on the 3346
rear license plate, except that a commercial tractor that does not 3347

receive an apportioned license plate under the international 3348
registration plan shall display the validation sticker on the 3349
front of the commercial tractor. An apportioned vehicle receiving 3350
an apportioned license plate under the international registration 3351
plan shall display the license plate only on the front of a 3352
commercial tractor and on the rear of all other vehicles. All 3353
license plates shall be securely fastened so as not to swing, and 3354
shall not be covered by any material that obstructs their 3355
visibility. 3356

No person to whom a temporary license placard or windshield 3357
sticker has been issued for the use of a motor vehicle under 3358
section 4503.182 of the Revised Code, and no operator of that 3359
motor vehicle, shall fail to display the temporary license placard 3360
in plain view from the rear of the vehicle either in the rear 3361
window or on an external rear surface of the motor vehicle, or 3362
fail to display the windshield sticker in plain view on the rear 3363
window of the motor vehicle. No temporary license placard or 3364
windshield sticker shall be covered by any material that obstructs 3365
its visibility. 3366

(B) Whoever violates this section is guilty of a minor 3367
misdemeanor. 3368

Sec. 4503.22. The identification license plate shall consist 3369
of a placard upon the face of which shall appear the distinctive 3370
number assigned to the motor vehicle as provided in section 3371
4503.19 of the Revised Code, in Arabic numerals or letters, or 3372
both. The dimensions of the numerals or letters and of each stroke 3373
shall be determined by the director of public safety. The license 3374
placard also shall contain the name of this state and the slogan 3375
"BIRTHPLACE OF AVIATION." The placard may be made of steel, 3376
aluminum, plastic, or any other suitable material, and the 3377
background shall be treated with a reflective material that shall 3378

provide effective and dependable reflective brightness during the 3379
service period required of the placard. Specifications for the 3380
reflective and other materials and the design of the placard, the 3381
county identification stickers as provided by section 4503.19 of 3382
the Revised Code, and validation stickers as provided by section 3383
4503.191 of the Revised Code, shall be adopted by the director as 3384
rules under sections 119.01 to 119.13 of the Revised Code. The 3385
identification license plate of motorized bicycles ~~and of motor~~ 3386
~~vehicles of the type commonly called "~~ motorcycles"~~,~~ and 3387
cab-enclosed motorcycles shall consist of a single placard, the 3388
size of which shall be prescribed by the director. The 3389
identification plate of a vehicle registered in accordance with 3390
the international registration plan shall contain the word 3391
"apportioned." The director may prescribe the type of placard, or 3392
means of fastening the placard, or both; the placard or means of 3393
fastening may be so designed and constructed as to render 3394
difficult the removal of the placard after it has been fastened to 3395
a motor vehicle. 3396

Sec. 4503.233. (A)(1) If a court is required to order the 3397
immobilization of a vehicle for a specified period of time 3398
pursuant to section 4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 3399
4511.193, or 4511.203 of the Revised Code, the court, subject to 3400
section 4503.235 of the Revised Code, shall issue the 3401
immobilization order in accordance with this division and for the 3402
period of time specified in the particular section, and the 3403
immobilization under the order shall be in accordance with this 3404
section. The court, at the time of sentencing the offender for the 3405
offense relative to which the immobilization order is issued or as 3406
soon thereafter as is practicable, shall give a copy of the order 3407
to the offender or the offender's counsel. The court promptly 3408
shall send a copy of the order to the registrar on a form 3409
prescribed by the registrar and to the person or agency it 3410

designates to execute the order. 3411

The order shall indicate the date on which it is issued, 3412
shall identify the vehicle that is subject to the order, and shall 3413
specify all of the following: 3414

(a) The period of the immobilization; 3415

(b) The place at which the court determines that the 3416
immobilization shall be carried out, provided that the court shall 3417
not determine and shall not specify that the immobilization is to 3418
be carried out at any place other than a commercially operated 3419
private storage lot, a place owned by a law enforcement or other 3420
government agency, or a place to which one of the following 3421
applies: 3422

(i) The place is leased by or otherwise under the control of 3423
a law enforcement or other government agency. 3424

(ii) The place is owned by the offender, the offender's 3425
spouse, or a parent or child of the offender. 3426

(iii) The place is owned by a private person or entity, and, 3427
prior to the issuance of the order, the private entity or person 3428
that owns the place, or the authorized agent of that private 3429
entity or person, has given express written consent for the 3430
immobilization to be carried out at that place. 3431

(iv) The place is a public street or highway on which the 3432
vehicle is parked in accordance with the law. 3433

(c) The person or agency designated by the court to execute 3434
the order, which shall be either the law enforcement agency that 3435
employs the law enforcement officer who seized the vehicle, a 3436
bailiff of the court, another person the court determines to be 3437
appropriate to execute the order, or the law enforcement agency 3438
with jurisdiction over the place of residence of the vehicle 3439
owner; 3440

(d) That neither the registrar nor a deputy registrar will be 3441
permitted to accept an application for the license plate 3442
registration of any motor vehicle in the name of the vehicle owner 3443
until the immobilization fee is paid. 3444

(2) The person or agency the court designates to immobilize 3445
the vehicle shall seize or retain that vehicle's license plates 3446
and forward them to the bureau of motor vehicles. 3447

(3) In all cases, the offender shall be assessed an 3448
immobilization fee of one hundred dollars, and the immobilization 3449
fee shall be paid to the registrar before the vehicle may be 3450
released to the offender. Neither the registrar nor a deputy 3451
registrar shall accept an application for the registration of any 3452
motor vehicle in the name of the offender until the immobilization 3453
fee is paid. 3454

(4) If the vehicle subject to the order is immobilized 3455
pursuant to the order and is found being operated upon any street 3456
or highway in this state during the immobilization period, it 3457
shall be seized, removed from the street or highway, and 3458
criminally forfeited and disposed of pursuant to section 4503.234 3459
of the Revised Code. 3460

(5) The registrar shall deposit the immobilization fee into 3461
the ~~law enforcement reimbursement~~ state bureau of motor vehicles 3462
fund created by section ~~4501.19~~ 4501.25 of the Revised Code. ~~Money~~ 3463
~~in the fund shall to~~ be expended only as provided in division 3464
(A)(5) of this section. If the court designated in the order a 3465
court bailiff or another appropriate person other than a law 3466
enforcement officer to immobilize the vehicle, the amount of the 3467
fee deposited into the ~~law enforcement reimbursement~~ state bureau 3468
of motor vehicles fund shall be paid out to the county treasury if 3469
the court that issued the order is a county court, to the treasury 3470
of the municipal corporation served by the court if the court that 3471
issued the order is a mayor's court, or to the city treasury of 3472

the legislative authority of the court, both as defined in section 3473
1901.03 of the Revised Code, if the court that issued the order is 3474
a municipal court. If the court designated a law enforcement 3475
agency to immobilize the vehicle and if the law enforcement agency 3476
immobilizes the vehicle, the amount of the fee deposited into the 3477
~~law enforcement reimbursement~~ state bureau of motor vehicles fund 3478
shall be paid out to the law enforcement agency to reimburse the 3479
agency for the costs it incurs in obtaining immobilization 3480
equipment and, if required, in sending an officer or other person 3481
to search for and locate the vehicle specified in the 3482
immobilization order and to immobilize the vehicle. 3483

In addition to the immobilization fee required to be paid 3485
under division (A)(3) of this section, the offender may be charged 3486
expenses or charges incurred in the removal and storage of the 3487
immobilized vehicle. 3488

(B) If a court issues an immobilization order under division 3489
(A)(1) of this section, the person or agency designated by the 3490
court to execute the immobilization order promptly shall 3491
immobilize or continue the immobilization of the vehicle at the 3492
place specified by the court in the order. The registrar shall not 3493
authorize the release of the vehicle or authorize the issuance of 3494
new identification license plates for the vehicle at the end of 3495
the immobilization period until the immobilization fee has been 3496
paid. 3497

(C) Upon receipt of the license plates for a vehicle under 3498
this section, the registrar shall destroy the license plates. At 3499
the end of the immobilization period and upon the payment of the 3500
immobilization fee that must be paid under this section, the 3501
registrar shall authorize the release of the vehicle and authorize 3502
the issuance, upon the payment of the same fee as is required for 3503
the replacement of lost, mutilated, or destroyed license plates 3504

and certificates of registration, of new license plates and, if 3505
necessary, a new certificate of registration to the offender for 3506
the vehicle in question. 3507

(D)(1) If a court issues an immobilization order under 3508
division (A) of this section, the immobilization period commences 3509
on the day on which the vehicle in question is immobilized. If the 3510
vehicle in question had been seized under section 4510.41 or 3511
4511.195 of the Revised Code, the time between the seizure and the 3512
beginning of the immobilization period shall be credited against 3513
the immobilization period specified in the immobilization order 3514
issued under division (A) of this section. No vehicle that is 3515
immobilized under this section is eligible to have restricted 3516
license plates under section 4503.231 of the Revised Code issued 3517
for that vehicle. 3518

(2) If a court issues an immobilization order under division 3519
(A) of this section, if the vehicle subject to the order is 3520
immobilized under the order, and if the vehicle is found being 3521
operated upon any street or highway of this state during the 3522
immobilization period, it shall be seized, removed from the street 3523
or highway, and criminally forfeited, and disposed of pursuant to 3524
section 4503.234 of the Revised Code. No vehicle that is forfeited 3525
under this provision shall be considered contraband for purposes 3526
of Chapter 2981. of the Revised Code, but shall be held by the law 3527
enforcement agency that employs the officer who seized it for 3528
disposal in accordance with section 4503.234 of the Revised Code. 3529

(3) If a court issues an immobilization order under division 3530
(A) of this section, and if the vehicle is not claimed within 3531
seven days after the end of the period of immobilization or if the 3532
offender has not paid the immobilization fee, the person or agency 3533
that immobilized the vehicle shall send a written notice to the 3534
offender at the offender's last known address informing the 3535
offender of the date on which the period of immobilization ended, 3536

that the offender has twenty days after the date of the notice to 3537
pay the immobilization fee and obtain the release of the vehicle, 3538
and that if the offender does not pay the fee and obtain the 3539
release of the vehicle within that twenty-day period, the vehicle 3540
will be forfeited under section 4503.234 of the Revised Code to 3541
the entity that is entitled to the immobilization fee. 3542

(4) An offender whose motor vehicle is subject to an 3543
immobilization order issued under division (A) of this section 3544
shall not sell the motor vehicle without approval of the court 3545
that issued the order. If such an offender wishes to sell the 3546
motor vehicle during the immobilization period, the offender shall 3547
apply to the court that issued the immobilization order for 3548
permission to assign the title to the vehicle. If the court is 3549
satisfied that the sale will be in good faith and not for the 3550
purpose of circumventing the provisions of division (A)(1) of this 3551
section, it may certify its consent to the offender and to the 3552
registrar. Upon receipt of the court's consent, the registrar 3553
shall enter the court's notice in the offender's vehicle license 3554
plate registration record. 3555

If, during a period of immobilization under an immobilization 3556
order issued under division (A) of this section, the title to the 3557
immobilized motor vehicle is transferred by the foreclosure of a 3558
chattel mortgage, a sale upon execution, the cancellation of a 3559
conditional sales contract, or an order of a court, the involved 3560
court shall notify the registrar of the action, and the registrar 3561
shall enter the court's notice in the offender's vehicle license 3562
plate registration record. 3563

Nothing in this section shall be construed as requiring the 3564
registrar or the clerk of the court of common pleas to note upon 3565
the certificate of title records any prohibition regarding the 3566
sale of a motor vehicle. 3567

(5) If the title to a motor vehicle that is subject to an 3568

immobilization order under division (A) of this section is 3569
assigned or transferred without court approval between the time of 3570
arrest of the offender who committed the offense for which such an 3571
order is to be issued and the time of the actual immobilization of 3572
the vehicle, the court shall order that, for a period of two years 3573
from the date of the order, neither the registrar nor any deputy 3574
registrar shall accept an application for the registration of any 3575
motor vehicle in the name of the offender whose vehicle was 3576
assigned or transferred without court approval. The court shall 3577
notify the registrar of the order on a form prescribed by the 3578
registrar for that purpose. 3579

(6) If the title to a motor vehicle that is subject to an 3580
immobilization order under division (A) of this section is 3581
assigned or transferred without court approval in violation of 3582
division (D)(4) of this section, then, in addition to or 3583
independent of any other penalty established by law, the court may 3584
fine the offender the value of the vehicle as determined by 3585
publications of the national auto dealers association. The 3586
proceeds from any fine so imposed shall be distributed in the same 3587
manner as the proceeds of the sale of a forfeited vehicle are 3588
distributed pursuant to division (C)(2) of section 4503.234 of the 3589
Revised Code. 3590

(E)(1) The court with jurisdiction over the case, after 3591
notice to all interested parties including lienholders, and after 3592
an opportunity for them to be heard, if the offender fails to 3593
appear in person, without good cause, or if the court finds that 3594
the offender does not intend to seek release of the vehicle at the 3595
end of the period of immobilization or that the offender is not or 3596
will not be able to pay the expenses and charges incurred in its 3597
removal and storage, may order that title to the vehicle be 3598
transferred, in order of priority, first into the name of the 3599
entity entitled to the immobilization fee under division (A)(5) of 3600

this section, next into the name of a lienholder, or lastly, into
the name of the owner of the place of storage.

A lienholder that receives title under a court order shall do
so on the condition that it pay any expenses or charges incurred
in the vehicle's removal and storage. If the entity that receives
title to the vehicle is the entity that is entitled to the
immobilization fee under division (A)(5) of this section, it shall
receive title on the condition that it pay any lien on the
vehicle. The court shall not order that title be transferred to
any person or entity other than the owner of the place of storage
if the person or entity refuses to receive the title. Any person
or entity that receives title may either keep title to the vehicle
or may dispose of the vehicle in any legal manner that it
considers appropriate, including assignment of the certificate of
title to the motor vehicle to a salvage dealer or a scrap metal
processing facility. The person or entity shall not transfer the
vehicle to the person who is the vehicle's immediate previous
owner.

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

(2) Whenever a court issues an order under division (E)(1) of
this section, the court also shall order removal of the license
plates from the vehicle and cause them to be sent to the registrar
if they have not already been sent to the registrar. Thereafter,
no further proceedings shall take place under this section, but

the offender remains liable for payment of the immobilization fee 3633
described in division (A)(3) of this section if an immobilization 3634
order previously had been issued by the court. 3635

(3) Prior to initiating a proceeding under division (E)(1) of 3636
this section, and upon payment of the fee under division (B) of 3637
section 4505.14 of the Revised Code, any interested party may 3638
cause a search to be made of the public records of the bureau of 3639
motor vehicles or the clerk of the court of common pleas, to 3640
ascertain the identity of any lienholder of the vehicle. The 3641
initiating party shall furnish this information to the clerk of 3642
the court with jurisdiction over the case, and the clerk shall 3643
provide notice to the vehicle owner, the defendant, any 3644
lienholder, and any other interested parties listed by the 3645
initiating party, at the last known address supplied by the 3646
initiating party, by certified mail or, at the option of the 3647
initiating party, by personal service or ordinary mail. 3648

As used in this section, "interested party" includes the 3649
offender, all lienholders, the owner of the place of storage, the 3650
person or entity that caused the vehicle to be removed, and the 3651
person or entity, if any, entitled to the immobilization fee under 3652
division (A)(5) of this section. 3653

Sec. 4503.26. (A) As used in this section, "registration 3654
information" means information in license plate applications on 3655
file with the bureau of motor vehicles. 3656

(B) The director of public safety may advertise for and 3657
accept sealed bids for the preparation of lists containing 3658
registration information in such form as the director authorizes. 3659
Where the expenditure is more than five hundred dollars, the 3660
director shall give notice to bidders as provided in section 3661
5513.01 of the Revised Code as for purchases by the department of 3662
transportation. The notice shall include the latest date, as 3663

determined by the director, on which bids will be accepted and the 3664
date, also determined by the director, on which bids will be 3665
opened by the director at the central office of the department of 3666
public safety. The contract to prepare the list shall be awarded 3667
to the lowest responsive and responsible bidder, in accordance 3668
with section 9.312 of the Revised Code, provided there is 3669
compliance with the specifications. Such contract shall not extend 3670
beyond twenty-four consecutive registration periods as provided in 3671
section 4503.101 of the Revised Code. The successful bidder shall 3672
furnish without charge a complete list to the bureau of motor 3673
vehicles, and shall also furnish without charge to the county 3674
sheriffs or chiefs of police in cities, at such times and in such 3675
manner as the director determines necessary, lists of registration 3676
information for the county in which they are situated. The 3677
registrar shall provide to the successful bidder all necessary 3678
information for the preparation of such lists. 3679

The registrar, upon application of any person and payment of 3680
the proper fee, may search the records of the bureau and furnish 3681
reports of those records under the signature of the registrar. 3682

(C) ~~A The registrar shall charge and collect a fee of five 3683
dollars shall be charged and collected for each search of the 3684
records and report of those records furnished under the signature 3685
and seal of the registrar. A copy of any such report is 3686
prima-facie evidence of the facts therein stated, in any court. 3687~~

The registrar shall receive these fees and deposit ~~two 3688
dollars of~~ each such fee into the state treasury to the credit of 3689
the state bureau of motor vehicles fund established in section 3690
4501.25 of the Revised Code. ~~Of the remaining three dollars of 3691
each such fee the registrar collects, the registrar shall deposit 3692
sixty cents into the state treasury to the credit of the trauma 3693
and emergency medical services fund established in section 3694
4513.263 of the Revised Code, sixty cents into the state treasury 3695~~

~~to the credit of the homeland security fund established under 3696
section 5502.03 of the Revised Code, thirty cents into the state 3697
treasury to the credit of the investigations fund established in 3698
section 5502.131 of the Revised Code, one dollar and twenty five 3699
cents into the state treasury to the credit of the emergency 3700
management agency service and reimbursement fund established in 3701
section 5502.39 of the Revised Code, and twenty five cents into 3702
the state treasury to the credit of the justice program services 3703
fund established in section 5502.67 of the Revised Code. 3704~~

Sec. 4503.499. (A) The owner or lessee of any passenger car, 3705
noncommercial motor vehicle, recreational vehicle, or other 3706
vehicle of a class approved by the registrar of motor vehicles may 3707
apply to the registrar for the registration of the vehicle and 3708
issuance of pediatric brain tumor awareness license plates. An 3709
application made under this section may be combined with a request 3710
for a special reserved license plate under section 4503.40 or 3711
4503.42 of the Revised Code. Upon receipt of the completed 3712
application and compliance by the applicant with divisions (B) and 3713
(C) of this section, the registrar shall issue to the applicant 3714
the appropriate vehicle registration and a set of pediatric brain 3715
tumor awareness license plates and a validation sticker, or a 3716
validation sticker alone when required by section 4503.191 of the 3717
Revised Code. 3718

In addition to the letters and numbers ordinarily inscribed 3719
on the license plates, pediatric brain tumor awareness license 3720
plates shall be inscribed with identifying words or markings that 3721
are designed by the children's glioma cancer foundation and are 3722
approved by the registrar. Pediatric brain tumor awareness license 3723
plates shall display county identification stickers that identify 3724
the county of registration by name or number. 3725

(B) The pediatric brain tumor awareness license plates and a 3726

validation sticker, or validation sticker alone, shall be issued 3727
upon receipt of a contribution as provided in division (C) of this 3728
section and upon payment of the regular license tax as prescribed 3729
under section 4503.04 of the Revised Code, any applicable motor 3730
vehicle license tax levied under Chapter 4504. of the Revised 3731
Code, any applicable additional fee prescribed by section 4503.40 3732
or 4503.42 of the Revised Code, a fee of ten dollars for the 3733
purpose of compensating the bureau of motor vehicles for 3734
additional services required in the issuing of pediatric brain 3735
tumor awareness license plates, and compliance with all other 3736
applicable laws relating to the registration of motor vehicles. 3737

(C) For each application for registration and registration 3738
renewal notice the registrar receives under this section, the 3739
registrar shall collect a contribution of thirty-five dollars. The 3740
registrar shall transmit this contribution to the treasurer of 3741
state for deposit in the license plate contribution fund created 3742
in section 4501.21 of the Revised Code. 3743

The registrar shall transmit the additional fee of ten 3744
dollars paid to compensate the bureau for the additional services 3745
required in the issuing of pediatric brain tumor awareness license 3746
plates to the treasurer of state for deposit into the state 3747
treasury to the credit of the state bureau of motor vehicles fund 3748
created by section 4501.25 of the Revised Code. 3749

(D) If the issuance of the license plates under this section 3750
has been terminated under section 4503.77 of the Revised Code 3751
prior to ~~the effective date of this amendment~~ March 23, 2015, the 3752
bureau shall begin issuing pediatric brain tumor awareness license 3753
plates on and after ~~the effective date of this amendment~~ March 23, 3754
2015, even if the sponsor of the license plate does not comply 3755
with the requirements of section 4503.78 of the Revised Code. 3756
However, after ~~the effective date of this amendment~~ March 23, 3757
2015, the license plate may be terminated as provided in section 3758

4503.77 of the Revised Code. 3759

Sec. 4503.544. (A) Any person who is a retired or honorably 3760
discharged veteran of any branch of the armed forces of the United 3761
States may apply to the registrar of motor vehicles for the 3762
registration of any motorcycle or cab-enclosed motorcycle that the 3763
person owns or leases. The application shall be accompanied by 3764
written evidence that the applicant is a retired or honorably 3765
discharged veteran of a branch of the armed forces of the United 3766
States that the registrar shall require by rule. 3767

Upon receipt of an application for registration of a 3768
motorcycle or cab-enclosed motorcycle under this section, 3769
presentation of satisfactory evidence documenting that the 3770
applicant is a retired or honorably discharged veteran of a branch 3771
of the armed forces of the United States, and payment of the 3772
~~regular motorcycle~~ applicable license fee prescribed in section 3773
4503.04 of the Revised Code and any local motor vehicle license 3774
tax levied under Chapter 4504. of the Revised Code, the registrar 3775
shall issue to the applicant the appropriate motor vehicle 3776
registration and a license plate and a validation sticker or a 3777
validation sticker alone when required by section 4503.191 of the 3778
Revised Code. 3779

(B) License plates issued under this section shall be 3780
inscribed with the letters and numbers ordinarily inscribed on 3781
motorcycle license plates, except that the registrar shall provide 3782
for one of the following: 3783

(1) The license plates to contain an inscription or symbol 3784
representing veterans of the armed forces of the United States; 3785

(2) The plates to include the word "veteran" or "vet"; 3786

(3) The plates to be designed to display a sticker bearing 3787
the word "veteran." 3788

(C) Sections 4503.77 and 4503.78 of the Revised Code do not 3789
apply to license plates issued under this section. 3790

Sec. 4503.86. (A) The owner or lessee of any passenger car, 3791
noncommercial motor vehicle, recreational vehicle, or other 3792
vehicle of a class approved by the registrar of motor vehicles may 3793
apply to the registrar for the registration of the vehicle and the 3794
issuance of "Lincoln highway" license plates. An application made 3795
under this section may be combined with a request for a special 3796
reserved license plate under section 4503.40 or 4503.42 of the 3797
Revised Code. Upon receipt of the completed application and 3798
compliance by the applicant with divisions (B) and (C) of this 3799
section, the registrar shall issue to the applicant the 3800
appropriate vehicle registration and a set of "Lincoln highway" 3801
license plates and a validation sticker, or a validation sticker 3802
alone when required by section 4503.191 of the Revised Code. 3803

In addition to the letters and numbers ordinarily inscribed 3804
on the license plates, "Lincoln highway" license plates shall be 3805
inscribed with identifying words or markings that are designed by 3806
the Ohio Lincoln highway historic byway, and approved by the 3807
registrar. "Lincoln highway" license plates shall display county 3808
identification stickers that identify the county of registration 3809
by name or number. 3810

(B) "Lincoln highway" license plates and a validation 3811
sticker, or validation sticker alone, shall be issued upon receipt 3812
of a contribution as provided in division (C)(1) of this section 3813
and upon payment of the regular license tax as prescribed under 3814
section 4503.04 of the Revised Code, any applicable motor vehicle 3815
license tax levied under Chapter 4504. of the Revised Code, any 3816
applicable additional fee prescribed by section 4503.40 or 4503.42 3817
of the Revised Code, a bureau of motor vehicles administrative fee 3818
of ten dollars, and compliance with all other applicable laws 3819

relating to the registration of motor vehicles. 3820

(C)(1) For each application for registration and registration 3821
renewal notice the registrar receives under this section, the 3822
registrar shall collect a contribution of twenty dollars. The 3823
registrar shall deposit this contribution into the state treasury 3824
to the credit of the license plate contribution fund created in 3825
section 4501.21 of the Revised Code. 3826

(2) The registrar shall deposit the bureau administrative fee 3827
of ten dollars, the purpose of which is to compensate the bureau 3828
for additional services required in the issuing of "Lincoln 3829
highway" license plates, into the state treasury to the credit of 3830
the state bureau of motor vehicles fund created in section 4501.25 3831
of the Revised Code. 3832

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 3833
shall charge and retain fees as follows: 3834

(a) Five dollars for each certificate of title that is not 3835
applied for within thirty days after the later of the assignment 3836
or delivery of the motor vehicle described in it. The entire fee 3837
shall be retained by the clerk. 3838

(b) Fifteen dollars for each certificate of title or 3839
duplicate certificate of title including the issuance of a 3840
memorandum certificate of title, or authorization to print a 3841
non-negotiable evidence of ownership described in division (G) of 3842
section 4505.08 of the Revised Code, non-negotiable evidence of 3843
ownership printed by the clerk under division (H) of that section, 3844
and notation of any lien on a certificate of title that is applied 3845
for at the same time as the certificate of title. The clerk shall 3846
retain eleven dollars and fifty cents of that fee for each 3847
certificate of title when there is a notation of a lien or 3848
security interest on the certificate of title, twelve dollars and 3849
twenty-five cents when there is no lien or security interest noted 3850

on the certificate of title, and eleven dollars and fifty cents 3851
for each duplicate certificate of title. 3852

(c) Four dollars and fifty cents for each certificate of 3853
title with no security interest noted that is issued to a licensed 3854
motor vehicle dealer for resale purposes and, in addition, a 3855
separate fee of fifty cents. The clerk shall retain two dollars 3856
and twenty-five cents of that fee. 3857

(d) Five dollars for each memorandum certificate of title or 3858
non-negotiable evidence of ownership that is applied for 3859
separately. The clerk shall retain that entire fee. 3860

(2) The fees that are not retained by the clerk shall be paid 3861
to the registrar of motor vehicles by monthly returns, which shall 3862
be forwarded to the registrar not later than the fifth day of the 3863
month next succeeding that in which the certificate is issued or 3864
that in which the registrar is notified of a lien or cancellation 3865
of a lien. 3866

(B)(1) The registrar shall pay twenty-five cents of the 3867
amount received for each certificate of title issued to a motor 3868
vehicle dealer for resale, one dollar for certificates of title 3869
issued with a lien or security interest noted on the certificate 3870
of title, and twenty-five cents for each certificate of title with 3871
no lien or security interest noted on the certificate of title 3872
into the state bureau of motor vehicles fund established in 3873
section 4501.25 of the Revised Code. 3874

(2) Fifty cents of the amount received for each certificate 3875
of title shall be paid by the registrar as follows: 3876

(a) Four cents shall be paid into the state treasury to the 3877
credit of the motor vehicle dealers board fund, which is hereby 3878
created. All investment earnings of the fund shall be credited to 3879
the fund. The moneys in the motor vehicle dealers board fund shall 3880
be used by the motor vehicle dealers board created under section 3881

4517.30 of the Revised Code, together with other moneys 3882
appropriated to it, in the exercise of its powers and the 3883
performance of its duties under Chapter 4517. of the Revised Code, 3884
except that the director of budget and management may transfer 3885
excess money from the motor vehicle dealers board fund to the 3886
bureau of motor vehicles fund if the registrar determines that the 3887
amount of money in the motor vehicle dealers board fund, together 3888
with other moneys appropriated to the board, exceeds the amount 3889
required for the exercise of its powers and the performance of its 3890
duties under Chapter 4517. of the Revised Code and requests the 3891
director to make the transfer. 3892

(b) Twenty-one cents shall be paid into the highway operating 3893
fund. 3894

(c) Twenty-five cents shall be paid into the state treasury 3895
to the credit of the motor vehicle sales audit fund, which is 3896
hereby created. The moneys in the fund shall be used by the tax 3897
commissioner together with other funds available to the 3898
commissioner to conduct a continuing investigation of sales and 3899
use tax returns filed for motor vehicles in order to determine if 3900
sales and use tax liability has been satisfied. The commissioner 3901
shall refer cases of apparent violations of section 2921.13 of the 3902
Revised Code made in connection with the titling or sale of a 3903
motor vehicle and cases of any other apparent violations of the 3904
sales or use tax law to the appropriate county prosecutor whenever 3905
the commissioner considers it advisable. 3906

(3) Two dollars of the amount received by the registrar under 3907
divisions (A)(1)(a), (b), and (d) of this section and one dollar 3908
and fifty cents of the amount received by the registrar under 3909
division (A)(1)(c) of this section for each certificate of title 3910
shall be paid into the state treasury to the credit of the 3911
automated title processing fund, which is hereby created and which 3912
shall consist of moneys collected under division (B)(3) of this 3913

section and under sections 1548.10 and 4519.59 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be used as follows:

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

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

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

(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 3945
the procurement of automated title processing system equipment and 3946
ribbons, cartridges, or other devices necessary for the operation 3947
of that equipment. Voting members of the board, excluding the 3948
registrar or the registrar's representative, shall serve without 3949
compensation, but shall be reimbursed for travel and other 3950
necessary expenses incurred in the conduct of their official 3951
duties. The registrar or the registrar's representative shall 3952
receive neither compensation nor reimbursement as a board member. 3953

(2) The automated title processing board shall determine each 3954
of the following: 3955

(a) The automated title processing equipment and certificates 3956
of title requirements for each county; 3957

(b) The payment of expenses that may be incurred by the 3958
counties in implementing an automated title processing system; 3959

(c) The repayment to the counties for existing title 3960
processing equipment; 3961

(d) With the approval of the director of public safety, the 3962
award of grants from the automated title processing fund to the 3963
clerk of courts of any county who employs a person who assists 3964
with the design of, updates to, tests of, installation of, or any 3965
other activity related to, an automated title processing system. 3966
Any grant awarded under division (C)(2)(d) of this section shall 3967
be deposited into the appropriate county certificate of title 3968
administration fund created under section 325.33 of the Revised 3969
Code and shall not be used to supplant any other funds. 3970

(3) The registrar shall purchase, lease, or otherwise acquire 3971
any automated title processing equipment and certificates of title 3972
that the board determines are necessary from moneys in the 3973
automated title processing fund established by division (B)(3) of 3974
this section. 3975

(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 police, or the attorney general. The clerk also may provide a copy of a certificate of title to a public agency without charge.

(C)(1) Those fees collected by the registrar as provided in division (B)(1)(a) of this section shall be paid to the treasurer

of state to the credit of the state bureau of motor vehicles fund 4006
established in section 4501.25 of the Revised Code. Those fees 4007
collected by the clerk as provided in division (B)(1)(a) of this 4008
section shall be paid to the certificate of title administration 4009
fund created by section 325.33 of the Revised Code. 4010

~~(2) Prior to October 1, 2009, the registrar shall pay those 4011
fees the registrar collects under division (B)(1)(b) of this 4012
section into the state treasury to the credit of the state bureau 4013
of motor vehicles fund established in section 4501.25 of the 4014
Revised Code. Prior to October 1, 2009, the clerk shall pay those 4015
fees the clerk collects under division (B)(1)(b) of this section 4016
to the certificate of title administration fund created by section 4017
325.33 of the Revised Code. 4018~~

~~(3) On and after October 1, 2009, the The registrar shall pay 4019
two dollars of each five-dollar fee the registrar collects under 4020
division (B)(1)(b) of this section into the state treasury to the 4021
credit of the state bureau of motor vehicles fund established in 4022
section 4501.25 of the Revised Code. ~~Of the remaining three 4023
dollars of each such fee the registrar collects, the registrar 4024
shall deposit sixty cents into the state treasury to the credit of 4025
the trauma and emergency medical services fund established in 4026
section 4513.263 of the Revised Code, sixty cents into the state 4027
treasury to the credit of the homeland security fund established 4028
under section 5502.03 of the Revised Code, thirty cents into the 4029
state treasury to the credit of the investigations fund 4030
established in section 5502.131 of the Revised Code, one dollar 4031
and twenty five cents into the state treasury to the credit of the 4032
emergency management agency service and reimbursement fund 4033
established in section 5502.39 of the Revised Code, and 4034
twenty five cents into the state treasury to the credit of the 4035
justice program services fund established in section 5502.67 of 4036
the Revised Code. 4037~~~~

~~(4) On and after October 1, 2009, the~~ (3) The clerk of the 4038
court of common pleas shall retain two dollars of each fee the 4039
clerk collects under division (B)(1)(b) of this section and 4040
deposit that two dollars into the certificate of title 4041
administration fund created by section 325.33 of the Revised Code. 4042
The clerk shall forward the remaining three dollars to the 4043
registrar not later than the fifth day of the month next 4044
succeeding that in which the transaction occurred. ~~Of that~~ The 4045
registrar shall deposit the remaining three dollars, ~~the registrar~~ 4046
~~shall deposit sixty cents~~ into the state treasury to the credit of 4047
the ~~trauma and emergency medical services~~ state bureau of motor 4048
vehicles fund established in section ~~4513.263~~ 4501.25 of the 4049
Revised Code, ~~sixty cents into the state treasury to the credit of~~ 4050
~~the homeland security fund established under section 5502.03 of~~ 4051
~~the Revised Code, thirty cents into the state treasury to the~~ 4052
~~credit of the investigations fund established in section 5502.131~~ 4053
~~of the Revised Code, one dollar and twenty five cents into the~~ 4054
~~state treasury to the credit of the emergency management agency~~ 4055
~~service and reimbursement fund established in section 5502.39 of~~ 4056
~~the Revised Code, and twenty five cents into the state treasury to~~ 4057
~~the credit of the justice program services fund established in~~ 4058
~~section 5502.67 of the Revised Code.~~ 4059

Sec. 4506.01. As used in this chapter: 4060

(A) "Alcohol concentration" means the concentration of 4061
alcohol in a person's blood, breath, or urine. When expressed as a 4062
percentage, it means grams of alcohol per the following: 4063

(1) One hundred milliliters of whole blood, blood serum, or 4064
blood plasma; 4065

(2) Two hundred ten liters of breath; 4066

(3) One hundred milliliters of urine. 4067

(B) "Commercial driver's license" means a license issued in accordance with this chapter that authorizes an individual to drive a commercial motor vehicle.

(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.

(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:

(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight or 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;~~

(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;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is

designed to be operated and to travel on a public street or 4098
highway and is considered by the federal motor carrier safety 4099
administration to be a commercial motor vehicle, including, but 4100
not limited to, a motorized crane, a vehicle whose function is to 4101
pump cement, a rig for drilling wells, and a portable crane. 4102

(E) "Controlled substance" means all of the following: 4103

(1) Any substance classified as a controlled substance under 4104
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 4105
802(6), as amended; 4106

(2) Any substance included in schedules I through V of 21 4107
C.F.R. part 1308, as amended; 4108

(3) Any drug of abuse. 4109

(F) "Conviction" means an unvacated adjudication of guilt or 4110
a determination that a person has violated or failed to comply 4111
with the law in a court of original jurisdiction or an authorized 4112
administrative tribunal, an unvacated forfeiture of bail or 4113
collateral deposited to secure the person's appearance in court, a 4114
plea of guilty or nolo contendere accepted by the court, the 4115
payment of a fine or court cost, or violation of a condition of 4116
release without bail, regardless of whether or not the penalty is 4117
rebated, suspended, or probated. 4118

(G) "Disqualification" means any of the following: 4119

(1) The suspension, revocation, or cancellation of a person's 4120
privileges to operate a commercial motor vehicle; 4121

(2) Any withdrawal of a person's privileges to operate a 4122
commercial motor vehicle as the result of a violation of state or 4123
local law relating to motor vehicle traffic control other than 4124
parking, vehicle weight, or vehicle defect violations; 4125

(3) A determination by the federal motor carrier safety 4126
administration that a person is not qualified to operate a 4127

commercial motor vehicle under 49 C.F.R. 391.	4128
(H) <u>"Domiciled" means having a true, fixed, principal, and permanent residence to which an individual intends to return.</u>	4129 4130
(I) "Downgrade" means any of the following, as applicable:	4131
(1) A change in the commercial driver's license, <u>or commercial driver's license temporary instruction permit</u> , holder's self-certified status as described in division (A) (2) <u>(1)</u> of section 4506.10 of the Revised Code;	4132 4133 4134 4135
(2) A change to a lesser class of vehicle;	4136
(3) Removal of commercial driver's license privileges from the individual's driver's license.	4137 4138
(I) <u>(J)</u> "Drive" means to drive, operate, or be in physical control of a motor vehicle.	4139 4140
(J) <u>(K)</u> "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	4141 4142 4143
(K) <u>(L)</u> "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	4144 4145
(L) <u>(M)</u> "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.	4146 4147 4148 4149 4150
(M) <u>(N)</u> "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.	4151 4152 4153
(N) <u>(O)</u> "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census.	4154 4155 4156

~~(O)~~(P) "Employer" means any person, including the federal 4157
government, any state, and a political subdivision of any state, 4158
that owns or leases a commercial motor vehicle or assigns a person 4159
to drive such a motor vehicle. 4160

~~(P)~~(O) "Endorsement" means an authorization on a person's 4161
commercial driver's license that is required to permit the person 4162
to operate a specified type of commercial motor vehicle. 4163

~~(Q)~~(R) "Farm truck" means a truck controlled and operated by 4164
a farmer for use in the transportation to or from a farm, for a 4165
distance of not more than one hundred fifty miles, of products of 4166
the farm, including livestock and its products, poultry and its 4167
products, floricultural and horticultural products, and in the 4168
transportation to the farm, from a distance of not more than one 4169
hundred fifty miles, of supplies for the farm, including tile, 4170
fence, and every other thing or commodity used in agricultural, 4171
floricultural, horticultural, livestock, and poultry production, 4172
and livestock, poultry, and other animals and things used for 4173
breeding, feeding, or other purposes connected with the operation 4174
of the farm, when the truck is operated in accordance with this 4175
division and is not used in the operations of a motor carrier, as 4176
defined in section 4923.01 of the Revised Code. 4177

~~(R)~~(S) "Fatality" means the death of a person as the result 4178
of a motor vehicle accident occurring not more than three hundred 4179
sixty-five days prior to the date of death. 4180

~~(S)~~(T) "Felony" means any offense under federal or state law 4181
that is punishable by death or specifically classified as a felony 4182
under the law of this state, regardless of the penalty that may be 4183
imposed. 4184

~~(T)~~(U) "Foreign jurisdiction" means any jurisdiction other 4185
than a state. 4186

~~(U)~~(V) "Gross vehicle weight rating" means the value 4187

specified by the manufacturer as the maximum loaded weight of a 4188
single or a combination vehicle. The gross vehicle weight rating 4189
of a combination vehicle is the gross vehicle weight rating of the 4190
power unit plus the gross vehicle weight rating of each towed 4191
unit. 4192

~~(V)~~(W) "Hazardous materials" means any material that has been 4193
designated as hazardous under 49 U.S.C. 5103 and is required to be 4194
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 4195
a material listed as a select agent or toxin in 42 C.F.R. part 73, 4196
as amended. 4197

~~(W)~~(X) "Imminent hazard" means the existence of a condition 4198
that presents a substantial likelihood that death, serious 4199
illness, severe personal injury, or a substantial endangerment to 4200
health, property, or the environment may occur before the 4201
reasonably foreseeable completion date of a formal proceeding 4202
begun to lessen the risk of that death, illness, injury, or 4203
endangerment. 4204

~~(X)~~(Y) "Medical variance" means one of the following received 4205
by a driver from the federal motor carrier safety administration 4206
that allows the driver to be issued a medical certificate: 4207

(1) An exemption letter permitting operation of a commercial 4208
motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64; 4209

(2) A skill performance evaluation certificate permitting 4210
operation of a commercial motor vehicle pursuant to 49 C.F.R. 4211
391.49. 4212

~~(Y)~~(Z) "Mobile telephone" means a mobile communication device 4213
that falls under or uses any commercial mobile radio service as 4214
defined in 47 C.F.R. 20, except that mobile telephone does not 4215
include two-way or citizens band radio services. 4216

(AA) "Motor vehicle" means a vehicle, machine, tractor, 4217
trailer, or semitrailer propelled or drawn by mechanical power 4218

used on highways, except that such term does not include a 4219
vehicle, machine, tractor, trailer, or semitrailer operated 4220
exclusively on a rail. 4221

~~(Z)~~(BB) "Out-of-service order" means a declaration by an 4222
authorized enforcement officer of a federal, state, local, 4223
Canadian, or Mexican jurisdiction declaring that a driver, 4224
commercial motor vehicle, or commercial motor carrier operation is 4225
out of service as defined in 49 C.F.R. 390.5. 4226

~~(AA)~~(CC) "Peace officer" has the same meaning as in section 4227
2935.01 of the Revised Code. 4228

~~(BB)~~(DD) "Portable tank" means a liquid or gaseous packaging 4229
designed primarily to be loaded onto or temporarily attached to a 4230
vehicle and equipped with skids, mountings, or accessories to 4231
facilitate handling of the tank by mechanical means. 4232

~~(CC)~~(EE) "Public safety vehicle" has the same meaning as in 4233
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 4234

~~(DD)~~(FF) "Recreational vehicle" includes every vehicle that 4235
is defined as a recreational vehicle in section 4501.01 of the 4236
Revised Code and is used exclusively for purposes other than 4237
engaging in business for profit. 4238

~~(EE)~~(GG) "Residence" means any person's residence determined 4239
in accordance with standards prescribed in rules adopted by the 4240
registrar. 4241

~~(FF)~~(HH) "School bus" has the same meaning as in section 4242
4511.01 of the Revised Code. 4243

~~(GG)~~(II) "Serious traffic violation" means any of the 4244
following: 4245

(1) A conviction arising from a single charge of operating a 4246
commercial motor vehicle in violation of any provision of section 4247
4506.03 of the Revised Code; 4248

(2) A <u>(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; <u>prohibiting either of the following:</u></u>	4249
	4250
	4251
	4252
	4253
	4254
<u>(i) Texting while driving;</u>	4255
<u>(ii) Using a handheld mobile telephone.</u>	4256
<u>(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.</u>	4257
	4258
	4259
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	4260
	4261
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	4262
	4263
(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;	4264
	4265
	4266
(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;	4267
	4268
	4269
	4270
(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 license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;	4271
	4272
	4273
	4274
	4275
	4276
	4277
	4278

(e) 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 license being in the person's possession;

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

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

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

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

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

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

gallons or more. "Tank vehicle" does not include any of the 4310
following: 4311

~~(1) Any portable tank having a rated capacity of less than 4312
one thousand gallons;~~ 4313

~~(2) Tanks used exclusively as a fuel tank for the motor 4314
vehicle to which it is attached;~~ 4315

~~(3) An a commercial motor vehicle transporting an empty 4316
storage container tank that is not designed for transportation ~~and~~ 4317
~~that is readily distinguishable from a transportation tank;~~ 4318~~

~~(4) Ready mix concrete mixers, has a rated capacity of one 4319
thousand gallons or more, and is temporarily attached to a flatbed~~ 4320
~~trailer.~~ 4321

~~(JJ)(LL)~~ "Tester" means a person or entity acting pursuant to 4322
a valid agreement entered into pursuant to division (B) of section 4323
4506.09 of the Revised Code. 4324

~~(KK)(MM)~~ "Texting" means manually entering alphanumeric text 4325
into, or reading text from, an electronic device. Texting includes 4326
short message service, e-mail, instant messaging, a command or 4327
request to access a world wide web page, pressing more than a 4328
single button to initiate or terminate a voice communication using 4329
a mobile telephone, or engaging in any other form of electronic 4330
text retrieval or entry, for present or future communication. 4331
Texting does not include the following: 4332

(1) ~~Reading, selecting, or entering a telephone number, an 4333
extension number, or voicemail retrieval codes and commands into 4334
an electronic device for the purpose of initiating or receiving a 4335
telephone call or using Using voice commands to initiate or, 4336
receive, or terminate a voice communication using a mobile 4337
telephone call;~~ 4338

(2) Inputting, selecting, or reading information on a global 4339

positioning system or navigation system; 4340

(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or 4341
4342

(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. 4343
4344
4345
4346

~~(LL)~~(NN) "Texting while driving" means texting while 4347
operating a commercial motor vehicle, with the motor running, 4348
including while temporarily stationary because of traffic, a 4349
traffic control device, or other momentary delays, ~~but~~. Texting 4350
while driving does not include operating a commercial motor 4351
vehicle with or without the motor running when the driver has 4352
moved the vehicle to the side of, or off, a highway and is stopped 4353
in a location where the vehicle can safely remain stationary. 4354

~~(MM)~~(OO) "United States" means the fifty states and the 4355
District of Columbia. 4356

~~(NN)~~(PP) "Upgrade" means a change in the class of vehicles, 4357
endorsements, or self-certified status as described in division 4358
(A)~~(2)~~(1) of section 4506.10 of the Revised Code, that expands the 4359
ability of a current commercial driver's license holder to operate 4360
commercial motor vehicles under this chapter; 4361

~~(OO)~~(OO) "Use of a handheld mobile telephone" means: 4362

(1) Using at least one hand to hold a mobile telephone to 4363
conduct a voice communication; 4364

(2) Dialing or answering a mobile telephone by pressing more 4365
than a single button; or 4366

(3) Reaching for a mobile telephone in a manner that requires 4367
a driver to maneuver so that the driver is no longer in a seated 4368
driving position, or restrained by a seat belt that is installed 4369

in accordance with 49 C.F.R. 393.93 and adjusted in accordance 4370
with the vehicle manufacturer's instructions. 4371

(RR) "Vehicle" has the same meaning as in section 4511.01 of 4372
the Revised Code. 4373

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 4374
of this section, the following shall apply: 4375

(1) No person shall drive a commercial motor vehicle on a 4376
highway in this state unless the person holds, and has in the 4377
person's possession, a any of the following: 4378

(a) A valid commercial driver's license with proper 4379
endorsements for the motor vehicle being driven, issued by the 4380
registrar of motor vehicles, ~~a~~ or by another jurisdiction 4381
recognized by this state; 4382

(b) A valid examiner's commercial driving permit issued under 4383
section 4506.13 of the Revised Code, ~~a~~ i 4384

(c) A valid restricted commercial driver's license and waiver 4385
for farm-related service industries issued under section 4506.24 4386
of the Revised Code, ~~or a~~ i 4387

(d) A valid commercial driver's license temporary instruction 4388
permit issued by the registrar ~~and is,~~ provided that the person is 4389
accompanied by an authorized state driver's license examiner or 4390
tester or a person who has been issued and has in the person's 4391
immediate possession a current, valid commercial driver's license 4392
~~with proper endorsements for the motor vehicle being driven and~~ 4393
who meets the requirements of division (B) of section 4506.06 of 4394
the Revised Code. 4395

(2) ~~No person shall be issued a~~ person's commercial driver's 4396
license temporary instruction permit shall be upgraded, and no 4397
commercial driver's license shall be upgraded, renewed, or issued 4398
to a person until the person surrenders to the registrar of motor 4399

vehicles all valid licenses and permits issued to the person by 4400
this state or by another jurisdiction recognized by this state. 4401
~~The~~ If the license or permit was issued by any other state or 4402
another jurisdiction recognized by this state, the registrar shall 4403
report the surrender of a license or permit to the issuing 4404
authority, together with information that a license or permit is 4405
now issued in this state. The registrar shall destroy any such 4406
license or permit that is not returned to the issuing authority. 4407

(3) No person who has been a resident of this state for 4408
thirty days or longer shall drive a commercial motor vehicle under 4409
the authority of a commercial driver's license issued by another 4410
jurisdiction. 4411

(B) Nothing in division (A) of this section applies to any 4412
qualified person when engaged in the operation of any of the 4413
following: 4414

(1) A farm truck; 4415

(2) Fire equipment for a fire department, volunteer or 4416
nonvolunteer fire company, fire district, or joint fire district; 4417

(3) A public safety vehicle used to provide transportation or 4418
emergency medical service for ill or injured persons; 4419

(4) A recreational vehicle; 4420

(5) A commercial motor vehicle within the boundaries of an 4421
eligible unit of local government, if the person is employed by 4422
the eligible unit of local government and is operating the 4423
commercial motor vehicle for the purpose of removing snow or ice 4424
from a roadway by plowing, sanding, or salting, but only if either 4425
the employee who holds a commercial driver's license issued under 4426
this chapter and ordinarily operates a commercial motor vehicle 4427
for these purposes is unable to operate the vehicle, or the 4428
employing eligible unit of local government determines that a snow 4429
or ice emergency exists that requires additional assistance; 4430

(6) A vehicle operated for military purposes by any member or 4431
uniformed employee of the armed forces of the United States or 4432
their reserve components, including the Ohio national guard. This 4433
exception does not apply to United States reserve technicians. 4434

(7) A commercial motor vehicle that is operated for 4435
nonbusiness purposes. "Operated for nonbusiness purposes" means 4436
that the commercial motor vehicle is not used in commerce as 4437
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 4438
regulated by the public utilities commission pursuant to Chapter 4439
4905., 4921., or 4923. of the Revised Code. 4440

(8) A motor vehicle that is designed primarily for the 4441
transportation of goods and not persons, while that motor vehicle 4442
is being used for the occasional transportation of personal 4443
property by individuals not for compensation and not in the 4444
furtherance of a commercial enterprise; 4445

(9) A police SWAT team vehicle; 4446

(10) A police vehicle used to transport prisoners. 4447

(C) Nothing contained in division (B)(5) of this section 4448
shall be construed as preempting or superseding any law, rule, or 4449
regulation of this state concerning the safe operation of 4450
commercial motor vehicles. 4451

(D) Whoever violates this section is guilty of a misdemeanor 4452
of the first degree. 4453

Sec. 4506.05. (A) Notwithstanding any other provision of law, 4454
a person may drive a commercial motor vehicle on a highway in this 4455
state if all of the following conditions are met: 4456

(1) The person has a valid commercial driver's license or 4457
commercial driver's license temporary instruction permit issued by 4458
any state or jurisdiction in accordance with the minimum standards 4459
adopted by the federal motor carrier safety administration under 4460

the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 4461
3207-171, 49 U.S.C.A. App. for issuance of commercial driver's 4462
licenses; 4463

(2) The person's commercial driver's license or temporary 4464
instruction permit is not suspended, revoked, or canceled, and the 4465
person has the appropriate endorsements for the vehicle that is 4466
being driven; 4467

(3) The person is not disqualified from driving a commercial 4468
motor vehicle; 4469

(4) The person is not subject to an out-of-service order; 4470

(5) The person is medically certified as physically qualified 4471
to operate a commercial motor vehicle in accordance with this 4472
chapter ~~and is able to verify the medical certification when on~~ 4473
~~duty as follows:~~ 4474

(a) ~~Prior to January 30, 2012, the person shall have in the~~ 4475
~~person's possession the original or copy of the person's current~~ 4476
~~medical examiner's certificate when on duty.~~ 4477

~~(b) On or after January 30, 2012:~~ 4478

~~(i)~~ A person who submitted a medical examiner's certificate 4479
to the registrar in accordance with division (A)~~(2)~~(1) of section 4480
4506.10 of the Revised Code and whose medical certification 4481
information is maintained in the commercial driver's license 4482
information system is not required to have the medical examiner's 4483
certificate in the person's possession when on duty. 4484

~~(ii)~~(b) A person whose medical certification information is 4485
not maintained in the commercial driver's license information 4486
system ~~is required to~~ shall have in the person's possession when 4487
on duty ~~the original or copy of a current medical examiner's~~ 4488
~~certificate that was issued prior to January 30, 2012, except that~~ 4489
~~after January 30, 2014, such person is required to have in the~~ 4490

~~person's possession when on duty,~~ the original or a copy of the 4491
current medical examiner's certificate that was submitted to the 4492
registrar, ~~but.~~ However, the person may operate a commercial motor 4493
vehicle with such proof of medical certification for not more than 4494
fifteen days after the date the current medical examiner's 4495
certificate was issued to the person. 4496

~~(iii)(c)~~ (c) A person who has a medical variance shall have in 4497
the person's possession the original or copy of the medical 4498
variance documentation at all times while on duty. 4499

(B) No person shall drive a commercial motor vehicle on a 4500
highway in this state if the person does not meet the conditions 4501
specified in division (A) of this section. 4502

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 391.62, 4503
391.67, and 391.68, no person holding a commercial driver's 4504
license temporary instruction permit or a commercial driver's 4505
license issued under this chapter may drive a commercial motor 4506
vehicle in interstate commerce until the person is at least 4507
twenty-one years of age. 4508

(D)(1) Whoever violates this section is guilty of a 4509
misdemeanor of the first degree. 4510

(2) The offenses established under this section are strict 4511
liability offenses and section 2901.20 of the Revised Code does 4512
not apply. The designation of these offenses as strict liability 4513
offenses shall not be construed to imply that any other offense, 4514
for which there is no specified degree of culpability, is not a 4515
strict liability offense. 4516

Sec. 4506.06. (A) The registrar of motor vehicles, upon 4517
receiving an application for a commercial driver's license 4518
temporary instruction permit, may issue the permit to any person 4519
who is at least eighteen years of age and holds a valid driver's 4520

license, other than a restricted license, issued under Chapter 4521
4507. of the Revised Code. ~~A The registrar shall not issue a~~ 4522
commercial driver's license temporary instruction permit ~~shall not~~ 4523
~~be issued~~ for a period exceeding six months ~~and~~. The registrar 4524
shall grant only one renewal of such a permit ~~shall be granted~~ in 4525
a two-year period. A commercial driver's license temporary 4526
instruction permit is a prerequisite to the initial issuance of a 4527
commercial driver's license and the upgrade of a commercial 4528
driver's license if the upgrade requires a skills test. 4529

(B) The holder of a commercial driver's license temporary 4530
instruction permit, unless otherwise disqualified, may drive a 4531
commercial motor vehicle only when having the holder has the 4532
permit in the holder's actual possession and is accompanied by a 4533
person who ~~holds~~: 4534

(1) Holds a valid commercial driver's license ~~valid~~ and all 4535
necessary endorsements for the type of vehicle being driven ~~and~~ 4536
~~who occupies~~; 4537

(2) Occupies a seat beside the permit holder for the purpose 4538
of giving instruction in driving the motor vehicle; and 4539

(3) Has the permit holder under observation and direct 4540
supervision. 4541

~~(B)~~(C) Whoever violates this section is guilty of a 4542
misdemeanor of the first degree. 4543

Sec. 4506.07. (A) ~~Every application~~ An applicant for a 4544
commercial driver's license, restricted commercial driver's 4545
license, or a commercial driver's license temporary instruction 4546
permit, or a duplicate of such a license or permit, shall ~~be made~~ 4547
submit an application upon a form approved and furnished by the 4548
registrar of motor vehicles. Except as provided in section 4506.24 4549
of the Revised Code in regard to a restricted commercial driver's 4550

license, the applicant shall sign the application ~~shall be signed~~ 4551
~~by the applicant and~~ which shall contain the following 4552
information: 4553

(1) The applicant's name, date of birth, social security 4554
account number, sex, general description including height, weight, 4555
and color of hair and eyes, current residence, duration of 4556
residence in this state, state of domicile, country of 4557
citizenship, and occupation; 4558

(2) Whether the applicant previously has been licensed to 4559
operate a commercial motor vehicle or any other type of motor 4560
vehicle in another state or a foreign jurisdiction and, if so, 4561
when, by what state, and whether the license or driving privileges 4562
currently are suspended or revoked in any jurisdiction, or the 4563
applicant otherwise has been disqualified from operating a 4564
commercial motor vehicle, or is subject to an out-of-service order 4565
issued under this chapter or any similar law of another state or a 4566
foreign jurisdiction and, if so, the date of, locations involved, 4567
and reason for the suspension, revocation, disqualification, or 4568
out-of-service order; 4569

(3) Whether the applicant is afflicted with or suffering from 4570
any physical or mental disability or disease that prevents the 4571
applicant from exercising reasonable and ordinary control over a 4572
motor vehicle while operating it upon a highway or is or has been 4573
subject to any condition resulting in episodic impairment of 4574
consciousness or loss of muscular control and, if so, the nature 4575
and extent of the disability, disease, or condition, and the names 4576
and addresses of the physicians attending the applicant; 4577

(4) Whether the applicant has obtained a medical examiner's 4578
certificate as required by this chapter and, beginning January 30, 4579
2012, the applicant, prior to or at the time of applying, has 4580
self-certified to the registrar the applicable status of the 4581
applicant under division (A)~~(2)~~(1) of section 4506.10 of the 4582

Revised Code; 4583

(5) Whether the applicant has pending a citation for 4584
violation of any motor vehicle law or ordinance except a parking 4585
violation and, if so, a description of the citation, the court 4586
having jurisdiction of the offense, and the date when the offense 4587
occurred; 4588

(6) If an applicant has not certified the applicant's 4589
willingness to make an anatomical gift under section 2108.05 of 4590
the Revised Code, whether the applicant wishes to certify 4591
willingness to make such an anatomical gift, which shall be given 4592
no consideration in the issuance of a license; 4593

(7) ~~On and after May 1, 1993, whether~~ Whether the applicant 4594
has executed a valid durable power of attorney for health care 4595
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 4596
executed a declaration governing the use or continuation, or the 4597
withholding or withdrawal, of life-sustaining treatment pursuant 4598
to sections 2133.01 to 2133.15 of the Revised Code and, if the 4599
applicant has executed either type of instrument, whether the 4600
applicant wishes the license issued to indicate that the applicant 4601
has executed the instrument; 4602

(8) ~~On and after October 7, 2009, whether~~ Whether the 4603
applicant is a veteran, active duty, or reservist of the armed 4604
forces of the United States and, if the applicant is such, whether 4605
the applicant wishes the license issued to indicate that the 4606
applicant is a veteran, active duty, or reservist of the armed 4607
forces of the United States by a military designation on the 4608
license. 4609

(B) Every applicant shall certify, on a form approved and 4610
furnished by the registrar, all of the following: 4611

(1) That the motor vehicle in which the applicant intends to 4612
take the driving skills test is representative of the type of 4613

motor vehicle that the applicant expects to operate as a driver; 4614

(2) That the applicant is not subject to any disqualification 4615
or out-of-service order, or license suspension, revocation, or 4616
cancellation, under the laws of this state, of another state, or 4617
of a foreign jurisdiction and does not have more than one driver's 4618
license issued by this or another state or a foreign jurisdiction; 4619

(3) Any additional information, certification, or evidence 4620
that the registrar requires by rule in order to ensure that the 4621
issuance of a commercial driver's license or commercial driver's 4622
license temporary instruction permit to the applicant is in 4623
compliance with the law of this state and with federal law. 4624

(C) Every applicant shall execute a form, approved and 4625
furnished by the registrar, under which the applicant consents to 4626
the release by the registrar of information from the applicant's 4627
driving record. 4628

(D) The registrar or a deputy registrar, in accordance with 4629
section 3503.11 of the Revised Code, shall register as an elector 4630
any applicant for a commercial driver's license or for a renewal 4631
or duplicate of such a license under this chapter, if the 4632
applicant is eligible and wishes to be registered as an elector. 4633
The decision of an applicant whether to register as an elector 4634
shall be given no consideration in the decision of whether to 4635
issue the applicant a license or a renewal or duplicate. 4636

(E) The registrar or a deputy registrar, in accordance with 4637
section 3503.11 of the Revised Code, shall offer the opportunity 4638
of completing a notice of change of residence or change of name to 4639
any applicant for a commercial driver's license or for a renewal 4640
or duplicate of such a license who is a resident of this state, if 4641
the applicant is a registered elector who has changed the 4642
applicant's residence or name and has not filed such a notice. 4643

(F) In considering any application submitted pursuant to this 4644

section, the bureau of motor vehicles may conduct any inquiries 4645
necessary to ensure that issuance or renewal of a commercial 4646
driver's license would not violate any provision of the Revised 4647
Code or federal law. 4648

(G) In addition to any other information it contains, ~~on and~~ 4649
~~after October 7, 2009,~~ the form approved and furnished by the 4650
registrar of motor vehicles for an application for a commercial 4651
driver's license, restricted commercial driver's license, or a 4652
commercial driver's license temporary instruction permit or an 4653
application for a duplicate of such a license or permit shall 4654
inform applicants that the applicant must present a copy of the 4655
applicant's DD-214 or an equivalent document in order to qualify 4656
to have the license, or permit, or duplicate indicate that the 4657
applicant is a veteran, active duty, or reservist of the armed 4658
forces of the United States based on a request made pursuant to 4659
division (A)(8) of this section. 4660

Sec. 4506.071. On receipt of a notice pursuant to section 4661
3123.54 of the Revised Code, the registrar of motor vehicles shall 4662
comply with sections 3123.53 to 3123.60 of the Revised Code and 4663
any applicable rules adopted under section 3123.63 of the Revised 4664
Code with respect to a commercial driver's license or commercial 4665
driver's license temporary instruction permit issued pursuant to 4666
this chapter. 4667

Sec. 4506.08. (A)(1) Each application for a commercial 4668
driver's license temporary instruction permit shall be accompanied 4669
by a fee of ten dollars. Each application for a commercial 4670
driver's license, restricted commercial driver's license, renewal 4671
of such a license, or waiver for farm-related service industries 4672
shall be accompanied by a fee of twenty-five dollars, except that 4673
an application for a commercial driver's license or restricted 4674
commercial driver's license received pursuant to division (A)(3) 4675

of section 4506.14 of the Revised Code shall be accompanied by a 4676
fee of eighteen dollars and seventy-five cents if the license will 4677
expire on the licensee's birthday three years after the date of 4678
issuance, a fee of twelve dollars and fifty cents if the license 4679
will expire on the licensee's birthday two years after the date of 4680
issuance, and a fee of six dollars and twenty-five cents if the 4681
license will expire on the licensee's birthday one year after the 4682
date of issuance. Each application for a duplicate commercial 4683
driver's license shall be accompanied by a fee of ten dollars. 4684

(2) In addition, the registrar of motor vehicles or deputy 4685
registrar may collect and retain an additional fee of no more than 4686
three dollars and fifty cents for each application for a 4687
commercial driver's license temporary instruction permit, 4688
commercial driver's license, renewal of a commercial driver's 4689
license, or duplicate commercial driver's license received by the 4690
registrar or deputy. 4691

(B) In addition to the fees imposed under division (A) of 4692
this section, the registrar of motor vehicles or deputy registrar 4693
shall collect a fee of twelve dollars for each application for a 4694
commercial driver's license temporary instruction permit, 4695
commercial driver's license, or duplicate commercial driver's 4696
license and for each application for renewal of a commercial 4697
driver's license. The additional fee is for the purpose of 4698
defraying the department of public safety's costs associated with 4699
the administration and enforcement of the motor vehicle and 4700
traffic laws of Ohio. 4701

(C) Each deputy registrar shall transmit the fees collected 4702
under divisions (A)(1) and (B) of this section in the time and 4703
manner prescribed by the registrar. The registrar shall deposit 4704
all moneys collected under division (A)(1) of this section into 4705
the state bureau of motor vehicles fund established in section 4706
4501.25 of the Revised Code. The registrar shall deposit all 4707

moneys collected under division (B) of this section into the state 4708
highway safety fund established in section 4501.06 of the Revised 4709
Code. 4710

(D) ~~Information~~ Upon request and payment of a fee of five 4711
dollars, the registrar shall furnish information regarding the 4712
driving record of any person holding a commercial driver's license 4713
issued by this state ~~shall be furnished by the registrar, upon~~ 4714
~~request and payment of a fee of five dollars,~~ to the employer or 4715
prospective employer of such a person and to any insurer. 4716

~~Of each five dollar fee the~~ The registrar collects under this 4717
~~division, the registrar shall pay two dollars~~ each five-dollar fee 4718
the registrar collects under this division into the state treasury 4719
to the credit of the state bureau of motor vehicles fund 4720
established in section 4501.25 of the Revised Code, ~~sixty cents~~ 4721
~~into the state treasury to the credit of the trauma and emergency~~ 4722
~~medical services fund established in section 4513.263 of the~~ 4723
~~Revised Code, sixty cents into the state treasury to the credit of~~ 4724
~~the homeland security fund established in section 5502.03 of the~~ 4725
~~Revised Code, thirty cents into the state treasury to the credit~~ 4726
~~of the investigations fund established in section 5502.131 of the~~ 4727
~~Revised Code, one dollar and twenty five cents into the state~~ 4728
~~treasury to the credit of the emergency management agency service~~ 4729
~~and reimbursement fund established in section 5502.39 of the~~ 4730
~~Revised Code, and twenty five cents into the state treasury to the~~ 4731
~~credit of the justice program services fund established in section~~ 4732
~~5502.67 of the Revised Code.~~ 4733

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 4734
approval by the director of public safety, shall adopt rules 4735
conforming with applicable standards adopted by the federal motor 4736
carrier safety administration as regulations under Pub. L. No. 4737
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4738

31317. The rules shall establish requirements for the 4739
qualification and testing of persons applying for a commercial 4740
driver's license, which ~~shall be~~ are in addition to other 4741
requirements established by this chapter. Except as provided in 4742
division (B) of this section, the highway patrol or any other 4743
employee of the department of public safety the registrar 4744
authorizes shall supervise and conduct the testing of persons 4745
applying for a commercial driver's license. 4746

(B) The director may adopt rules, in accordance with Chapter 4747
119. of the Revised Code and applicable requirements of the 4748
federal motor carrier safety administration, authorizing the 4749
skills test specified in this section to be administered by any 4750
person, by an agency of this or another state, or by an agency, 4751
department, or instrumentality of local government. Each party 4752
authorized under this division to administer the skills test may 4753
charge a maximum divisible fee of eighty-five dollars for each 4754
skills test given as part of a commercial driver's license 4755
examination. The fee shall consist of not more than twenty dollars 4756
for the pre-trip inspection portion of the test, not more than 4757
twenty dollars for the off-road maneuvering portion of the test, 4758
and not more than forty-five dollars for the on-road portion of 4759
the test. Each such party may require an appointment fee in the 4760
same manner provided in division ~~(F)~~(E)(2) of this section, except 4761
that the maximum amount such a party may require as an appointment 4762
fee is eighty-five dollars. The skills test administered by 4763
another party under this division shall be the same as otherwise 4764
would be administered by this state. The other party shall enter 4765
into an agreement with the director that, without limitation, does 4766
all of the following: 4767

(1) Allows the director or the director's representative and 4768
the federal motor carrier safety administration or its 4769
representative to conduct random examinations, inspections, and 4770

audits of the other party, whether covert or overt, without prior 4771
notice; 4772

(2) Requires the director or the director's representative to 4773
conduct on-site inspections of the other party at least annually; 4774

(3) Requires that all examiners of the other party meet the 4775
same qualification and training standards as examiners of the 4776
department of public safety, including criminal background checks, 4777
to the extent necessary to conduct skills tests in the manner 4778
required by 49 C.F.R. 383.110 through 383.135+. In accordance with 4779
federal guidelines, any examiner employed on the effective date of 4780
this amendment shall have a criminal background check conducted at 4781
least once, and any examiner hired after the effective date of 4782
this amendment shall have a criminal background check conducted 4783
after the examiner is initially hired. 4784

(4) Requires either that state employees take, at least 4785
annually and as though the employees were test applicants, the 4786
tests actually administered by the other party, that the director 4787
test a sample of drivers who were examined by the other party to 4788
compare the test results, or that state employees accompany a test 4789
applicant during an actual test; 4790

(5) Unless the other party is a governmental entity, requires 4791
the other party to initiate and maintain a bond in an amount 4792
determined by the director to sufficiently pay for the retesting 4793
of drivers in the event that the other party or its skills test 4794
examiners are involved in fraudulent activities related to skills 4795
testing; 4796

(6) Requires the other party to use only skills test 4797
examiners who have successfully completed a commercial driver's 4798
license examiner training course as prescribed by the director, 4799
and have been certified by the state as a commercial driver's 4800
license skills test examiner qualified to administer skills tests; 4801

<u>(7) Requires the other party to use designated road test routes that have been approved by the director;</u>	4802
	4803
<u>(8) Requires the other party to submit a schedule of skills test appointments to the director not later than two business days prior to each skills test;</u>	4804
	4805
	4806
<u>(9) Requires the other party to maintain copies of the following records at its principal place of business:</u>	4807
	4808
<u>(a) The other party's commercial driver's license skills testing program certificate;</u>	4809
	4810
<u>(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;</u>	4811
	4812
	4813
<u>(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;</u>	4814
	4815
<u>(d) A complete list of the test routes that have been approved by the director;</u>	4816
	4817
<u>(e) A complete and accurate copy of each examiner's training record.</u>	4818
	4819
<u>(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;</u>	4820
	4821
	4822
<u>(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year;</u>	4823
	4824
	4825
<u>(12) Reserves to this state the right to take prompt and appropriate remedial action against testers of the other party <u>and its skills test examiners</u> if the other party fails <u>or its skills test examiners fail</u> to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.</u>	4826
	4827
	4828
	4829
	4830
	4831

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

~~(D) The director shall adopt rules, in accordance with 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) Certifies that, during the two year period immediately preceding application for a commercial driver's license, all of the following apply:~~

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

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

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

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

~~(e) 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.~~ 4863

~~(2) Certifies and also provides evidence that the applicant 4864
is regularly employed in a job requiring operation of a commercial 4865
motor vehicle and that one of the following applies:~~ 4866

~~(a) The applicant has previously taken and passed a skills 4867
test given by a state with a classified licensing and testing 4868
system in which the test was behind the wheel in a representative 4869
vehicle for the applicant's commercial driver's license 4870
classification.~~ 4871

~~(b) The applicant has regularly operated, for at least two 4872
years immediately preceding application for a commercial driver's 4873
license, a vehicle representative of the commercial motor vehicle 4874
the applicant operates or expects to operate.~~ 4875

~~(E)(1) The director shall adopt rules, in accordance with 4876
Chapter 119. of the Revised Code, authorizing waiver of the skills 4877
test specified in this section for any applicant for a commercial 4878
driver's license who meets all of the following requirements:~~ 4879

~~(1) Has been a member or uniformed employee of the armed 4880
forces of the United States or their reserve components, including 4881
the Ohio national guard or the national guard of any other state;~~ 4882

(a) As authorized under 49 C.F.R. 383.3(c), the applicant operates 4883
a commercial motor vehicle for military purposes and is one of the 4884
following: 4885

(i) Active duty military personnel; 4886

(ii) A member of the military reserves; 4887

(iii) A member of the national guard on active duty, 4888
including full-time national guard duty, part-time national guard 4889
training, and national guard military technicians; 4890

(iv) Active duty U.S. coast guard personnel. 4891

~~(2) Certifies (b) The applicant certifies that, during the 4892~~

two-year period immediately preceding application for a commercial driver's license, all of the following apply:

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

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

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

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

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

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

~~(a)~~(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;

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

~~(c)~~(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the

applicant operates or expects to operate. 4923

(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians. 4924
4925

~~(F)~~(E)(1) The department of public safety may charge and 4926
collect a divisible fee of fifty dollars for each skills test 4927
given as part of a commercial driver's license examination. The 4928
fee shall consist of ten dollars for the pre-trip inspection 4929
portion of the test, ten dollars for the off-road maneuvering 4930
portion of the test, and thirty dollars for the on-road portion of 4931
the test. 4932

(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. 4933
The director may require an applicant for a 4934
commercial driver's license who schedules an appointment with the 4935
highway patrol or other authorized employee of the department of 4936
public safety to take all portions of the skills test, and to pay 4937
an appointment fee of fifty dollars at the time of scheduling the 4938
appointment. If the applicant appears at the time and location 4939
specified for the appointment and takes all portions of the skills 4940
test during that appointment, the appointment fee ~~shall serve~~ 4941
serves as the skills test fee. If the applicant schedules an 4942
appointment to take all portions of the skills test and fails to 4943
appear at the time and location specified for the appointment, ~~ne~~ 4944
the director shall not refund any portion of the appointment fee 4945
~~shall be refunded~~. If the applicant schedules an appointment to 4946
take all portions of the skills test and appears at the time and 4947
location specified for the appointment, but declines or is unable 4948
to take all portions of the skills test, ~~ne~~ the director shall not 4949
refund any portion of the appointment fee ~~shall be refunded~~. If 4950
the applicant cancels a scheduled appointment forty-eight hours or 4951
more prior to the time of the appointment time, the applicant 4952
4953
4954

shall not forfeit the appointment fee. 4955

An applicant for a commercial driver's license who schedules 4956
an appointment to take one or more, but not all, portions of the 4957
skills test ~~shall be~~ is required to pay an appointment fee equal to 4958
the costs of each test scheduled, as prescribed in division 4959
(~~F~~)(E)(1) of this section, when scheduling such an appointment. If 4960
the applicant appears at the time and location specified for the 4961
appointment and takes all the portions of the skills test during 4962
that appointment that the applicant was scheduled to take, the 4963
appointment fee ~~shall serve~~ serves as the skills test fee. If the 4964
applicant schedules an appointment to take one or more, but not 4965
all, portions of the skills test and fails to appear at the time 4966
and location specified for the appointment, ~~ne the director shall~~
not refund any portion of the appointment fee ~~shall be refunded~~. 4968
If the applicant schedules an appointment to take one or more, but 4969
not all, portions of the skills test and appears at the time and 4970
location specified for the appointment, but declines or is unable 4971
to take all portions of the skills test that the applicant was 4972
scheduled to take, ~~ne the director shall not refund any~~ portion of 4973
the appointment fee ~~shall be refunded~~. If the applicant cancels a 4974
scheduled appointment forty-eight hours or more prior to the time 4975
of the appointment time, the applicant shall not forfeit the 4976
appointment fee. 4977

(3) The department of public safety shall deposit all fees it 4978
collects under division (~~F~~)(E) of this section in the state bureau 4979
of motor vehicles fund established in section 4501.25 of the 4980
Revised Code. 4981

(F) A person who has successfully completed commercial 4982
driver's license training in this state but seeks a commercial 4983
driver's license in another state where the person is domiciled 4984
may schedule an appointment to take the skills test in this state 4985
and shall pay the appropriate appointment fee. Upon the person's 4986

completion of the skills test, this state shall electronically 4987
transmit the applicant's results to the state where the person is 4988
domiciled. If a person who is domiciled in this state takes a 4989
skills test in another state, this state shall accept the results 4990
of the skills test from the other state. If the person passed the 4991
other state's skills test and meets all of the other licensing 4992
requirements set forth in this chapter and rules adopted under 4993
this chapter, the registrar of motor vehicles or a deputy 4994
registrar shall issue a commercial driver's license to that 4995
person. 4996

(G) Unless otherwise specified, the director or the 4997
director's representative shall conduct the examinations, 4998
inspections, audits, and test monitoring set forth in divisions 4999
(B)(2),(3), and (4) of this section at least annually. If the 5000
other party or any of its skills test examiners fail to comply 5001
with state or federal standards for the skills testing program, 5002
the director or the director's representative shall take prompt 5003
and appropriate remedial action against the party and its skills 5004
test examiners. Remedial action may include termination of the 5005
agreement or revocation of a skills test examiner's certification. 5006

(H) As used in this section, "skills test" means a test of an 5007
applicant's ability to drive the type of commercial motor vehicle 5008
for which the applicant seeks a commercial driver's license by 5009
having the applicant drive such a motor vehicle while under the 5010
supervision of an authorized state driver's license examiner or 5011
tester. 5012

Sec. 4506.10. (A) No person who holds a valid commercial 5013
driver's license shall drive a commercial motor vehicle unless the 5014
person is physically qualified to do so. 5015

~~(1) Prior to January 30, 2012, each person who drives or~~ 5016
~~expects to drive a commercial motor vehicle in interstate or~~ 5017

~~foreign commerce or is otherwise subject to 49 C.F.R. 391, et seq., as amended, shall certify to the registrar of motor vehicles at the time of application for a commercial driver's license that the person is in compliance with these standards. Any person who is not subject to 49 C.F.R. 391, et seq., as amended, also shall certify at the time of application that the person is not subject to these standards.~~

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

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

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not

required to obtain a medical examiner's certificate+1 5050

(b)(i) If the applicant operates only in intrastate commerce 5051
and is subject to state driver qualification requirements, the 5052
applicant shall self-certify that the applicant is non-excepted 5053
intrastate; 5054

(ii) If the applicant operates only in intrastate commerce 5055
and is excepted from all or parts of the state driver 5056
qualification requirements, the applicant shall self-certify that 5057
the applicant is excepted intrastate. 5058

~~+3~~(2) Notwithstanding the expiration date on a person's 5059
commercial driver's license or commercial driver's license 5060
temporary instruction permit, every commercial driver's license or 5061
commercial driver's license temporary instruction permit holder 5062
shall provide the registrar with the certification required by 5063
this section, on or after January 30, 2012, but prior to January 5064
30, 2014. 5065

(B) A person is qualified to drive a school bus if the person 5066
holds a valid commercial driver's license along with the proper 5067
endorsements, and if the person has been certified as medically 5068
qualified in accordance with rules adopted by the department of 5069
education. 5070

(C)(1) Except as provided in division (C)(2) of this section, 5071
any only a medical examiner who is listed on the national registry 5072
of certified medical examiners established by the federal motor 5073
carrier safety administration shall perform a medical examination 5074
required by this section ~~shall be performed only by one of the~~ 5075
~~following:~~ 5076

~~(a) A person licensed under Chapter 4731. of the Revised Code~~ 5077
~~to practice medicine or surgery or osteopathic medicine and~~ 5078
~~surgery in this state, or licensed under any similar law of~~ 5079
~~another state;~~ 5080

~~(b) A physician assistant who is authorized by the
supervising physician to perform such a medical examination;~~ 5081
5082

~~(c) A certified nurse practitioner, a clinical nurse
specialist, or a certified nurse midwife;~~ 5083
5084

~~(d) A doctor of chiropractic.~~ 5085

~~(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 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.~~ 5086
5087
5088
5089
5090
5091
5092
5093

~~(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).~~ 5094
5095
5096
5097
5098
5099

~~(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.~~ 5100
5101
5102
5103
5104
5105
5106
5107

~~The registrar may either issue a special restricted license
or may set forth upon the usual license form the restrictions
imposed.~~ 5108
5109
5110

~~The registrar, upon receiving satisfactory evidence of any~~ 5111

violation of the restrictions of the license, may impose a class D 5112
license suspension of the license for the period of time specified 5113
in division (B)(4) of section 4510.02 of the Revised Code. 5114

The registrar, upon receiving satisfactory evidence that an 5115
applicant or holder of a commercial driver's license or commercial 5116
driver's license temporary instruction permit has violated 5117
division (A)(4) of section 4506.04 of the Revised Code and 5118
knowingly given false information in any application or 5119
certification required by section 4506.07 of the Revised Code, 5120
shall cancel the person's commercial driver's license ~~of the~~ 5121
~~person~~ or commercial driver's license temporary instruction permit 5122
or any pending application from the person for a commercial 5123
driver's license, commercial driver's license temporary 5124
instruction permit, or class D driver's license for a period of at 5125
least sixty days, during which time no application for a 5126
commercial driver's license, commercial driver's license temporary 5127
instruction permit, or class D driver's license shall be received 5128
from the person. 5129

(E) Whoever violates this section is guilty of a misdemeanor 5130
of the first degree. 5131

Sec. 4506.12. (A) Commercial driver's licenses shall be 5132
issued in the following classes and shall include any endorsements 5133
and restrictions that are applicable. Subject to any such 5134
endorsements and restrictions, the holder of a valid commercial 5135
driver's license may drive all commercial motor vehicles in the 5136
class for which that license is issued and all lesser classes of 5137
vehicles, except that the holder shall not operate a motorcycle 5138
unless the holder is licensed to do so under Chapter 4507. of the 5139
Revised Code. 5140

(B) The classes of commercial driver's licenses and the 5141
commercial motor vehicles that they authorize the operation of are 5142

as follows: 5143

(1) Class A--any combination of vehicles with a combined 5144
gross vehicle weight or combined gross vehicle weight rating of 5145
twenty-six thousand one pounds or more, if the gross vehicle 5146
weight or gross vehicle weight rating of the vehicle or vehicles 5147
being towed is in excess of ten thousand pounds. 5148

(2) Class B--any single vehicle with a gross vehicle weight 5149
or gross vehicle weight rating of twenty-six thousand one pounds 5150
or more or any such vehicle towing a vehicle having a gross 5151
vehicle weight or gross vehicle weight rating that is not in 5152
excess of ten thousand pounds. 5153

(3) Class C--any single vehicle, or combination of vehicles, 5154
that is not a class A or class B vehicle, but that is designed to 5155
transport sixteen or more passengers, including the driver, or is 5156
transporting hazardous materials in an amount requiring 5157
placarding, or any school bus with a gross vehicle weight or gross 5158
vehicle weight rating of less than twenty-six thousand one pounds 5159
that is designed to transport fewer than sixteen passengers 5160
including the driver. 5161

(C) The following endorsements ~~and restrictions~~ apply to 5162
commercial drivers' licenses: 5163

(1) H--authorizes the driver to drive a vehicle transporting 5164
hazardous materials in an amount requiring placarding; 5165

(2) ~~K--restricts the driver to only intrastate operation;~~ 5166

~~(3) L--restricts the driver to vehicles not equipped with air~~ 5167
~~brakes;~~ 5168

~~(4)~~ T--authorizes the driver to drive a vehicle configured 5169
with double or triple trailers that create more than one 5170
articulation point for the combination; 5171

~~(5)~~(3) P--authorizes the driver to drive vehicles designed to 5172

transport sixteen or more passengers, including the driver;	5173
(6) P1 authorizes the driver to drive class A vehicles	5174
designed for fewer than sixteen passengers, including the driver,	5175
and all lesser classes of vehicles without restriction as to the	5176
designed passenger capacity of the vehicle;	5177
(7) P2 authorizes the driver to drive class A or B vehicles	5178
designed for fewer than sixteen passengers, including the driver,	5179
and all lesser classes of vehicles without restriction as to the	5180
designed passenger capacity of the vehicle;	5181
(8) P4 Restricts the driver to driving class C school buses	5182
designed to transport fewer than sixteen passengers including the	5183
driver.	5184
(9)(4) N--authorizes the driver to drive tank vehicles;	5185
(10)(5) S--authorizes the driver to drive school buses	5186
transporting children;	5187
(11)(6) X--authorizes the driver to drive tank vehicles	5188
transporting hazardous materials in a quantity requiring	5189
placarding;	5190
(12) W restricts the driver to the operation of commercial	5191
motor vehicles in accordance with a waiver for farm related	5192
service industries issued under section 4506.24 of the Revised	5193
Code;	5194
(13) V indicates the existence of a medical variance on the	5195
driver's commercial driver's license information system driver	5196
record.	5197
(D) <u>The following restrictions apply to commercial driver's</u>	5198
<u>licenses:</u>	5199
(1) <u>E--restricts the driver to vehicles equipped with an</u>	5200
<u>automatic transmission;</u>	5201
(2) <u>K--restricts the driver to only intrastate operation;</u>	5202

<u>(3) L--restricts the driver to vehicles not equipped with air</u>	5203
<u>brakes;</u>	5204
<u>(4) M--restricts the driver from operating class A passenger</u>	5205
<u>vehicles;</u>	5206
<u>(5) N--restricts the driver from operating class A and B</u>	5207
<u>passenger vehicles;</u>	5208
<u>(6) O--restricts the driver from operating tractor-trailer</u>	5209
<u>commercial motor vehicles;</u>	5210
<u>(7) V--indicates the existence of a medical variance on the</u>	5211
<u>driver's commercial driver's license information system driver</u>	5212
<u>record;</u>	5213
<u>(8) W--restricts the driver to the operation of commercial</u>	5214
<u>motor vehicles in accordance with a waiver for farm-related</u>	5215
<u>service industries issued under section 4506.24 of the Revised</u>	5216
<u>Code;</u>	5217
<u>(9) Z--restricts the driver to vehicles not equipped with</u>	5218
<u>full air brakes.</u>	5219
<u>(E) In addition to any endorsement that otherwise may apply,</u>	5220
a person who is engaged in the towing of a disabled or wrecked	5221
motor vehicle shall hold a commercial driver's license bearing any	5222
endorsement required to drive the towed vehicle except the driver	5223
is not required to have either of the following:	5224
<u>(1) A passenger endorsement to tow an unoccupied passenger</u>	5225
<u>vehicle;</u>	5226
<u>(2) Any endorsement required for the wrecked or disabled</u>	5227
<u>vehicle when the driver initially removes a vehicle from the site</u>	5228
<u>of the emergency where the vehicle became wrecked or disabled to</u>	5229
<u>the nearest appropriate repair, disposal, or storage facility, as</u>	5230
<u>applicable.</u>	5231
<u>(E)(F) The following endorsements apply to commercial</u>	5232

<u>driver's license temporary instruction permits:</u>	5233
<u>(1) N--authorizes the holder to drive tank vehicles;</u>	5234
<u>(2) P--authorizes the permit holder to drive vehicles</u> <u>designed to transport sixteen or more passengers, including the</u> <u>driver;</u>	5235 5236 5237
<u>(3) S--authorizes the holder to drive school buses</u> <u>transporting children.</u>	5238 5239
<u>(G) The following restrictions apply to commercial driver's</u> <u>license temporary instruction permits:</u>	5240 5241
<u>(1) K--restricts the driver to only intrastate operation;</u>	5242
<u>(2) L--restricts the driver to vehicles not equipped with air</u> <u>brakes;</u>	5243 5244
<u>(3) M--restricts the driver from operating class A passenger</u> <u>vehicles;</u>	5245 5246
<u>(4) N--restricts the driver from operating class A and B</u> <u>passenger vehicles;</u>	5247 5248
<u>(5) P--restricts the driver from transporting passengers in a</u> <u>commercial motor vehicle bus;</u>	5249 5250
<u>(6) V--indicates the existence of a medical variance on the</u> <u>driver's commercial driver's license information system driver</u> <u>record;</u>	5251 5252 5253
<u>(7) X--restricts the driver from transporting cargo in a tank</u> <u>vehicle.</u>	5254 5255
<u>(H) A commercial driver's license temporary instruction</u> <u>permit holder shall not have an endorsement other than an</u> <u>endorsement set forth in division (F) of this section. A</u> <u>commercial driver's license temporary instruction permit holder</u> <u>with a tank vehicle (N) endorsement may only operate an empty tank</u> <u>vehicle, and is prohibited from operating any tank vehicle that</u>	5256 5257 5258 5259 5260 5261

previously contained hazardous materials that have not been purged 5262
from the tank vehicle. A commercial driver's license temporary 5263
instruction permit holder with a passenger (P) or school bus (S) 5264
endorsement is prohibited from operating a school bus or 5265
commercial motor vehicle carrying passengers. 5266

(I) No person shall drive any commercial motor vehicle for 5267
which an endorsement is required under this section unless the 5268
proper endorsement appears on the person's commercial driver's 5269
license or commercial driver's license temporary instruction 5270
permit. No person shall drive a commercial motor vehicle in 5271
violation of a restriction established under this section that 5272
appears on the person's commercial driver's license or commercial 5273
driver's license temporary instruction permit. 5274

~~(F)~~(J)(1) Whoever violates this section is guilty of a 5275
misdemeanor of the first degree. 5276

(2) The offenses established under division (I) of this 5277
section are strict liability offenses and section 2901.20 of the 5278
Revised Code does not apply. The designation of these offenses as 5279
strict liability offenses shall not be construed to imply that any 5280
other offense for which there is no specified degree of 5281
culpability, whether in this section or another section of the 5282
Revised Code, is not a strict liability offense. 5283

Sec. 4506.13. (A) The registrar of motor vehicles may 5284
authorize the highway patrol or any other employee of the 5285
department of public safety to issue an examiner's commercial 5286
examinations passed form to an applicant who has passed the 5287
required examinations. The examiner's commercial examinations 5288
passed form shall be used, ~~once it has been validated,~~ to indicate 5289
the examinations taken and passed by the commercial driver's 5290
license applicant. 5291

(B)(1) Before issuing, renewing, transferring, or upgrading a 5292

commercial driver's license, the registrar of motor vehicles shall 5293
obtain information about the applicant's driving record through 5294
the commercial driver's license information system, the 5295
applicant's state of licensure, and when available, the national 5296
driver register. In addition, ~~beginning January 30, 2012, before~~ 5297
~~issuing, renewing, transferring, or upgrading a commercial~~ 5298
~~driver's license~~ the registrar shall check the applicant's driver 5299
record to ensure that an applicant who self-certified under 5300
division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code 5301
that the applicant's operation of a commercial motor vehicle is 5302
non-excepted interstate, is medically certified. 5303

(2) The registrar shall not issue, renew, upgrade, or 5304
transfer the applicant's commercial driver's license if any of the 5305
following apply: 5306

(a) The registrar obtains adverse information regarding the 5307
applicant's driving record. 5308

(b) There is no information regarding the driver's 5309
self-certification type as required by division (A)~~(2)~~(1) of 5310
section 4506.10 of the Revised Code. 5311

(c) The applicant's medical status is not certified, when 5312
required to be certified under division (A)~~(2)~~(1)(a)(i) of section 5313
4506.10 of the Revised Code. 5314

(3) If the record check reveals information that the 5315
applicant claims is outdated, contested, or invalid, the registrar 5316
shall deny the application until the applicant can resolve the 5317
conflict. 5318

~~(C)(1) Within~~ The registrar shall do all of the following: 5319

(1) Within ten days after issuing a commercial driver's 5320
license, ~~the registrar shall~~ notify the commercial driver's 5321
license information system, when available, of that fact and ~~shall~~ 5322
provide all information required to ensure identification of the 5323

licensee. If the registrar is notified that driver has been issued 5324
a medical variance, the registrar shall indicate the existence of 5325
the medical variance on the commercial driver's license holder's 5326
commercial driver's license information system driver record. 5327

~~(2) Beginning on January 30, 2012, the registrar shall do all~~ 5328
~~of the following:~~ 5329

~~(a)~~ For those ~~driver's~~ drivers self-certifying under division 5330
(A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code as 5331
non-excepted interstate, post the applicant's medical status as 5332
certified or non-certified on the applicant's commercial driver's 5333
license information system driver record upon receiving a valid 5334
original or copy of the medical examiner's certificate; 5335

~~(b)~~(3) Post the driver's self-certification type as set forth 5336
in division (A)~~(2)~~(1) of section 4506.10 of the Revised Code; 5337

~~(c)~~(4) Post information from the medical examiner's 5338
certificate, if applicable, on the commercial driver's license 5339
holder's commercial driver's license information system driver 5340
record within ten business days of issuing the commercial driver's 5341
license; 5342

~~(d)~~(5) Retain the original or a copy of the commercial 5343
driver's license holder's medical certificate for a minimum of 5344
three years after the date the certificate was issued; 5345

~~(3) The registrar shall post~~ (6) Post and maintain as part of 5346
the commercial driver's license information system driver record 5347
all convictions, disqualifications, and other licensing actions 5348
for violations of any state or municipal ordinances related to 5349
motor vehicle traffic control, other than parking violations for 5350
all persons who hold a commercial driver's license or operate a 5351
motor vehicle for which a commercial driver's license is required- 5352

~~(4) Beginning January 30, 2014, the registrar shall post;~~ 5353

(7) Post an applicant's status of medically non-certified on 5354
the applicant's commercial driver's license information system 5355
driver record and ~~shall~~ downgrade the ~~commercial driver's license~~ 5356
~~holder's~~ applicant's commercial driver's license in accordance 5357
with division (D) of this section if either of the following 5358
applies: 5359

(a) The commercial driver's license holder fails to provide 5360
the driver's self-certification type as required by division 5361
(A)~~(2)~~(1) of section 4506.10 of the Revised Code. 5362

(b) The commercial driver's license holder self-certifying 5363
under division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised 5364
Code as non-excepted interstate fails to provide the registrar 5365
with a current medical examiner's certificate. 5366

~~(5) The registrar shall mark~~ (8) Mark the commercial driver's 5367
license information system driver record as non-certified for any 5368
commercial driver's license holder who has not self-certified 5369
under division (A)~~(2)~~(1) of section 4506.10 of the Revised Code by 5370
January 30, 2014 and ~~shall~~ initiate the commercial driver's 5371
license commercial driver's license downgrade procedures described 5372
in division (D) of this section. 5373

~~(6) Beginning on January 30, 2012, within;~~ 5374

(9) Within ten days after a commercial driver's license 5375
holder's medical certification status expires or a medical 5376
variance expires or is rescinded, ~~the registrar shall~~ update the 5377
person's medical certification status to non-certified. ~~Within;~~ 5378

(10) Within ten calendar days after receiving information 5379
from the federal motor carrier safety administration regarding 5380
issuance or renewal of a medical variance for a driver, ~~the~~ 5381
~~registrar shall~~ update the driver's commercial driver's license 5382
information system driver record to include the medical variance 5383
information provided by the federal motor carrier safety 5384

administration. 5385

(D) If a driver's medical certification or medical variance 5386
expires or the federal motor carrier safety administration 5387
notifies the registrar that a medical variance was removed or 5388
rescinded, the registrar shall do the following: 5389

(1) Send notice to the commercial driver's license holder of 5390
the holder's medically not certified status. The notice shall 5391
inform the driver that the driver's commercial driver's license 5392
privileges will be removed unless the driver resolves the medical 5393
certification or medical variance defect by submitting a current 5394
medical certificate or medical variance, as applicable, or 5395
changing the driver's self-certification under division (A)~~(2)~~(1) 5396
of section 4506.10 of the Revised Code to driving only in excepted 5397
interstate or excepted intrastate commerce within sixty days. 5398

(2) Sixty days after the change to a medically not certified 5399
status, if the commercial driver's license holder has not resolved 5400
the medical certification or medical variance defect as described 5401
in division (D)(1) of this section, the registrar shall change the 5402
person's commercial driver's license status to reflect no 5403
commercial driver's license privileges and shall send the person a 5404
second notice informing the person that the commercial driver's 5405
license privilege has been removed from the driver's license ~~and~~ 5406
~~that, unless the driver resolves the medical certification or~~ 5407
~~medical variance defect by submitting a current medical~~ 5408
~~certificate or medical variance, as applicable, or changing the~~ 5409
~~driver's self certification under division (A)(2) of section~~ 5410
~~4506.10 of the Revised Code to driving only in excepted interstate~~ 5411
~~or excepted intrastate commerce within one hundred eighty days,~~ 5412
~~the person's commercial driver's license will be downgraded to a~~ 5413
~~noncommercial driver's license class of license.~~ 5414

(E) To the extent permitted by federal and state law, the 5415
registrar shall provide records from the commercial driver's 5416

license information system regarding a commercial driver's license 5417
holder or commercial motor vehicle operator to the following 5418
individuals and entities or their authorized agents within ten 5419
days of the receipt of conviction or disqualification information 5420
concerning the holder or operator from another state or within ten 5421
days of the date of conviction or disqualification of the holder 5422
or operator if it occurred in this state, as applicable: 5423

(1) Other states; 5424

(2) The secretary of the United States department of 5425
transportation; 5426

(3) The commercial driver's license holder or commercial 5427
motor vehicle operator referenced in the records; 5428

(4) A motor carrier that is a current or prospective employer 5429
of the commercial driver's license holder or commercial motor 5430
vehicle operator referenced in the records. 5431

Sec. 4506.15. (A) No person who holds a commercial driver's 5432
license or commercial driver's license temporary instruction 5433
permit or who operates a motor vehicle for which a commercial 5434
driver's license or permit is required shall do any of the 5435
following: 5436

(1) Drive a commercial motor vehicle while having a 5437
measurable or detectable amount of alcohol or of a controlled 5438
substance in the person's blood, breath, or urine; 5439

(2) Drive a commercial motor vehicle while having an alcohol 5440
concentration of four-hundredths of one per cent or more by whole 5441
blood or breath; 5442

(3) Drive a commercial motor vehicle while having an alcohol 5443
concentration of forty-eight-thousandths of one per cent or more 5444
by blood serum or blood plasma; 5445

(4) Drive a commercial motor vehicle while having an alcohol 5446

concentration of fifty-six-thousandths of one per cent or more by	5447
urine;	5448
(5) Drive a motor vehicle while under the influence of a	5449
controlled substance;	5450
(6) Drive a motor vehicle in violation of section 4511.19 of	5451
the Revised Code or a municipal OVI ordinance as defined in	5452
section 4511.181 of the Revised Code;	5453
(7) Use a motor vehicle in the commission of a felony;	5454
(8) Refuse to submit to a test under section 4506.17 or	5455
4511.191 of the Revised Code;	5456
(9) Operate a commercial motor vehicle while the person's	5457
<u>commercial driver's license or permit or other</u> commercial driving	5458
privileges are revoked, suspended, canceled, or disqualified;	5459
(10) Cause a fatality through the negligent operation of a	5460
commercial motor vehicle, including, but not limited to, the	5461
offenses of aggravated vehicular homicide, vehicular homicide, and	5462
vehicular manslaughter;	5463
(11) Fail to stop after an accident in violation of sections	5464
4549.02 to 4549.03 of the Revised Code;	5465
(12) Drive a commercial motor vehicle in violation of any	5466
provision of sections 4511.61 to 4511.63 of the Revised Code or	5467
any federal or local law or ordinance pertaining to	5468
railroad-highway grade crossings;	5469
(13) Use a motor vehicle in the commission of a felony	5470
involving the manufacture, distribution, or dispensing of a	5471
controlled substance as defined in section 3719.01 of the Revised	5472
Code or the possession with intent to manufacture, distribute, or	5473
dispense a controlled substance.	5474
(B) Whoever violates this section is guilty of a misdemeanor	5475
of the first degree.	5476

Sec. 4506.16. (A) Any person who is found to have been 5477
convicted of a violation of an out-of-service order shall be 5478
disqualified by the registrar of motor vehicles as follows: 5479

(1) If the person has not been convicted previously of a 5480
violation of an out-of-service order, the period of 5481
disqualification is one hundred eighty days. 5482

(2) If, during any ten-year period, the driver is convicted 5483
of a second violation of an out-of-service order in an incident 5484
separate from the incident that resulted in the first violation, 5485
the period of disqualification is two years. 5486

(3) If, during any ten-year period, the driver is convicted 5487
of a third or subsequent violation of an out-of-service order in 5488
an incident separate from the incidents that resulted in the 5489
previous violations during that ten-year period, the period of 5490
disqualification is three years. 5491

(B)(1) A driver is disqualified for one hundred eighty days 5492
if the driver is convicted of a first violation of an 5493
out-of-service order while transporting hazardous materials 5494
required to be placarded under the "Hazardous Materials 5495
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 5496
amended, or while operating a motor vehicle designed to transport 5497
sixteen or more passengers, including the driver. 5498

(2) A driver is disqualified for a period of three years if, 5499
during any ten-year period, the driver is convicted of a second or 5500
subsequent violation, in an incident separate from the incident 5501
that resulted in a previous violation during that ten-year period, 5502
of an out-of-service order while transporting hazardous materials 5503
required to be placarded under that act, or while operating a 5504
motor vehicle designed to transport sixteen or more passengers, 5505
including the driver. 5506

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

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

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

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

(3) Upon a first conviction for any of the following violations while transporting hazardous materials, three years:

(a) Divisions (A)(2) to (12) of section 4506.15 of the Revised Code;

(b) A similar law of another state or a foreign jurisdiction.	5538
(4) Upon conviction of a violation of division (A)(13) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life;	5539 5540 5541 5542
(5)(a) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;	5543 5544 5545 5546 5547 5548 5549
(b) Upon conviction of three <u>or more</u> serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;	5550 5551 5552 5553 5554 5555 5556
(6)(a) Upon conviction of two serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license <u>or commercial driver's license temporary instruction permit</u> , or noncommercial motor vehicle driving privileges, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;	5557 5558 5559 5560 5561 5562 5563 5564 5565 5566 5567
(b) Upon conviction of three <u>or more</u> serious traffic	5568

violations involving the operation of a vehicle other than a 5569
commercial motor vehicle by the person and arising from separate 5570
incidents occurring in a three-year period, the person shall be 5571
disqualified for one hundred twenty days if the conviction results 5572
in the suspension, cancellation, or revocation of the holder's 5573
commercial driver's license or permit, or noncommercial motor 5574
vehicle driving privileges, which disqualification shall be 5575
imposed consecutively to any other separate disqualification 5576
imposed under division (D)(5) or (6) of this section. 5577

(7) Upon a first conviction involving the operation of a 5578
commercial motor vehicle in violation of any provisions of 5579
sections 4511.61 to 4511.63 of the Revised Code or a similar law 5580
of another state or foreign jurisdiction, not less than sixty 5581
days; 5582

(8) Upon a second conviction involving the operation of a 5583
commercial motor vehicle in violation of any provisions of 5584
sections 4511.61 to 4511.63 of the Revised Code or a similar law 5585
of another state or foreign jurisdiction within three years of the 5586
first such conviction, not less than one hundred twenty days; 5587

(9) Upon a third or subsequent conviction involving the 5588
operation of a commercial motor vehicle in violation of any 5589
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 5590
similar law of another state or foreign jurisdiction within three 5591
years of the first such conviction, not less than one year; 5592

(10) Upon receiving notification from the federal motor 5593
carrier safety administration, the registrar immediately, prior to 5594
any hearing, shall disqualify any commercial motor vehicle driver 5595
whose driving is determined to constitute an imminent hazard as 5596
defined under federal motor carrier safety regulation 49 C.F.R. 5597
383.52. 5598

(E) For the purposes of this section, conviction of a 5599

violation for which disqualification is required includes 5600
conviction under any municipal ordinance that is substantially 5601
similar to any section of the Revised Code that is set forth in 5602
division (D) of this section and may be evidenced by any of the 5603
following: 5604

(1) A judgment entry of a court of competent jurisdiction in 5605
this or any other state; 5606

(2) An administrative order of a state agency of this or any 5607
other state having statutory jurisdiction over commercial drivers; 5608

(3) A computer record obtained from or through the commercial 5609
driver's license information system; 5610

(4) A computer record obtained from or through a state agency 5611
of this or any other state having statutory jurisdiction over 5612
commercial drivers or the records of commercial drivers. 5613

(F) For purposes of this section, conviction of disqualifying 5614
offenses committed in a noncommercial motor vehicle are included 5615
if either of the following applies: 5616

(1) The offense occurred after the person obtained the 5617
person's commercial driver's license or commercial driver's 5618
license temporary instruction permit. 5619

(2) The offense occurs on or after September 30, 2005. 5620

(G) If a person commits a serious traffic violation by 5621
operating a commercial motor vehicle without having a commercial 5622
driver's license or commercial driver's license temporary 5623
instruction permit in the person's possession as described in 5624
division ~~(CC)~~(II)(3)(e) of section 4506.01 of the Revised Code and 5625
the person then submits proof to either the enforcement agency 5626
that issued the citation for the violation or to the court with 5627
jurisdiction over the case before the date of the person's initial 5628
appearance that shows that the person held a valid commercial 5629

driver's license or permit at the time of the violation, the 5630
violation shall not be deemed to be a serious traffic violation. 5631

(H) Any record described in division (C) of this section 5632
shall be deemed to be self-authenticating when it is received by 5633
the bureau of motor vehicles. 5634

(I) When disqualifying a driver, the registrar shall cause 5635
the records of the bureau to be updated to reflect that action 5636
within ten days after it occurs. 5637

(J) The registrar immediately shall notify a driver who is 5638
finally convicted of any offense described in section 4506.15 of 5639
the Revised Code or division ~~(B)~~(D)(4), (5), or (6) of this 5640
section and thereby is subject to disqualification, of the offense 5641
or offenses involved, of the length of time for which 5642
disqualification is to be imposed, and that the driver may request 5643
a hearing within thirty days of the mailing of the notice to show 5644
cause why the driver should not be disqualified from operating a 5645
commercial motor vehicle. If a request for such a hearing is not 5646
made within thirty days of the mailing of the notice, the order of 5647
disqualification is final. The registrar may designate hearing 5648
examiners who, after affording all parties reasonable notice, 5649
shall conduct a hearing to determine whether the disqualification 5650
order is supported by reliable evidence. The registrar shall adopt 5651
rules to implement this division. 5652

(K) Any person who is disqualified from operating a 5653
commercial motor vehicle under this section may apply to the 5654
registrar for a driver's license to operate a motor vehicle other 5655
than a commercial motor vehicle, provided the person's commercial 5656
driver's license is not otherwise suspended. A person whose 5657
commercial driver's license is suspended shall not apply to the 5658
registrar for or receive a driver's license under Chapter 4507. of 5659
the Revised Code during the period of suspension. 5660

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

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

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

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

(C) A person requested by a peace officer to submit to a test under division (A) of this section shall be advised by the peace officer ~~requesting the test~~ that a refusal to submit to the test

will result in the person immediately being placed out-of-service 5692
for a period of twenty-four hours and being disqualified from 5693
operating a commercial motor vehicle for a period of not less than 5694
one year, and that the person is required to surrender the 5695
person's commercial driver's license or permit to the peace 5696
officer. 5697

(D) If a person refuses to submit to a test after being 5698
warned as provided in division (C) of this section or submits to a 5699
test that discloses the presence of an amount of alcohol or a 5700
controlled substance prohibited by divisions (A)(1) to (5) of 5701
section 4506.15 of the Revised Code or a metabolite of a 5702
controlled substance, the person immediately shall surrender the 5703
person's commercial driver's license or permit to the peace 5704
officer. The peace officer shall forward the license or permit, 5705
together with a sworn report, to the registrar of motor vehicles 5706
certifying that the test was requested pursuant to division (A) of 5707
this section and that the person either refused to submit to 5708
testing or submitted to a test that disclosed the presence of one 5709
of the prohibited concentrations of a substance listed in 5710
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 5711
a metabolite of a controlled substance. The form and contents of 5712
the report required by this section shall be established by the 5713
registrar by rule, but shall contain the advice to be read to the 5714
driver and a statement to be signed by the driver acknowledging 5715
that the driver has been read the advice and that the form was 5716
shown to the driver. 5717

(E) Upon receipt of a sworn report from a peace officer as 5718
provided in division (D) of this section, or upon receipt of 5719
notification that a person has been disqualified under a similar 5720
law of another state or foreign jurisdiction, the registrar shall 5721
disqualify the person named in the report from driving a 5722
commercial motor vehicle for the period described below: 5723

(1) Upon a first incident, one year; 5724

(2) Upon an incident of refusal or of a prohibited 5725
concentration of alcohol, a controlled substance, or a metabolite 5726
of a controlled substance after one or more previous incidents of 5727
either refusal or of a prohibited concentration of alcohol, a 5728
controlled substance, or a metabolite of a controlled substance, 5729
the person shall be disqualified for life or such lesser period as 5730
prescribed by rule by the registrar. 5731

(F) A test of a person's whole blood or a person's blood 5732
serum or plasma given under this section shall comply with the 5733
applicable provisions of division (D) of section 4511.19 of the 5734
Revised Code and any physician, registered nurse, emergency 5735
medical technician-intermediate, emergency medical 5736
technician-paramedic, or qualified technician, chemist, or 5737
phlebotomist who withdraws whole blood or blood serum or plasma 5738
from a person under this section, and any hospital, first-aid 5739
station, clinic, or other facility at which whole blood or blood 5740
serum or plasma is withdrawn from a person pursuant to this 5741
section, is immune from criminal liability, and from civil 5742
liability that is based upon a claim of assault and battery or 5743
based upon any other claim of malpractice, for any act performed 5744
in withdrawing whole blood or blood serum or plasma from the 5745
person. The immunity provided in this division also extends to an 5746
emergency medical service organization that employs an emergency 5747
medical technician-intermediate or emergency medical 5748
technician-paramedic who withdraws blood under this section. 5749

(G) When a person submits to a test under this section, the 5750
results of the test, at the person's request, shall be made 5751
available to the person, the person's attorney, or the person's 5752
agent, immediately upon completion of the chemical test analysis. 5753
The person also may have an additional test administered by a 5754
physician, a registered nurse, or a qualified technician, chemist, 5755

or phlebotomist of the person's own choosing as provided in 5756
division (D) of section 4511.19 of the Revised Code for tests 5757
administered under that section, and the failure to obtain such a 5758
test has the same effect as in that division. 5759

(H) No person shall refuse to immediately surrender the 5760
person's commercial driver's license or permit to a peace officer 5761
when required to do so by this section. 5762

(I) A peace officer issuing an out-of-service order or 5763
receiving a commercial driver's license or permit surrendered 5764
under this section may remove or arrange for the removal of any 5765
commercial motor vehicle affected by the issuance of that order or 5766
the surrender of that license. 5767

(J)(1) Except for civil actions arising out of the operation 5768
of a motor vehicle and civil actions in which the state is a 5769
plaintiff, no peace officer of any law enforcement agency within 5770
this state is liable in compensatory damages in any civil action 5771
that arises under the Revised Code or common law of this state for 5772
an injury, death, or loss to person or property caused in the 5773
performance of official duties under this section and rules 5774
adopted under this section, unless the officer's actions were 5775
manifestly outside the scope of the officer's employment or 5776
official responsibilities, or unless the officer acted with 5777
malicious purpose, in bad faith, or in a wanton or reckless 5778
manner. 5779

(2) Except for civil actions that arise out of the operation 5780
of a motor vehicle and civil actions in which the state is a 5781
plaintiff, no peace officer of any law enforcement agency within 5782
this state is liable in punitive or exemplary damages in any civil 5783
action that arises under the Revised Code or common law of this 5784
state for any injury, death, or loss to person or property caused 5785
in the performance of official duties under this section of the 5786
Revised Code and rules adopted under this section, unless the 5787

officer's actions were manifestly outside the scope of the 5788
officer's employment or official responsibilities, or unless the 5789
officer acted with malicious purpose, in bad faith, or in a wanton 5790
or reckless manner. 5791

(K) When disqualifying a driver, the registrar shall cause 5792
the records of the bureau of motor vehicles to be updated to 5793
reflect the disqualification within ten days after it occurs. 5794

(L) The registrar immediately shall notify a driver who is 5795
subject to disqualification of the disqualification, of the length 5796
of the disqualification, and that the driver may request a hearing 5797
within thirty days of the mailing of the notice to show cause why 5798
the driver should not be disqualified from operating a commercial 5799
motor vehicle. If a request for such a hearing is not made within 5800
thirty days of the mailing of the notice, the order of 5801
disqualification is final. The registrar may designate hearing 5802
examiners who, after affording all parties reasonable notice, 5803
shall conduct a hearing to determine whether the disqualification 5804
order is supported by reliable evidence. The registrar shall adopt 5805
rules to implement this division. 5806

(M) Any person who is disqualified from operating a 5807
commercial motor vehicle under this section may apply to the 5808
registrar for a driver's license to operate a motor vehicle other 5809
than a commercial motor vehicle, provided the person's commercial 5810
driver's license or permit is not otherwise suspended. A person 5811
whose commercial driver's license or permit is suspended shall not 5812
apply to the registrar for or receive a driver's license under 5813
Chapter 4507. of the Revised Code during the period of suspension. 5814

(N) Whoever violates division (H) of this section is guilty 5815
of a misdemeanor of the first degree. 5816

(O) As used in this section, "emergency medical 5817
technician-intermediate" and "emergency medical 5818

technician-paramedic" have the same meanings as in section 4765.01 5819
of the Revised Code. 5820

Sec. 4506.20. (A) Each employer shall require every applicant 5821
for employment as a driver of a commercial motor vehicle to 5822
provide the applicant's employment history for the ten years 5823
preceding the date the employment application is submitted to the 5824
prospective employer. The following information shall be 5825
submitted: 5826

(1) A list of the names and addresses of the applicant's 5827
previous employers for which the applicant was the operator of a 5828
commercial motor vehicle; 5829

(2) The dates the applicant was employed by these employers; 5830

(3) The reason for leaving each of these employers. 5831

(B) No employer shall knowingly permit or authorize any 5832
driver employed by the employer to drive a commercial motor 5833
vehicle during any period in which any of the following apply: 5834

(1) The driver's commercial driver's license is suspended, 5835
revoked, or canceled by any state or a foreign jurisdiction; 5836

(2) The driver has lost the privilege to drive, or currently 5837
is disqualified from driving, a commercial motor vehicle in any 5838
state or foreign jurisdiction; 5839

(3) The driver, the commercial motor vehicle the driver is 5840
driving, or the motor carrier operation is subject to an 5841
out-of-service order in any state or foreign jurisdiction; 5842

(4) The driver has more than one driver's license. 5843

(C) No employer shall knowingly permit or authorize a driver 5844
to operate a commercial motor vehicle in violation of section 5845
4506.15 of the Revised Code. 5846

(D) No employer shall knowingly permit or authorize a driver 5847

to operate a commercial motor vehicle if the driver does not hold 5848
a valid, current commercial driver's license or commercial 5849
driver's license temporary instruction permit bearing the proper 5850
class or endorsements for the vehicle. No employer shall knowingly 5851
permit or authorize a driver to operate a commercial motor vehicle 5852
in violation of the restrictions on the driver's commercial 5853
driver's license or commercial driver's license temporary 5854
instruction permit. 5855

(E)(1) Whoever violates division (A) ~~or~~, (B), or (D) of this 5856
section is guilty of a misdemeanor of the first degree. 5857

(2) Whoever violates division (C) of this section may be 5858
assessed a fine not to exceed ten thousand dollars. 5859

Sec. 4506.21. Within ten days after receiving a report of the 5860
final judgment of a conviction of ~~any nonresident~~ the holder of an 5861
out-of-state commercial driver's license or commercial driver's 5862
license temporary instruction permit in any type of vehicle, or 5863
the conviction of the holder of an out-of-state noncommercial 5864
driver's license in a commercial motor vehicle for a violation of 5865
a state law or local ordinance or resolution relating to traffic 5866
control, other than parking violations, ~~committed in a commercial~~ 5867
~~motor vehicle,~~ the registrar of motor vehicles shall notify the 5868
driver licensing authority in the holder's state or jurisdiction 5869
in which the person resides and the driver licensing authority 5870
that issued the nonresident's commercial driver's license, if 5871
different from the state of residence of licensure. For purposes 5872
of this section, a judgment of conviction is not final until it is 5873
entered into the court journal by the clerk of courts pursuant to 5874
Rule 32 of the Rules of Criminal Procedure. 5875

Sec. 4507.03. (A)(1) No person shall be required to obtain a 5876
driver's or commercial driver's license for the purpose of 5877

temporarily driving, operating, drawing, moving, or propelling a 5878
road roller or road machinery upon a street or highway. 5879

(2) No person shall be required to obtain a driver's or 5880
commercial driver's license for the purpose of temporarily 5881
driving, operating, drawing, moving, or propelling any 5882
agricultural tractor or implement of husbandry upon a street or 5883
highway at a speed of twenty-five miles per hour or less. 5884

(3) No person shall drive, operate, draw, move, or propel any 5885
agricultural tractor or implement of husbandry upon a street or 5886
highway at a speed greater than twenty-five miles per hour unless 5887
the person has a current, valid driver's or commercial driver's 5888
license. 5889

(4) No person having a valid driver's or commercial driver's 5890
license shall be required to have a motorcycle operator's 5891
endorsement to operate a motorcycle having three wheels with a 5892
motor of not more than fifty cubic centimeters piston 5893
displacement. 5894

(5) No person having a valid driver's or commercial driver's 5895
license shall be required to have a motorcycle operator's 5896
endorsement to operate a cab-enclosed motorcycle. 5897

(B) Every person on active duty in the armed forces of the 5898
United States, when furnished with a driver's permit and when 5899
operating an official motor vehicle in connection with such duty, 5900
is exempt from the license requirements of Chapters 4506. and 5901
4507. of the Revised Code. 5902

Every person on active duty in the armed forces of the United 5903
States or in service with the peace corps, volunteers in service 5904
to America, or the foreign service of the United States is exempt 5905
from the license requirements of those chapters for the period of 5906
the person's active duty or service and for six months thereafter, 5907
provided the person was a licensee under those chapters at the 5908

time the person commenced the person's active duty or service. The 5909
spouse or a dependent of any such person on active duty or in 5910
service also is exempt from the license requirements of those 5911
chapters for the period of the person's active duty or service and 5912
for six months thereafter, provided the spouse or dependent was a 5913
licensee under those chapters at the time the person commenced the 5914
active duty or service, and provided further that the person's 5915
active duty or service causes the spouse or dependent to relocate 5916
outside of this state during the period of the active duty or 5917
service. 5918

This section does not prevent such a person or the person's 5919
spouse or dependent from making an application, as provided in 5920
division (C) of section 4507.10 of the Revised Code, for the 5921
renewal of a driver's license or motorcycle operator's endorsement 5922
or as provided in section 4506.14 of the Revised Code for the 5923
renewal of a commercial driver's license during the period of the 5924
person's active duty or service. 5925

(C) Whoever violates division (A)(3) of this section is 5926
guilty of a misdemeanor of the first degree. 5927

Sec. 4507.071. (A) ~~No~~ The registrar of motor vehicles or any 5928
deputy registrar shall not issue a driver's license ~~shall be~~ 5929
~~issued~~ to any person under eighteen years of age, except that the 5930
registrar or a deputy registrar may issue a probationary license 5931
~~may be issued~~ to a person who is at least sixteen years of age and 5932
has held a temporary instruction permit for a period of at least 5933
six months. 5934

(B)(1)(a) No holder of a probationary driver's license who 5935
has ~~not attained~~ held the ~~age of seventeen years~~ license for less 5936
than twelve months shall operate a motor vehicle upon a highway or 5937
any public or private property used by the public for purposes of 5938
vehicular travel or parking between the hours of midnight and six 5939

a.m. unless the holder is accompanied by the holder's parent or guardian. 5940
5941

(b) No holder of a probationary driver's license who has 5942
~~attained the age of seventeen years but has not attained the age~~ 5943
~~of eighteen years~~ held the license for twelve months or longer 5944
shall operate a motor vehicle upon a highway or any public or 5945
private property used by the public for purposes of vehicular 5946
travel or parking between the hours of one a.m. and five a.m. 5947
unless the holder is accompanied by the holder's parent or 5948
guardian. 5949

(2)(a) Subject to division (D)(1)(~~a~~) of this section, 5950
division (B)(1)(a) of this section does not apply to the holder of 5951
a probationary driver's license who is traveling to or from work 5952
between the hours of midnight and six a.m. and has in the holder's 5953
immediate possession written documentation from the holder's 5954
employer. 5955

(b) Division (B)(1)(b) of this section does not apply to the 5956
holder of a probationary driver's license who is traveling to or 5957
from work between the hours of one a.m. and five a.m. and has in 5958
the holder's immediate possession written documentation from the 5959
holder's employer. 5960

(3) An employer is not liable in damages in a civil action 5961
for any injury, death, or loss to person or property that 5962
allegedly arises from, or is related to, the fact that the 5963
employer provided an employee who is the holder of a probationary 5964
driver's license with the written documentation described in 5965
division (B)(2) of this section. 5966

The registrar of motor vehicles shall make available at no 5967
cost a form to serve as the written documentation described in 5968
division (B)(2) of this section, and employers and holders of 5969
probationary driver's licenses may utilize that form or may choose 5970

to utilize any other written documentation to meet the 5971
requirements of that division. 5972

(4) No holder of a probationary driver's license who ~~is less~~ 5973
~~than seventeen years of age~~ has held the license for less than 5974
twelve months shall operate a motor vehicle upon a highway or any 5975
public or private property used by the public for purposes of 5976
vehicular travel or parking with more than one person who is not a 5977
family member occupying the vehicle unless the probationary 5978
license holder is accompanied by the probationary license holder's 5979
parent, guardian, or custodian. 5980

(C) It is an affirmative defense to a violation of division 5981
(B)(1)(a) or (b) of this section if, at the time of the violation, 5982
the holder of the probationary driver's license was traveling to 5983
or from an official function sponsored by the school the holder 5984
attends, or an emergency existed that required the holder to 5985
operate a motor vehicle in violation of division (B)(1)(a) or (b) 5986
of this section, or the holder was an emancipated minor. 5987

(D)(1)(a) ~~Except as otherwise provided in division (D)(2) of~~ 5988
~~this section, if~~ If a person is issued a probationary driver's 5989
license prior to attaining the age of seventeen years and the 5990
person pleads guilty to, is convicted of, or is adjudicated in 5991
juvenile court of having committed a moving violation during the 5992
six-month period commencing on the date on which the person is 5993
issued the probationary driver's license, the court with 5994
jurisdiction over the violation may order that the holder must be 5995
accompanied by the holder's parent or guardian whenever the holder 5996
is operating a motor vehicle upon a highway or any public or 5997
private property used by the public for purposes of vehicular 5998
travel or parking ~~during whichever of the following time periods~~ 5999
~~applies:~~ 6000

~~(i) If, on the date the holder of the probationary driver's~~ 6001
~~license pleads guilty to, is convicted of, or is adjudicated in~~ 6002

~~juvenile court of having committed the moving violation, the holder has not attained the age of sixteen years six months, during the six month period commencing on that date;~~

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

~~(b) If the holder of a probationary driver's license commits a moving violation during the six month period after the person is issued the probationary driver's license and before the person attains the age of seventeen years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation the person has attained the age of seventeen years, or if the person commits the moving violation during the six month period after the person is issued the probationary driver's license and after the person attains the age of seventeen years, the holder is not subject to the restriction described in divisions (D)(1)(a)(i) and (ii) of this section unless the court or juvenile court imposes such a restriction upon the holder for a period not to exceed six months or the date the holder attains the age of seventeen years, whichever occurs first.~~

~~(2) Any person who is subject to the operating restrictions established under division (D)(1) of this section as a result of a first moving violation may petition the court for ~~occupational or educational~~ driving privileges without being accompanied by the holder's parent or guardian during the period of time ~~specified in~~ determined by the court under that division. ~~The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in division (D)(1) will seriously affect the person's ability to continue in~~~~

~~employment or educational training or will cause undue hardship on~~ 6035
~~the license holder or a family member of the license holder. In~~ 6036
granting the driving privileges, the court shall specify the 6037
purposes, ~~times, and places~~ of the privileges and shall issue the 6038
person appropriate forms setting forth the privileges granted. 6039
~~Occupational or educational driving privileges under this division~~ 6040
~~shall not be granted to the same person more than once. If a~~ 6041
person is convicted of, pleads guilty to, or is adjudicated in 6042
juvenile court of having committed a second or subsequent moving 6043
violation, the court with jurisdiction over the violation may 6044
terminate any driving privileges previously granted under this 6045
division ~~are terminated upon the subsequent conviction, plea, or~~ 6046
~~adjudication.~~ 6047

(3) No person shall violate ~~division (D)(1)(a)~~ any operating 6048
restriction imposed under division (D)(1) or (2) of this section. 6049

(E) No holder of a probationary license shall operate a motor 6050
vehicle upon a highway or any public or private property used by 6051
the public for purposes of vehicular travel or parking unless the 6052
total number of occupants of the vehicle does not exceed the total 6053
number of occupant restraining devices originally installed in the 6054
motor vehicle by its manufacturer, and each occupant of the 6055
vehicle is wearing all of the available elements of a properly 6056
adjusted occupant restraining device. 6057

(F) A restricted license may be issued to a person who is 6058
fourteen or fifteen years of age upon proof of hardship 6059
satisfactory to the registrar of motor vehicles. 6060

(G) Notwithstanding any other provision of law to the 6061
contrary, no law enforcement officer shall cause the operator of a 6062
motor vehicle being operated on any street or highway to stop the 6063
motor vehicle for the sole purpose of determining whether each 6064
occupant of the motor vehicle is wearing all of the available 6065
elements of a properly adjusted occupant restraining device as 6066

required by division (E) of this section, or for the sole purpose 6067
of issuing a ticket, citation, or summons if the requirement in 6068
that division has been or is being violated, or for causing the 6069
arrest of or commencing a prosecution of a person for a violation 6070
of that requirement. 6071

(H) Notwithstanding any other provision of law to the 6072
contrary, no law enforcement officer shall cause the operator of a 6073
motor vehicle being operated on any street or highway to stop the 6074
motor vehicle for the sole purpose of determining whether a 6075
violation of division (B)(1)(a) or (b) of this section has been or 6076
is being committed or for the sole purpose of issuing a ticket, 6077
citation, or summons for such a violation or for causing the 6078
arrest of or commencing a prosecution of a person for such 6079
violation. 6080

(I) As used in this section: 6081

(1) "Occupant restraining device" has the same meaning as in 6082
section 4513.263 of the Revised Code. 6083

(2) "Family member" of a probationary license holder includes 6084
any of the following: 6085

(a) A spouse; 6086

(b) A child or stepchild; 6087

(c) A parent, stepparent, grandparent, or parent-in-law; 6088

(d) An aunt or uncle; 6089

(e) A sibling, whether of the whole or half blood or by 6090
adoption, a brother-in-law, or a sister-in-law; 6091

(f) A son or daughter of the probationary license holder's 6092
stepparent if the stepparent has not adopted the probationary 6093
license holder; 6094

(g) An eligible adult, as defined in section 4507.05 of the 6095
Revised Code. 6096

(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.

(J) Whoever violates division (B)(1) or (4), (D)(3), or (E) of this section is guilty of a minor misdemeanor.

Sec. 4507.11. (A)(1) 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 ~~en~~ governing 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 registrar may conduct the examination ~~may be conducted~~ in such a manner that applicants who are illiterate or limited in their knowledge of the English language ~~may be~~ are tested by methods that would indicate to the examining officer that the applicant has a reasonable knowledge of motor vehicle laws and understands highway traffic control devices. ~~An~~

(2) An applicant for a driver's license shall give an actual demonstration of the ability to exercise ordinary and reasonable control in the operation of a motor vehicle by driving ~~the same a~~ motor vehicle under the supervision of an examining officer. ~~Except~~ The demonstration shall consist of a maneuverability test and a road test. The director of public safety shall determine the formats of the tests.

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

(4) Except as provided in section 4507.12 of the Revised Code, the registrar shall designate the highway patrol, any law enforcement body, or any other employee of the department of public safety to supervise and conduct examinations for temporary instruction permits, drivers' licenses, and motorcycle operators' endorsements and shall provide the necessary rules and forms to properly conduct the examinations. The A deputy registrar shall forward to the registrar the records of the examinations, together with the application for a temporary instruction permit, driver's license, or motorcycle operator's endorsement, shall be forwarded to the registrar by the deputy registrar, and, if. If in the opinion of the registrar the applicant is qualified to operate a motor vehicle, the registrar shall issue the permit, license, or endorsement.

(5) The registrar may authorize the highway patrol, other designated law enforcement body, or other designated employee of the department of public safety to issue an examiner's driving permit to an applicant who has passed the required examination, authorizing that applicant to operate a motor vehicle while the registrar is completing an investigation relative to that applicant's qualifications to receive a temporary instruction permit, driver's license, or motorcycle operator's endorsement. The applicant shall keep the examiner's driving permit shall be in the applicant's immediate possession of the applicant while operating a motor vehicle and shall be. The examiner's driving

permit is effective until final action and notification has been 6160
given by the registrar, but in no event longer than sixty days 6161
from its date of issuance. 6162

(B)(1) An applicant for a motorcycle operator's endorsement 6163
or a restricted license that permits only the operation of a 6164
motorcycle who presents to the registrar of motor vehicles or a 6165
deputy registrar a form approved by the director of public safety 6166
attesting to the applicant's successful completion within the 6167
preceding sixty days of a course of basic instruction provided by 6168
the motorcycle safety and education program approved by the 6169
director pursuant to section 4508.08 of the Revised Code shall not 6170
be required to give an actual demonstration of the ability to 6171
operate a motorcycle by driving a motorcycle under the supervision 6172
of an examining officer, as described in division (A) of this 6173
section. Upon presentation of the form described in division 6174
(B)(1) of this section and compliance with all other requirements 6175
relating to the issuance of a motorcycle operator's endorsement or 6176
a restricted license that permits only the operation of a 6177
motorcycle, the registrar or deputy registrar shall issue to the 6178
applicant the endorsement or restricted license, as the case may 6179
be. 6180

(2) A person who has not attained eighteen years of age and 6181
presents an application for a motorcycle operator's endorsement or 6182
a restricted license under division (B)(1) of this section also 6183
shall comply with the requirements of section 4507.21 of the 6184
Revised Code. 6185

Sec. 4507.21. (A) Each applicant for a driver's license shall 6186
file an application in the office of the registrar of motor 6187
vehicles or of a deputy registrar. 6188

(B)(1) Each person under eighteen years of age applying for a 6189
driver's license issued in this state shall present satisfactory 6190

evidence of having successfully completed any one of the 6191
following: 6192

(a) A driver education course approved by the state 6193
department of education prior to December 31, 2003. 6194

(b) A driver training course approved by the director of 6195
public safety. 6196

(c) A driver training course comparable to a driver education 6197
or driver training course described in division (B)(1)(a) or (b) 6198
of this section and administered by a branch of the armed forces 6199
of the United States and completed by the applicant while residing 6200
outside this state for the purpose of being with or near any 6201
person serving in the armed forces of the United States. 6202

(2) Each person under eighteen years of age applying for a 6203
driver's license also shall present, on a form prescribed by the 6204
registrar, an affidavit signed by an eligible adult attesting that 6205
the person has acquired at least fifty hours of actual driving 6206
experience, with at least ten of those hours being at night. 6207

(C) Each applicant for an initial driver's license who is 6208
eighteen years of age or older and who failed the road or 6209
maneuverability test required under division (A)(2) of section 6210
4507.11 of the Revised Code shall present satisfactory evidence of 6211
having successfully completed an abbreviated driver training 6212
course for adults, approved by the director of public safety, 6213
prior to attempting the test a second or subsequent time. 6214

(D) If the registrar or deputy registrar determines that the 6215
applicant is entitled to the driver's license, it shall be issued. 6216
If the application shows that the applicant's license has been 6217
previously canceled or suspended, the deputy registrar shall 6218
forward the application to the registrar, who shall determine 6219
whether the license shall be granted. 6220

~~(D) All applications~~ (E) An applicant shall be filed file an 6221

application in duplicate, and the deputy registrar issuing the 6222
license shall immediately forward to the office of the registrar 6223
the original copy of the application, together with the duplicate 6224
copy of ~~the~~ any certificate, of completion if issued for purposes 6225
of division (B) of this section. The registrar shall prescribe 6226
rules as to the manner in which the deputy registrar files and 6227
maintains the applications and other records. The registrar shall 6228
file every application for a driver's or commercial driver's 6229
license and index them by name and number, and shall maintain a 6230
suitable record of all licenses issued, all convictions and bond 6231
forfeitures, all applications for licenses denied, and all 6232
licenses that have been suspended or canceled. 6233

~~(E)~~(F) For purposes of section 2313.06 of the Revised Code, 6234
the registrar shall maintain accurate and current lists of the 6235
residents of each county who are eighteen years of age or older, 6236
have been issued, on and after January 1, 1984, driver's or 6237
commercial driver's licenses that are valid and current, and would 6238
be electors if they were registered to vote, regardless of whether 6239
they actually are registered to vote. The lists shall contain the 6240
names, addresses, dates of birth, duration of residence in this 6241
state, citizenship status, and social security numbers, if the 6242
numbers are available, of the licensees, and may contain any other 6243
information that the registrar considers suitable. 6244

~~(F)~~(G) Each person under eighteen years of age applying for a 6245
motorcycle operator's endorsement or a restricted license enabling 6246
the applicant to operate a motorcycle shall present satisfactory 6247
evidence of having completed the courses of instruction in the 6248
motorcycle safety and education program described in section 6249
4508.08 of the Revised Code or a comparable course of instruction 6250
administered by a branch of the armed forces of the United States 6251
and completed by the applicant while residing outside this state 6252
for the purpose of being with or near any person serving in the 6253

armed forces of the United States. If the registrar or deputy 6254
registrar then determines that the applicant is entitled to the 6255
endorsement or restricted license, it shall be issued. 6256

~~(G)~~(H) No person shall knowingly make a false statement in an 6257
affidavit presented in accordance with division (B)(2) of this 6258
section. 6259

~~(H)~~(I) As used in this section, "eligible adult" means any of 6260
the following persons: 6261

(1) A parent, guardian, or custodian of the applicant; 6262

(2) A person over the age of twenty-one who acts in loco 6263
parentis of the applicant and who maintains proof of financial 6264
responsibility with respect to the operation of a motor vehicle 6265
owned by the applicant or with respect to the applicant's 6266
operation of any motor vehicle. 6267

~~(I)~~(J) Whoever violates division ~~(G)~~(H) of this section is 6268
guilty of a minor misdemeanor and shall be fined one hundred 6269
dollars. 6270

Sec. 4507.213. (A) Any person who becomes a resident of this 6271
state, within thirty days of becoming a resident, shall surrender 6272
any driver's license issued by another state to the registrar of 6273
motor vehicles or a deputy registrar. If such a person intends to 6274
operate a motor vehicle upon the public roads or highways, the 6275
person shall apply for a driver's license in this state. If the 6276
person fails to apply for a driver's license within thirty days of 6277
becoming a resident, the person shall not operate any motor 6278
vehicle in this state under a license issued by another state and 6279
the person's nonresident operating privileges established under 6280
section 4507.04 of the Revised Code are suspended. 6281

(B) For purposes of division (A) of this section, "resident" 6282
means any person to whom any of the following applies: 6283

<u>(1) The person has registered to vote in this state.</u>	6284
<u>(2) The person attends a college or university in this state and receives an in-state tuition rate.</u>	6285 6286
<u>(3) The person states the person's address, for purposes of federal or state income taxes, as being in this state.</u>	6287 6288
<u>(4) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.</u>	6289 6290 6291
<u>(5) The person is determined by the registrar of motor vehicles to be a resident in accordance with standards adopted by the registrar under section 4507.01 of the Revised Code.</u>	6292 6293 6294
Sec. 4508.01. As used in this chapter:	6295
(A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.	6296 6297 6298
(B) "Disabled person" means a person who, in the opinion of the registrar of motor vehicles, is afflicted with or suffering from a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Disabled person" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle.	6299 6300 6301 6302 6303 6304 6305 6306 6307 6308 6309 6310
(C) "Driver training school" or "school" means any of the following:	6311 6312
(1) A private business enterprise conducted by an individual,	6313

association, partnership, or corporation for the education and 6314
training of persons to operate or drive motor vehicles, that ~~uses~~ 6315
does any of the following: 6316

(a) Uses public streets or highways to provide training, and 6317
~~that~~ charges a consideration or tuition for such services; 6318

(b) Provides an online driver education course approved by 6319
the director of public safety pursuant to division (A)(2) of 6320
section 4508.02 of the Revised Code and charges a consideration or 6321
tuition for the course; 6322

(c) Provides an abbreviated driver training course for adults 6323
that is approved by the director pursuant to division (F) of 6324
section 4508.02 of the Revised Code and charges a consideration or 6325
tuition for the course. 6326

(2) A lead school district as provided in section 4508.09 of 6327
the Revised Code; 6328

(3) A board of education of a city, exempted village, local, 6329
or joint vocational school district or the governing board of an 6330
educational service center that offers a driver education course 6331
for high school students enrolled in the district or in a district 6332
served by the educational service center. 6333

(D) "Instructor" means any person, whether acting for self as 6334
operator of a driver training school or for such a school for 6335
compensation, who teaches, conducts classes of, gives 6336
demonstrations to, or supervises practice of, persons learning to 6337
operate or drive motor vehicles. 6338

(E) "Lead school district" means a school district, including 6339
a joint vocational school district, designated by the department 6340
of education as either a vocational education planning district 6341
itself or as responsible for providing primary vocational 6342
education leadership within a vocational education planning 6343
district that is composed of a group of districts. A "vocational 6344

education planning district" is a school district or group of 6345
school districts designated by the department as responsible for 6346
planning and providing vocational education services to students 6347
within the district or group of districts. 6348

Sec. 4508.02. (A)(1) The director of public safety, subject 6349
to Chapter 119. of the Revised Code, shall adopt and prescribe 6350
such rules concerning the administration and enforcement of this 6351
chapter as are necessary to protect the public. The rules shall 6352
require an assessment of the holder of a probationary instructor 6353
license. The director shall inspect the school facilities and 6354
equipment of applicants and licensees and examine applicants for 6355
instructor's licenses. 6356

(2) The director shall adopt rules governing online driver 6357
education courses that may be completed via the internet to 6358
satisfy the classroom instruction under division (C) of this 6359
section. The rules shall do all of the following: 6360

(a) Establish standards that an online driver training 6361
enterprise must satisfy to be licensed to offer an online driver 6362
education course via the internet, including, at a minimum, proven 6363
expertise in providing driver education and an acceptable 6364
infrastructure capable of providing secure online driver education 6365
in accord with advances in internet technology. The rules shall 6366
allow an online driver training enterprise to be affiliated with a 6367
licensed driver training school offering in-person classroom 6368
instruction, but shall not require such an affiliation. 6369

(b) Establish content requirements that an online driver 6370
education course must satisfy to be approved as equivalent to 6371
twenty-four hours of in-person classroom instruction; 6372

(c) Establish attendance standards, including a maximum 6373
number of course hours that may be completed in a twenty-four-hour 6374
period; 6375

(d) Allow an enrolled applicant to begin the required eight 6376
hours of actual behind-the-wheel instruction upon completing at 6377
least two hours of course instruction and being issued a 6378
certificate of enrollment by a licensed online driver training 6379
enterprise; 6380

(e) Establish any other requirements necessary to regulate 6381
online driver education. 6382

(B) The director shall administer and enforce this chapter. 6383

(C) The rules shall require twenty-four hours of in-person 6384
classroom instruction or completion of an approved, equivalent 6385
online driver education course offered via the internet by a 6386
licensed online driver training enterprise, and eight hours of 6387
actual behind-the-wheel instruction conducted on public streets 6388
and highways of this state for all beginning drivers of 6389
noncommercial motor vehicles who are under age eighteen. The rules 6390
also shall require the classroom instruction or online driver 6391
education course for such drivers to include instruction in the 6392
dangers of driving a motor vehicle while using an electronic 6393
wireless communications device to write, send, or read a 6394
text-based communication. 6395

(D) The rules shall state the minimum hours for classroom and 6396
behind-the-wheel instruction required for beginning drivers of 6397
commercial trucks, commercial cars, buses, and commercial 6398
tractors, trailers, and semitrailers. 6399

(E)(1) The department of public safety may charge a fee to 6400
each online driver training enterprise in an amount sufficient to 6401
pay the actual expenses the department incurs in the regulation of 6402
online driver education courses. 6403

(2) The department shall supply to each licensed online 6404
driver training enterprise certificates to be used for certifying 6405
an applicant's enrollment in an approved online driver education 6406

course and a separate certificate to be issued upon successful 6407
completion of an approved online driver education course. The 6408
certificates shall be numbered serially. The department may charge 6409
a fee to each online driver training enterprise per certificate 6410
supplied to pay the actual expenses the department incurs in 6411
supplying the certificates. 6412

(F) The director shall adopt rules in accordance with Chapter 6413
119. of the Revised Code governing an abbreviated driver training 6414
course for adults that must be completed by any applicant for an 6415
initial driver's license who is eighteen years of age or older and 6416
who failed the road or maneuverability test required under 6417
division (A)(2) of section 4507.11 of the Revised Code prior to 6418
attempting the test a second or subsequent time. 6419

Sec. 4508.03. (A) No person shall establish a driver training 6420
school shall be established nor any such or continue the operation 6421
of an existing school continued unless the school person applies 6422
for and obtains from the director of public safety a license in 6423
the manner and form prescribed by the director. 6424

The director shall adopt rules shall state that establish the 6425
requirements for a school license, including requirements 6426
concerning location, equipment, courses of instruction, 6427
instructors, previous records of the school and instructors, 6428
financial statements, schedule of fees and charges, character and 6429
reputation of the operators, insurance in the sum and with those 6430
provisions as the director considers necessary to protect 6431
adequately the interests of the public, and any other matters as 6432
the director may prescribe for the protection of the public. The 6433
rules also shall require financial responsibility information as 6434
part of the driver education curriculum. 6435

(B) Any school that offers a driver training program for 6436
disabled persons shall provide specially trained instructors for 6437

the driver training of such persons. No school shall operate a 6438
driver training program for disabled persons after June 30, 1978, 6439
unless it has been licensed for such operation by the director. No 6440
person shall act as a specially trained instructor in a driver 6441
training program for disabled persons operated by a school after 6442
June 30, 1978, unless that person has been licensed by the 6443
director. 6444

(C) The director shall certify instructors to teach driver 6445
training to disabled persons in accordance with training program 6446
requirements established by the department of public safety. 6447

(D) No person shall operate a driver training school unless 6448
the person has a valid license issued by the director under this 6449
section. 6450

(E) Whoever violates division (D) of this section is guilty 6451
of operating a driver training school without a valid license, a 6452
~~minor~~ misdemeanor of the second degree. On a second or subsequent 6453
offense within two years after the first offense, the person is 6454
guilty of a misdemeanor of the ~~fourth~~ first degree. 6455

Sec. 4508.04. (A) No person shall act as a driver training 6456
instructor ~~and on and after June 30, 1978, and~~ no person shall act 6457
as a driver training instructor for disabled persons, unless such 6458
person applies for and obtains from the director of public safety 6459
a license in the manner and form prescribed by the director. The 6460
director shall provide by rule for instructors' license 6461
requirements including moral character, physical condition, 6462
knowledge of the courses of instruction, motor vehicle laws and 6463
safety principles, previous personal and employment records, and 6464
such other matters as the director may prescribe for the 6465
protection of the public. Driver training instructors for disabled 6466
persons shall meet such additional requirements and receive such 6467
additional classroom and practical instruction as the director 6468

shall prescribe by rule. 6469

(B)(1) ~~No~~ The director shall not issue a license shall be 6470
issued under this section to a person if, within ten years of the 6471
date of application for the license, the person has pleaded guilty 6472
to or been convicted of a felony under the laws of this state or 6473
the comparable laws of another jurisdiction. 6474

(2) ~~No~~ The director shall not issue a license shall be issued 6475
under this section to a person if, within five years of the date 6476
of application for the license, the person has pleaded guilty to 6477
or been convicted of a misdemeanor of the first or second degree 6478
that is reasonably related to the person's fitness to be issued 6479
such a license. 6480

(C) No person shall knowingly make a false statement on a 6481
license application submitted under this section. 6482

(D) Upon successful completion of all requirements for an 6483
initial instructor license, the director shall issue an applicant 6484
a probationary license, which expires one hundred eighty days from 6485
the date of issuance. In order to receive a driver training 6486
instructor license, a person issued a probationary license shall 6487
pass an assessment prescribed in rules adopted by the director 6488
pursuant to section 4508.02 of the Revised Code. The person shall 6489
pass the assessment prior to expiration of the probationary 6490
license. If the person fails to pass the assessment, or fails to 6491
meet any standards required for a driver training instructor 6492
license, the director may extend the expiration date of the 6493
person's probationary license. Upon successful completion of the 6494
assessment and approval of the director, the director shall issue 6495
to the person a driver training instructor license. 6496

(E)(1) Whoever violates division (A) of this section is 6497
guilty of acting as a driver training instructor without a valid 6498
license, a misdemeanor of the ~~fourth~~ first degree. 6499

(2) Whoever violates division (C) of this section may be charged with falsification under section 2921.13 of the Revised Code.

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

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

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

director. 6531

(B) In addition to the reasons for a suspension under 6532
division (A) of this section, the director may suspend a driver 6533
training instructor license without a prior hearing if the 6534
director believes there exists clear and convincing evidence of 6535
any of the following: 6536

(1) The license holder has engaged in conduct that presents a 6537
clear and present danger to a student or students. 6538

(2) The license holder has engaged in inappropriate contact 6539
with a student. "Inappropriate contact" means any of the 6540
following: 6541

(a) Causing or attempting to cause "physical harm," as 6542
defined in division (A)(3) of section 2901.01 of the Revised Code; 6543

(b) "Sexual activity," as defined in division (C) of section 6544
2907.01 of the Revised Code; 6545

(c) Engaging in any communication, either directly or through 6546
"telecommunication," as defined in division (X) of section 2913.01 6547
of the Revised Code, that is of a sexual nature or intended to 6548
abuse, threaten, or harass the student. 6549

(3) The license holder has been convicted of a felony, or a 6550
misdemeanor that directly relates to the fitness of that person to 6551
provide driving instruction. 6552

(C) In addition to the reasons for a suspension under 6553
division (A) of this section, the director may suspend a driver 6554
training school license without a prior hearing if the director 6555
believes there exists clear and convincing evidence of any of the 6556
following: 6557

(1) There exists a clear and present danger to the health, 6558
safety, or welfare of students should the school be permitted to 6559
continue operation. 6560

(2) At the time the contract for training was signed, there 6561
was no intention to provide training, or no ability to provide 6562
training to students. 6563

(3) Any school official knowingly allowed inappropriate 6564
contact, as defined in division (B)(2) of this section, between 6565
instructors and students. 6566

(D) Immediately following a decision to impose a suspension 6567
without a prior hearing under division (B) or (C) of this section, 6568
the director, in accordance with section 119.07 of the Revised 6569
Code, shall issue a written order of suspension, cause it to be 6570
delivered to the license holder, and notify the license holder of 6571
the opportunity for a hearing. If timely requested by the license 6572
holder, a hearing shall be conducted in accordance with Chapter 6573
119. of the Revised Code. 6574

(E) The director shall deposit all fines collected under 6575
division (A) of this section into the state treasury to the credit 6576
of the state highway safety fund created by section 4501.06 of the 6577
Revised Code. 6578

~~(C)~~(F) Whoever fails to return a license that has been 6579
suspended or revoked under division (A), ~~(B)~~, or ~~(C)~~ of this 6580
section is guilty of failing to return a suspended or revoked 6581
license, a minor misdemeanor or, on a second or subsequent offense 6582
within two years after the first offense, a misdemeanor of the 6583
fourth degree. 6584

Sec. 4508.10. (A) A driver training school shall issue a 6585
certificate of completion to each person who successfully 6586
completes a course of instruction necessary to obtain or maintain 6587
a driver's license. The department of public safety shall provide 6588
each driver training school with the certificate of completion 6589
forms. 6590

(B) The fee for each driver's license certificate of completion provided by the department to a driver training school is four dollars. A driver training school shall remit payment for certificates at the time they are requested from the department. Failure to timely remit payment to the department is grounds for the director of public safety to take action against the school pursuant to section 4508.06 of the Revised Code. The director of ~~public safety~~ shall deposit the fees collected under this section into the state treasury to the credit of the state highway safety fund created in section 4501.06 of the Revised Code.

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

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

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

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

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

(B) The registrar shall collect for each abstract a fee of

five dollars. 6621

(C) The registrar may permit deputy registrars to perform a 6622
search and furnish a certified abstract under this section. A 6623
deputy registrar performing this function shall comply with 6624
section 4501.27 of the Revised Code concerning the disclosure of 6625
personal information, shall collect and transmit to the registrar 6626
the five-dollar fee established under division (B) of this 6627
section, and may collect and retain a service fee of three dollars 6628
and fifty cents. 6629

~~Of each five dollar fee the registrar collects under this 6630
division, the~~ The registrar shall pay two dollars each five-dollar 6631
fee collected under this section into the state treasury to the 6632
credit of the state bureau of motor vehicles fund established in 6633
section 4501.25 of the Revised Code, ~~sixty cents into the state 6634
treasury to the credit of the trauma and emergency medical 6635
services fund established in section 4513.263 of the Revised Code, 6636
sixty cents into the state treasury to the credit of the homeland 6637
security fund established in section 5502.03 of the Revised Code, 6638
thirty cents into the state treasury to the credit of the 6639
investigations fund established in section 5502.131 of the Revised 6640
Code, one dollar and twenty five cents into the state treasury to 6641
the credit of the emergency management agency service and 6642
reimbursement fund established in section 5502.39 of the Revised 6643
Code, and twenty five cents into the state treasury to the credit 6644
of the justice program services fund established in section 6645
5502.67 of the Revised Code. 6646~~

Sec. 4509.101. (A)(1) No person shall operate, or permit the 6647
operation of, a motor vehicle in this state, unless proof of 6648
financial responsibility is maintained continuously throughout the 6649
registration period with respect to that vehicle, or, in the case 6650
of a driver who is not the owner, with respect to that driver's 6651

operation of that vehicle. 6652

(2) Whoever violates division (A)(1) of this section shall be 6653
subject to the following civil penalties: 6654

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 6655
class (F) suspension of the person's driver's license, commercial 6656
driver's license, temporary instruction permit, probationary 6657
license, or nonresident operating privilege for the period of time 6658
specified in division (B)(6) of section 4510.02 of the Revised 6659
Code and impoundment of the person's license. 6660

(b) If, within five years of the violation, the person's 6661
operating privileges are again suspended and the person's license 6662
again is impounded for a violation of division (A)(1) of this 6663
section, a class C suspension of the person's driver's license, 6664
commercial driver's license, temporary instruction permit, 6665
probationary license, or nonresident operating privilege for the 6666
period of time specified in division (B)(3) of section 4510.02 of 6667
the Revised Code. The court may grant limited driving privileges 6668
to the person only if the person presents proof of financial 6669
responsibility and has complied with division (A)(5) of this 6670
section, and no court may grant limited driving privileges for the 6671
first fifteen days of the suspension. 6672

(c) If, within five years of the violation, the person's 6673
operating privileges are suspended and the person's license is 6674
impounded two or more times for a violation of division (A)(1) of 6675
this section, a class B suspension of the person's driver's 6676
license, commercial driver's license, temporary instruction 6677
permit, probationary license, or nonresident operating privilege 6678
for the period of time specified in division (B)(2) of section 6679
4510.02 of the Revised Code. The court may grant limited driving 6680
privileges to the person only if the person presents proof of 6681
financial responsibility and has complied with division (A)(5) of 6682

this section, except that no court may grant limited driving 6683
privileges for the first thirty days of the suspension. 6684

(d) In addition to the suspension of an owner's license under 6685
division (A)(2)(a), (b), or (c) of this section, the suspension of 6686
the rights of the owner to register the motor vehicle and the 6687
impoundment of the owner's certificate of registration and license 6688
plates until the owner complies with division (A)(5) of this 6689
section. 6690

(3) A person to whom this state has issued a certificate of 6691
registration for a motor vehicle or a license to operate a motor 6692
vehicle or who is determined to have operated any motor vehicle or 6693
permitted the operation in this state of a motor vehicle owned by 6694
the person shall be required to verify the existence of proof of 6695
financial responsibility covering the operation of the motor 6696
vehicle or the person's operation of the motor vehicle under any 6697
of the following circumstances: 6698

(a) The person or a motor vehicle owned by the person is 6699
involved in a traffic accident that requires the filing of an 6700
accident report under section 4509.06 of the Revised Code. 6701

(b) The person receives a traffic ticket indicating that 6702
proof of the maintenance of financial responsibility was not 6703
produced upon the request of a peace officer or state highway 6704
patrol trooper made in accordance with division (D)(2) of this 6705
section. 6706

(c) Whenever, in accordance with rules adopted by the 6707
registrar, the person is randomly selected by the registrar and 6708
requested to provide such verification. 6709

(4) An order of the registrar that suspends and impounds a 6710
license or registration, or both, shall state the date on or 6711
before which the person is required to surrender the person's 6712
license or certificate of registration and license plates. The 6713

person is deemed to have surrendered the license or certificate of
registration and license plates, in compliance with the order, if
the person does either of the following:

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

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

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

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

(b) If the person has not voluntarily surrendered the

license, certificate, or license plates in compliance with the 6745
order, pays to the registrar or an eligible deputy registrar a 6746
financial responsibility nonvoluntary compliance fee in an amount, 6747
not to exceed fifty dollars, determined by the registrar; 6748

(c) Files and continuously maintains proof of financial 6749
responsibility under sections 4509.44 to 4509.65 of the Revised 6750
Code; 6751

(d) Pays a deputy registrar a service fee of ten dollars to 6752
compensate the deputy registrar for services performed under this 6753
section. The deputy registrar shall retain eight dollars of the 6754
service fee and shall transmit the reinstatement fee, any 6755
nonvoluntary compliance fee, and two dollars of the service fee to 6756
the registrar in the manner the registrar shall determine. 6757

(6) If the registrar issues an order under division (A)(2) of 6758
this section resulting from the failure of a person to respond to 6759
a financial responsibility random verification request under 6760
division (A)(3)(c) of this section and the person successfully 6761
maintains an affirmative defense to a violation of section 4510.16 6762
of the Revised Code or is determined by the registrar or a deputy 6763
registrar to have been in compliance with division (A)(1) of this 6764
section at the time of the initial financial responsibility random 6765
verification request, the registrar shall do both of the 6766
following: 6767

(a) Terminate the order of suspension or impoundment; 6768

(b) Restore the operating privileges and registration rights 6769
of the person without payment of the fees established in divisions 6770
(A)(5)(a) and (b) of this section and without a requirement to 6771
file proof of financial responsibility. 6772

(B)(1) Every party required to file an accident report under 6773
section 4509.06 of the Revised Code also shall include with the 6774
report a document described in division (G)(1) of this section. 6775

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

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

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

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

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

(2) The registrar shall issue any order under division (B)(1) 6808
of this section without a hearing. Any person adversely affected 6809
by the order, within ten days after the issuance of the order, may 6810
request an administrative hearing before the registrar, who shall 6811
provide the person with an opportunity for a hearing in accordance 6812
with this paragraph. A request for a hearing does not operate as a 6813
suspension of the order. The scope of the hearing shall be limited 6814
to whether the person in fact demonstrated to the registrar proof 6815
of financial responsibility in accordance with this section. The 6816
registrar shall determine the date, time, and place of any 6817
hearing, provided that the hearing shall be held, and an order 6818
issued or findings made, within thirty days after the registrar 6819
receives a request for a hearing. If requested by the person in 6820
writing, the registrar may designate as the place of hearing the 6821
county seat of the county in which the person resides or a place 6822
within fifty miles of the person's residence. The person shall pay 6823
the cost of the hearing before the registrar, if the registrar's 6824
order of suspension or impoundment is upheld. 6825

(C) Any order of suspension or impoundment issued under this 6826
section or division (B) of section 4509.37 of the Revised Code may 6827
be terminated at any time if the registrar determines upon a 6828
showing of proof of financial responsibility that the operator or 6829
owner of the motor vehicle was in compliance with division (A)(1) 6830
of this section at the time of the traffic offense, motor vehicle 6831
inspection, or accident that resulted in the order against the 6832
person. A determination may be made without a hearing. This 6833
division does not apply unless the person shows good cause for the 6834
person's failure to present satisfactory proof of financial 6835
responsibility to the registrar prior to the issuance of the 6836
order. 6837

(D)(1) For the purpose of enforcing this section, every peace 6838
officer is deemed an agent of the registrar. 6839

(a) Except as provided in division (D)(1)(b) of this section, 6840
any peace officer who, in the performance of the peace officer's 6841
duties as authorized by law, becomes aware of a person whose 6842
license is under an order of suspension, or whose certificate of 6843
registration and license plates are under an order of impoundment, 6844
pursuant to this section, may confiscate the license, certificate 6845
of registration, and license plates, and return them to the 6846
registrar. 6847

(b) Any peace officer who, in the performance of the peace 6848
officer's duties as authorized by law, becomes aware of a person 6849
whose license is under an order of suspension, or whose 6850
certificate of registration and license plates are under an order 6851
of impoundment resulting from failure to respond to a financial 6852
responsibility random verification, shall not, for that reason, 6853
arrest the owner or operator or seize the vehicle or license 6854
plates. Instead, the peace officer shall issue a citation for a 6855
violation of section 4510.16 of the Revised Code specifying the 6856
circumstances as failure to respond to a financial responsibility 6857
random verification. 6858

(2) A peace officer shall request the owner or operator of a 6859
motor vehicle to produce proof of financial responsibility in a 6860
manner described in division (G) of this section at the time the 6861
peace officer acts to enforce the traffic laws of this state and 6862
during motor vehicle inspections conducted pursuant to section 6863
4513.02 of the Revised Code. 6864

(3) A peace officer shall indicate on every traffic ticket 6865
whether the person receiving the traffic ticket produced proof of 6866
the maintenance of financial responsibility in response to the 6867
officer's request under division (D)(2) of this section. The peace 6868
officer shall inform every person who receives a traffic ticket 6869
and who has failed to produce proof of the maintenance of 6870
financial responsibility that the person must submit proof to the 6871

traffic violations bureau with any payment of a fine and costs for 6872
the ticketed violation or, if the person is to appear in court for 6873
the violation, the person must submit proof to the court. 6874

(4)(a) If a person who has failed to produce proof of the 6875
maintenance of financial responsibility appears in court for a 6876
ticketed violation, the court may permit the defendant to present 6877
evidence of proof of financial responsibility to the court at such 6878
time and in such manner as the court determines to be necessary or 6879
appropriate. In a manner prescribed by the registrar, the clerk of 6880
courts shall provide the registrar with the identity of any person 6881
who fails to submit proof of the maintenance of financial 6882
responsibility pursuant to division (D)(3) of this section. 6883

(b) If a person who has failed to produce proof of the 6884
maintenance of financial responsibility also fails to submit that 6885
proof to the traffic violations bureau with payment of a fine and 6886
costs for the ticketed violation, the traffic violations bureau, 6887
in a manner prescribed by the registrar, shall notify the 6888
registrar of the identity of that person. 6889

(5)(a) Upon receiving notice from a clerk of courts or 6890
traffic violations bureau pursuant to division (D)(4) of this 6891
section, the registrar shall order the suspension of the license 6892
of the person required under division (A)(2)(a), (b), or (c) of 6893
this section and the impoundment of the person's certificate of 6894
registration and license plates required under division (A)(2)(d) 6895
of this section, effective thirty days after the date of the 6896
mailing of notification. The registrar also shall notify the 6897
person that the person must present the registrar with proof of 6898
financial responsibility in accordance with this section, 6899
surrender to the registrar the person's certificate of 6900
registration, license plates, and license, or submit a statement 6901
subject to section 2921.13 of the Revised Code that the person did 6902
not operate or permit the operation of the motor vehicle at the 6903

time of the offense. Notification shall be in writing and shall be 6904
sent to the person at the person's last known address as shown on 6905
the records of the bureau of motor vehicles. The person, within 6906
fifteen days after the date of the mailing of notification, shall 6907
present proof of financial responsibility, surrender the 6908
certificate of registration, license plates, and license to the 6909
registrar in a manner set forth in division (A)(4) of this 6910
section, or submit the statement required under this section 6911
together with other information the person considers appropriate. 6912

If the registrar does not receive proof or the person does 6913
not surrender the certificate of registration, license plates, and 6914
license, in accordance with this division, the registrar shall 6915
permit the order for the suspension of the license of the person 6916
and the impoundment of the person's certificate of registration 6917
and license plates to take effect. 6918

(b) In the case of a person who presents, within the 6919
fifteen-day period, documents to show proof of financial 6920
responsibility, the registrar shall terminate the order of 6921
suspension and the impoundment of the registration and license 6922
plates required under division (A)(2)(d) of this section and shall 6923
send written notification to the person, at the person's last 6924
known address as shown on the records of the bureau. 6925

(c) Any person adversely affected by the order of the 6926
registrar under division (D)(5)(a) or (b) of this section, within 6927
ten days after the issuance of the order, may request an 6928
administrative hearing before the registrar, who shall provide the 6929
person with an opportunity for a hearing in accordance with this 6930
paragraph. A request for a hearing does not operate as a 6931
suspension of the order. The scope of the hearing shall be limited 6932
to whether, at the time of the hearing, the person presents proof 6933
of financial responsibility covering the vehicle and whether the 6934
person is eligible for an exemption in accordance with this 6935

section or any rule adopted under it. The registrar shall 6936
determine the date, time, and place of any hearing; provided, that 6937
the hearing shall be held, and an order issued or findings made, 6938
within thirty days after the registrar receives a request for a 6939
hearing. If requested by the person in writing, the registrar may 6940
designate as the place of hearing the county seat of the county in 6941
which the person resides or a place within fifty miles of the 6942
person's residence. Such person shall pay the cost of the hearing 6943
before the registrar, if the registrar's order of suspension or 6944
impoundment under division (D)(5)(a) or (b) of this section is 6945
upheld. 6946

(6) A peace officer may charge an owner or operator of a 6947
motor vehicle with a violation of section 4510.16 of the Revised 6948
Code when the owner or operator fails to show proof of the 6949
maintenance of financial responsibility pursuant to a peace 6950
officer's request under division (D)(2) of this section, if a 6951
check of the owner or operator's driving record indicates that the 6952
owner or operator, at the time of the operation of the motor 6953
vehicle, is required to file and maintain proof of financial 6954
responsibility under section 4509.45 of the Revised Code for a 6955
previous violation of this chapter. 6956

(7) Any forms used by law enforcement agencies in 6957
administering this section shall be prescribed, supplied, and paid 6958
for by the registrar. 6959

(8) No peace officer, law enforcement agency employing a 6960
peace officer, or political subdivision or governmental agency 6961
that employs a peace officer shall be liable in a civil action for 6962
damages or loss to persons arising out of the performance of any 6963
duty required or authorized by this section. 6964

(9) As used in this division and divisions (E) and (G) of 6965
this section, "peace officer" has the meaning set forth in section 6966
2935.01 of the Revised Code. 6967

(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. 7000

(G)(1) The registrar, court, traffic violations bureau, or 7001
peace officer may require proof of financial responsibility to be 7002
demonstrated by use of a standard form prescribed by the 7003
registrar. If the use of a standard form is not required, a person 7004
may demonstrate proof of financial responsibility under this 7005
section by presenting to the traffic violations bureau, court, 7006
registrar, or peace officer any of the following documents or a 7007
copy of the documents: 7008

(a) A financial responsibility identification card as 7009
provided in section 4509.103 of the Revised Code; 7010

(b) A certificate of proof of financial responsibility on a 7011
form provided and approved by the registrar for the filing of an 7012
accident report required to be filed under section 4509.06 of the 7013
Revised Code; 7014

(c) A policy of liability insurance, a declaration page of a 7015
policy of liability insurance, or liability bond, if the policy or 7016
bond complies with section 4509.20 or sections 4509.49 to 4509.61 7017
of the Revised Code; 7018

(d) A bond or certification of the issuance of a bond as 7019
provided in section 4509.59 of the Revised Code; 7020

(e) A certificate of deposit of money or securities as 7021
provided in section 4509.62 of the Revised Code; 7022

(f) A certificate of self-insurance as provided in section 7023
4509.72 of the Revised Code. 7024

(2) If a person fails to demonstrate proof of financial 7025
responsibility in a manner described in division (G)(1) of this 7026
section, the person may demonstrate proof of financial 7027
responsibility under this section by any other method that the 7028
court or the bureau, by reason of circumstances in a particular 7029

case, may consider appropriate. 7030

(3) A motor carrier certificated by the interstate commerce 7031
commission or by the public utilities commission may demonstrate 7032
proof of financial responsibility by providing a statement 7033
designating the motor carrier's operating authority and averring 7034
that the insurance coverage required by the certificating 7035
authority is in full force and effect. 7036

(4)(a) A finding by the registrar or court that a person is 7037
covered by proof of financial responsibility in the form of an 7038
insurance policy or surety bond is not binding upon the named 7039
insurer or surety or any of its officers, employees, agents, or 7040
representatives and has no legal effect except for the purpose of 7041
administering this section. 7042

(b) The preparation and delivery of a financial 7043
responsibility identification card or any other document 7044
authorized to be used as proof of financial responsibility under 7045
this division does not do any of the following: 7046

(i) Create any liability or estoppel against an insurer or 7047
surety, or any of its officers, employees, agents, or 7048
representatives; 7049

(ii) Constitute an admission of the existence of, or of any 7050
liability or coverage under, any policy or bond; 7051

(iii) Waive any defenses or counterclaims available to an 7052
insurer, surety, agent, employee, or representative in an action 7053
commenced by an insured or third-party claimant upon a cause of 7054
action alleged to have arisen under an insurance policy or surety 7055
bond or by reason of the preparation and delivery of a document 7056
for use as proof of financial responsibility. 7057

(c) Whenever it is determined by a final judgment in a 7058
judicial proceeding that an insurer or surety, which has been 7059
named on a document accepted by a court or the registrar as proof 7060

of financial responsibility covering the operation of a motor 7061
vehicle at the time of an accident or offense, is not liable to 7062
pay a judgment for injuries or damages resulting from such 7063
operation, the registrar, notwithstanding any previous contrary 7064
finding, shall forthwith suspend the operating privileges and 7065
registration rights of the person against whom the judgment was 7066
rendered as provided in division (A)(2) of this section. 7067

(H) In order for any document described in division (G)(1)(b) 7068
of this section to be used for the demonstration of proof of 7069
financial responsibility under this section, the document shall 7070
state the name of the insured or obligor, the name of the insurer 7071
or surety company, and the effective and expiration dates of the 7072
financial responsibility, and designate by explicit description or 7073
by appropriate reference all motor vehicles covered which may 7074
include a reference to fleet insurance coverage. 7075

(I) For purposes of this section, "owner" does not include a 7076
licensed motor vehicle leasing dealer as defined in section 7077
4517.01 of the Revised Code, but does include a motor vehicle 7078
renting dealer as defined in section 4549.65 of the Revised Code. 7079
Nothing in this section or in section 4509.51 of the Revised Code 7080
shall be construed to prohibit a motor vehicle renting dealer from 7081
entering into a contractual agreement with a person whereby the 7082
person renting the motor vehicle agrees to be solely responsible 7083
for maintaining proof of financial responsibility, in accordance 7084
with this section, with respect to the operation, maintenance, or 7085
use of the motor vehicle during the period of the motor vehicle's 7086
rental. 7087

(J) The purpose of this section is to require the maintenance 7088
of proof of financial responsibility with respect to the operation 7089
of motor vehicles on the highways of this state, so as to minimize 7090
those situations in which persons are not compensated for injuries 7091
and damages sustained in motor vehicle accidents. The general 7092

assembly finds that this section contains reasonable civil 7093
penalties and procedures for achieving this purpose. 7094

(K) Nothing in this section shall be construed to be subject 7095
to section 4509.78 of the Revised Code. 7096

(L)(1) The registrar may terminate any suspension imposed 7097
under this section and not require the owner to comply with 7098
divisions (A)(5)(a), (b), and (c) of this section if the registrar 7099
with or without a hearing determines that the owner of the vehicle 7100
has established by clear and convincing evidence that all of the 7101
following apply: 7102

(a) The owner customarily maintains proof of financial 7103
responsibility. 7104

(b) Proof of financial responsibility was not in effect for 7105
the vehicle on the date in question for one of the following 7106
reasons: 7107

(i) The vehicle was inoperable. 7108

(ii) The vehicle is operated only seasonally, and the date in 7109
question was outside the season of operation. 7110

(iii) A person other than the vehicle owner or driver was at 7111
fault for the lapse of proof of financial responsibility through 7112
no fault of the owner or driver. 7113

(iv) The lapse of proof of financial responsibility was 7114
caused by excusable neglect under circumstances that are not 7115
likely to recur and do not suggest a purpose to evade the 7116
requirements of this chapter. 7117

(2) The registrar may grant an owner or driver relief for a 7118
reason specified in division (L)(1)(b)(i) or (ii) of this section 7119
whenever the owner or driver is randomly selected to verify the 7120
existence of proof of financial responsibility for such a vehicle. 7121
However, the registrar may grant an owner or driver relief for a 7122

reason specified in division (L)(1)(b)(iii) or (iv) of this 7123
section only if the owner or driver has not previously been 7124
granted relief under division (L)(1)(b)(iii) or (iv) of this 7125
section. 7126

(M) The registrar shall adopt rules in accordance with 7127
Chapter 119. of the Revised Code that are necessary to administer 7128
and enforce this section. The rules shall include procedures for 7129
the surrender of license plates upon failure to maintain proof of 7130
financial responsibility and provisions relating to reinstatement 7131
of registration rights, acceptable forms of proof of financial 7132
responsibility, and verification of the existence of financial 7133
responsibility during the period of registration. 7134

Sec. 4509.81. (A) Upon receipt of a notification of violation 7135
as provided in division (C) of section 4509.80 of the Revised 7136
Code; upon failure of a timely surrender of the livery license 7137
plate sticker as required by division (D) of section 4509.80 of 7138
the Revised Code; or if the registrar of motor vehicles, upon 7139
receipt of notification from an insurer of the imminent 7140
cancellation or termination of coverage required by section 7141
4509.80 of the Revised Code, fails to receive evidence of a 7142
continuation or substitution of coverage prior to the cancellation 7143
or termination date, the registrar shall order the immediate 7144
suspension of the rights of the owner of the chauffeured limousine 7145
described in the notice to register the limousine and the 7146
impoundment of the certificate of registration and registration 7147
plates for the limousine. The registrar shall notify the owner 7148
that the owner must surrender the certificate of registration and 7149
registration plates to the registrar. The notification shall be in 7150
writing and sent to the owner at the owner's last known address as 7151
shown in the records of the bureau of motor vehicles. Proceedings 7152
under this section are deemed special, summary statutory 7153
proceedings. 7154

(B) The order of suspension and impoundment of a registration shall state the date on or before which the owner of the chauffeured limousine involved is required to surrender the certificate of registration and registration plates to the registrar. The owner shall be deemed to have surrendered the certificate of registration and registration plates if the owner causes the items to be delivered to the registrar on or before the date specified in the order or mails the items to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(C) The registrar shall not restore any registration rights suspended under this section, return any certificate of registration or registration plates impounded under this section, or reissue registration plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded registration plates under that section, unless those rights are not subject to suspension under any other law and unless the owner complies with both of the following:

(1) Pays to the registrar or an eligible deputy registrar a financial responsibility reinstatement fee of thirty dollars. The reinstatement fee may be increased, upon approval of the controlling board, up to an amount not exceeding fifty dollars. In addition, pays a service fee of ten dollars to each deputy registrar to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(2) Files and maintains proof of financial responsibility under section 4509.80 of the Revised Code.

(D) Any owner adversely affected by the order of the registrar under this section may, within ten days after the

issuance of the order, request an administrative hearing before 7187
the registrar, who shall provide the owner with an opportunity for 7188
a hearing in accordance with this division. A request for a 7189
hearing does not operate as a suspension of the order unless the 7190
owner establishes to the satisfaction of the registrar that the 7191
operation of the owner's chauffeured limousine will be covered by 7192
proof of financial responsibility during the pendency of the 7193
appeal. The scope of the hearing shall be limited to whether the 7194
owner in fact demonstrated to the registrar proof of financial 7195
responsibility in accordance with section 4509.80 of the Revised 7196
Code. The registrar shall determine the date, time, and place of 7197
any hearing, provided that the hearing shall be held and an order 7198
issued or findings made within thirty days after the registrar 7199
receives a request for a hearing. If requested by the owner in 7200
writing, the registrar may designate as the place of hearing the 7201
county seat of the county in which the owner resides or a place 7202
within fifty miles of the owner's residence. The owner shall pay 7203
the cost of the hearing before the registrar, if the registrar's 7204
order of suspension or impoundment is upheld. 7205

(E) Any order of suspension or impoundment issued under this 7206
section may be terminated at any time if the registrar determines 7207
upon a showing of proof of financial responsibility that the owner 7208
of the limousine was in compliance with section 4509.80 of the 7209
Revised Code at the time of the incident that resulted in the 7210
order against the owner. Such a determination may be made without 7211
a hearing. 7212

(F) All fees ~~except the two dollar service fee~~ transmitted to 7213
the registrar by a deputy registrar, that are collected by the 7214
registrar or transmitted to the registrar under this section shall 7215
be paid into the state treasury to the credit of the ~~financial~~ 7216
~~responsibility compliance~~ state bureau of motor vehicles fund 7217
created by section ~~4509.101~~ 4501.25 of the Revised Code. 7218

(G) Chapter 119. of the Revised Code applies to this section 7219
only to the extent that any provision in that chapter is not 7220
clearly inconsistent with this section. 7221

(H)(1) Proof of financial responsibility may be demonstrated 7222
by any of the methods authorized in section 4509.80 of the Revised 7223
Code. 7224

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the 7225
Revised Code apply to any finding by the registrar under this 7226
section that an owner is covered by proof of financial 7227
responsibility. 7228

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 7229
the Revised Code: 7230

(A) "Vehicle" means every device, including a motorized 7231
bicycle, in, upon, or by which any person or property may be 7232
transported or drawn upon a highway, except that "vehicle" does 7233
not include any motorized wheelchair, any electric personal 7234
assistive mobility device, any device that is moved by power 7235
collected from overhead electric trolley wires or that is used 7236
exclusively upon stationary rails or tracks, or any device, other 7237
than a bicycle, that is moved by human power. 7238

(B) "Motor vehicle" means every vehicle propelled or drawn by 7239
power other than muscular power or power collected from overhead 7240
electric trolley wires, except motorized bicycles, road rollers, 7241
traction engines, power shovels, power cranes, and other equipment 7242
used in construction work and not designed for or employed in 7243
general highway transportation, hole-digging machinery, 7244
well-drilling machinery, ditch-digging machinery, farm machinery, 7245
and trailers designed and used exclusively to transport a boat 7246
between a place of storage and a marina, or in and around a 7247
marina, when drawn or towed on a street or highway for a distance 7248
of no more than ten miles and at a speed of twenty-five miles per 7249

hour or less. 7250

~~(C)(1) Until January 1, 2017, "motorcycle" means every motor 7251
vehicle, other than a tractor, having a seat or saddle for the use 7252
of the operator and designed to travel on not more than three 7253
wheels in contact with the ground, including, but not limited to, 7254
motor vehicles known as "motor driven cycle," "motor scooter," or 7255
"motorcycle" without regard to weight or brake horsepower. 7256~~

~~(2) Effective January 1, 2017, "motorcycle" "Motorcycle" 7257
means every motor vehicle, other than a tractor, having a seat or 7258
saddle for the use of the operator and designed to travel on not 7259
more than three wheels in contact with the ground, including, but 7260
not limited to, motor vehicles known as "motor-driven cycle," 7261
"motor scooter," "cab-enclosed motorcycle," or "motorcycle" 7262
without regard to weight or brake horsepower. 7263~~

(D) "Emergency vehicle" means emergency vehicles of 7264
municipal, township, or county departments or public utility 7265
corporations when identified as such as required by law, the 7266
director of public safety, or local authorities, and motor 7267
vehicles when commandeered by a police officer. 7268

(E) "Public safety vehicle" means any of the following: 7269

(1) Ambulances, including private ambulance companies under 7270
contract to a municipal corporation, township, or county, and 7271
private ambulances and nontransport vehicles bearing license 7272
plates issued under section 4503.49 of the Revised Code; 7273

(2) Motor vehicles used by public law enforcement officers or 7274
other persons sworn to enforce the criminal and traffic laws of 7275
the state; 7276

(3) Any motor vehicle when properly identified as required by 7277
the director of public safety, when used in response to fire 7278
emergency calls or to provide emergency medical service to ill or 7279
injured persons, and when operated by a duly qualified person who 7280

is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

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

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

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

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and

"school bus" does not include a van or bus used by a licensed
child day-care center or type A family day-care home to transport
children from the child day-care center or type A family day-care
home to a school if the van or bus does not have more than fifteen
children in the van or bus at any time.

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

(H)(1) Until January 1, 2017, "motorized bicycle" means any
vehicle having either two tandem wheels or one wheel in the front
and two wheels in the rear, that is capable of being pedaled and
is equipped with a helper motor of not more than fifty cubic
centimeters piston displacement that produces no more than one
brake horsepower and is capable of propelling the vehicle at a
speed of no greater than twenty miles per hour on a level surface.

(2) Effective January 1, 2017, "motorized bicycle" or "moped"
means any vehicle having either two tandem wheels or one wheel in
the front and two wheels in the rear, that may be pedaled, and
that is equipped with a helper motor of not more than fifty cubic
centimeters piston displacement that produces not more than one
brake horsepower and is capable of propelling the vehicle at a
speed of not greater than twenty miles per hour on a level
surface.

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

(J) "Agricultural tractor" means every self-propelling

vehicle designed or used for drawing other vehicles or wheeled 7344
machinery but having no provision for carrying loads independently 7345
of such other vehicles, and used principally for agricultural 7346
purposes. 7347

(K) "Truck" means every motor vehicle, except trailers and 7348
semitrailers, designed and used to carry property. 7349

(L) "Bus" means every motor vehicle designed for carrying 7350
more than nine passengers and used for the transportation of 7351
persons other than in a ridesharing arrangement, and every motor 7352
vehicle, automobile for hire, or funeral car, other than a taxicab 7353
or motor vehicle used in a ridesharing arrangement, designed and 7354
used for the transportation of persons for compensation. 7355

(M) "Trailer" means every vehicle designed or used for 7356
carrying persons or property wholly on its own structure and for 7357
being drawn by a motor vehicle, including any such vehicle when 7358
formed by or operated as a combination of a "semitrailer" and a 7359
vehicle of the dolly type, such as that commonly known as a 7360
"trailer dolly," a vehicle used to transport agricultural produce 7361
or agricultural production materials between a local place of 7362
storage or supply and the farm when drawn or towed on a street or 7363
highway at a speed greater than twenty-five miles per hour, and a 7364
vehicle designed and used exclusively to transport a boat between 7365
a place of storage and a marina, or in and around a marina, when 7366
drawn or towed on a street or highway for a distance of more than 7367
ten miles or at a speed of more than twenty-five miles per hour. 7368

(N) "Semitrailer" means every vehicle designed or used for 7369
carrying persons or property with another and separate motor 7370
vehicle so that in operation a part of its own weight or that of 7371
its load, or both, rests upon and is carried by another vehicle. 7372

(O) "Pole trailer" means every trailer or semitrailer 7373
attached to the towing vehicle by means of a reach, pole, or by 7374

being boomed or otherwise secured to the towing vehicle, and 7375
ordinarily used for transporting long or irregular shaped loads 7376
such as poles, pipes, or structural members capable, generally, of 7377
sustaining themselves as beams between the supporting connections. 7378

(P) "Railroad" means a carrier of persons or property 7379
operating upon rails placed principally on a private right-of-way. 7380

(Q) "Railroad train" means a steam engine or an electric or 7381
other motor, with or without cars coupled thereto, operated by a 7382
railroad. 7383

(R) "Streetcar" means a car, other than a railroad train, for 7384
transporting persons or property, operated upon rails principally 7385
within a street or highway. 7386

(S) "Trackless trolley" means every car that collects its 7387
power from overhead electric trolley wires and that is not 7388
operated upon rails or tracks. 7389

(T) "Explosives" means any chemical compound or mechanical 7390
mixture that is intended for the purpose of producing an explosion 7391
that contains any oxidizing and combustible units or other 7392
ingredients in such proportions, quantities, or packing that an 7393
ignition by fire, by friction, by concussion, by percussion, or by 7394
a detonator of any part of the compound or mixture may cause such 7395
a sudden generation of highly heated gases that the resultant 7396
gaseous pressures are capable of producing destructive effects on 7397
contiguous objects, or of destroying life or limb. Manufactured 7398
articles shall not be held to be explosives when the individual 7399
units contain explosives in such limited quantities, of such 7400
nature, or in such packing, that it is impossible to procure a 7401
simultaneous or a destructive explosion of such units, to the 7402
injury of life, limb, or property by fire, by friction, by 7403
concussion, by percussion, or by a detonator, such as fixed 7404
ammunition for small arms, firecrackers, or safety fuse matches. 7405

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.	7406 7407 7408
(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.	7409 7410
(W) "Person" means every natural person, firm, co-partnership, association, or corporation.	7411 7412
(X) "Pedestrian" means any natural person afoot.	7413
(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.	7414 7415 7416
(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.	7417 7418 7419
(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.	7420 7421 7422
(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.	7423 7424 7425
(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.	7426 7427 7428 7429 7430 7431
(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.	7432 7433 7434 7435

(EE) "Roadway" means that portion of a highway improved, 7436
designed, or ordinarily used for vehicular travel, except the berm 7437
or shoulder. If a highway includes two or more separate roadways 7438
the term "roadway" means any such roadway separately but not all 7439
such roadways collectively. 7440

(FF) "Sidewalk" means that portion of a street between the 7441
curb lines, or the lateral lines of a roadway, and the adjacent 7442
property lines, intended for the use of pedestrians. 7443

(GG) "Laned highway" means a highway the roadway of which is 7444
divided into two or more clearly marked lanes for vehicular 7445
traffic. 7446

(HH) "Through highway" means every street or highway as 7447
provided in section 4511.65 of the Revised Code. 7448

(II) "State highway" means a highway under the jurisdiction 7449
of the department of transportation, outside the limits of 7450
municipal corporations, provided that the authority conferred upon 7451
the director of transportation in section 5511.01 of the Revised 7452
Code to erect state highway route markers and signs directing 7453
traffic shall not be modified by sections 4511.01 to 4511.79 and 7454
4511.99 of the Revised Code. 7455

(JJ) "State route" means every highway that is designated 7456
with an official state route number and so marked. 7457

(KK) "Intersection" means: 7458

(1) The area embraced within the prolongation or connection 7459
of the lateral curb lines, or, if none, the lateral boundary lines 7460
of the roadways of two highways that join one another at, or 7461
approximately at, right angles, or the area within which vehicles 7462
traveling upon different highways that join at any other angle 7463
might come into conflict. The junction of an alley or driveway 7464
with a roadway or highway does not constitute an intersection 7465
unless the roadway or highway at the junction is controlled by a 7466

traffic control device. 7467

(2) If a highway includes two roadways that are thirty feet 7468
or more apart, then every crossing of each roadway of such divided 7469
highway by an intersecting highway constitutes a separate 7470
intersection. If both intersecting highways include two roadways 7471
thirty feet or more apart, then every crossing of any two roadways 7472
of such highways constitutes a separate intersection. 7473

(3) At a location controlled by a traffic control signal, 7474
regardless of the distance between the separate intersections as 7475
described in division (KK)(2) of this section: 7476

(a) If a stop line, yield line, or crosswalk has not been 7477
designated on the roadway within the median between the separate 7478
intersections, the two intersections and the roadway and median 7479
constitute one intersection. 7480

(b) Where a stop line, yield line, or crosswalk line is 7481
designated on the roadway on the intersection approach, the area 7482
within the crosswalk and any area beyond the designated stop line 7483
or yield line constitute part of the intersection. 7484

(c) Where a crosswalk is designated on a roadway on the 7485
departure from the intersection, the intersection includes the 7486
area that extends to the far side of the crosswalk. 7487

(LL) "Crosswalk" means: 7488

(1) That part of a roadway at intersections ordinarily 7489
included within the real or projected prolongation of property 7490
lines and curb lines or, in the absence of curbs, the edges of the 7491
traversable roadway; 7492

(2) Any portion of a roadway at an intersection or elsewhere, 7493
distinctly indicated for pedestrian crossing by lines or other 7494
markings on the surface; 7495

(3) Notwithstanding divisions (LL)(1) and (2) of this 7496

section, there shall not be a crosswalk where local authorities 7497
have placed signs indicating no crossing. 7498

(MM) "Safety zone" means the area or space officially set 7499
apart within a roadway for the exclusive use of pedestrians and 7500
protected or marked or indicated by adequate signs as to be 7501
plainly visible at all times. 7502

(NN) "Business district" means the territory fronting upon a 7503
street or highway, including the street or highway, between 7504
successive intersections within municipal corporations where fifty 7505
per cent or more of the frontage between such successive 7506
intersections is occupied by buildings in use for business, or 7507
within or outside municipal corporations where fifty per cent or 7508
more of the frontage for a distance of three hundred feet or more 7509
is occupied by buildings in use for business, and the character of 7510
such territory is indicated by official traffic control devices. 7511

(OO) "Residence district" means the territory, not comprising 7512
a business district, fronting on a street or highway, including 7513
the street or highway, where, for a distance of three hundred feet 7514
or more, the frontage is improved with residences or residences 7515
and buildings in use for business. 7516

(PP) "Urban district" means the territory contiguous to and 7517
including any street or highway which is built up with structures 7518
devoted to business, industry, or dwelling houses situated at 7519
intervals of less than one hundred feet for a distance of a 7520
quarter of a mile or more, and the character of such territory is 7521
indicated by official traffic control devices. 7522

(QQ) "Traffic control device" means a flagger, sign, signal, 7523
marking, or other device used to regulate, warn, or guide traffic, 7524
placed on, over, or adjacent to a street, highway, private road 7525
open to public travel, pedestrian facility, or shared-use path by 7526
authority of a public agency or official having jurisdiction, or, 7527

in the case of a private road open to public travel, by authority 7528
of the private owner or private official having jurisdiction. 7529

(RR) "Traffic control signal" means any highway traffic 7530
signal by which traffic is alternately directed to stop and 7531
permitted to proceed. 7532

(SS) "Railroad sign or signal" means any sign, signal, or 7533
device erected by authority of a public body or official or by a 7534
railroad and intended to give notice of the presence of railroad 7535
tracks or the approach of a railroad train. 7536

(TT) "Traffic" means pedestrians, ridden or herded animals, 7537
vehicles, streetcars, trackless trolleys, and other devices, 7538
either singly or together, while using for purposes of travel any 7539
highway or private road open to public travel. 7540

(UU) "Right-of-way" means either of the following, as the 7541
context requires: 7542

(1) The right of a vehicle, streetcar, trackless trolley, or 7543
pedestrian to proceed uninterruptedly in a lawful manner in the 7544
direction in which it or the individual is moving in preference to 7545
another vehicle, streetcar, trackless trolley, or pedestrian 7546
approaching from a different direction into its or the 7547
individual's path; 7548

(2) A general term denoting land, property, or the interest 7549
therein, usually in the configuration of a strip, acquired for or 7550
devoted to transportation purposes. When used in this context, 7551
right-of-way includes the roadway, shoulders or berm, ditch, and 7552
slopes extending to the right-of-way limits under the control of 7553
the state or local authority. 7554

(VV) "Rural mail delivery vehicle" means every vehicle used 7555
to deliver United States mail on a rural mail delivery route. 7556

(WW) "Funeral escort vehicle" means any motor vehicle, 7557

including a funeral hearse, while used to facilitate the movement 7558
of a funeral procession. 7559

(XX) "Alley" means a street or highway intended to provide 7560
access to the rear or side of lots or buildings in urban districts 7561
and not intended for the purpose of through vehicular traffic, and 7562
includes any street or highway that has been declared an "alley" 7563
by the legislative authority of the municipal corporation in which 7564
such street or highway is located. 7565

(YY) "Freeway" means a divided multi-lane highway for through 7566
traffic with all crossroads separated in grade and with full 7567
control of access. 7568

(ZZ) "Expressway" means a divided arterial highway for 7569
through traffic with full or partial control of access with an 7570
excess of fifty per cent of all crossroads separated in grade. 7571

(AAA) "Thruway" means a through highway whose entire roadway 7572
is reserved for through traffic and on which roadway parking is 7573
prohibited. 7574

(BBB) "Stop intersection" means any intersection at one or 7575
more entrances of which stop signs are erected. 7576

(CCC) "Arterial street" means any United States or state 7577
numbered route, controlled access highway, or other major radial 7578
or circumferential street or highway designated by local 7579
authorities within their respective jurisdictions as part of a 7580
major arterial system of streets or highways. 7581

(DDD) "Ridesharing arrangement" means the transportation of 7582
persons in a motor vehicle where such transportation is incidental 7583
to another purpose of a volunteer driver and includes ridesharing 7584
arrangements known as carpools, vanpools, and buspools. 7585

(EEE) "Motorized wheelchair" means any self-propelled vehicle 7586
designed for, and used by, a handicapped person and that is 7587

incapable of a speed in excess of eight miles per hour. 7588

(FFF) "Child day-care center" and "type A family day-care 7589
home" have the same meanings as in section 5104.01 of the Revised 7590
Code. 7591

(GGG) "Multi-wheel agricultural tractor" means a type of 7592
agricultural tractor that has two or more wheels or tires on each 7593
side of one axle at the rear of the tractor, is designed or used 7594
for drawing other vehicles or wheeled machinery, has no provision 7595
for carrying loads independently of the drawn vehicles or 7596
machinery, and is used principally for agricultural purposes. 7597

(HHH) "Operate" means to cause or have caused movement of a 7598
vehicle, streetcar, or trackless trolley. 7599

(III) "Predicate motor vehicle or traffic offense" means any 7600
of the following: 7601

(1) A violation of section 4511.03, 4511.051, 4511.12, 7602
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 7603
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 7604
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.351, 7605
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 7606
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 7607
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 7608
4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 7609
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 7610
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 7611
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 7612
Code; 7613

(2) A violation of division (A)(2) of section 4511.17, 7614
divisions (A) to (D) of section 4511.51, or division (A) of 7615
section 4511.74 of the Revised Code; 7616

(3) A violation of any provision of sections 4511.01 to 7617
4511.76 of the Revised Code for which no penalty otherwise is 7618

provided in the section that contains the provision violated; 7619

(4) Until January 1, 2017, a violation of a municipal 7620
ordinance that is substantially similar to any section or 7621
provision set forth or described in division (III)(1), (2), or (3) 7622
of this section; 7623

(5) Effective January 1, 2017, a violation of section 7624
4511.214 of the Revised Code; 7625

(6) Effective January 1, 2017, a violation of a municipal 7626
ordinance that is substantially similar to any section or 7627
provision set forth or described in division (III) (1), (2), (3), 7628
or (5) of this section. 7629

(JJJ) "Road service vehicle" means wreckers, utility repair 7630
vehicles, and state, county, and municipal service vehicles 7631
equipped with visual signals by means of flashing, rotating, or 7632
oscillating lights. 7633

(KKK) "Beacon" means a highway traffic signal with one or 7634
more signal sections that operate in a flashing mode. 7635

(LLL) "Hybrid beacon" means a type of beacon that is 7636
intentionally placed in a dark mode between periods of operation 7637
where no indications are displayed and, when in operation, 7638
displays both steady and flashing traffic control signal 7639
indications. 7640

(MMM) "Highway traffic signal" means a power-operated traffic 7641
control device by which traffic is warned or directed to take some 7642
specific action. "Highway traffic signal" does not include a 7643
power-operated sign, steadily illuminated pavement marker, warning 7644
light, or steady burning electric lamp. 7645

(NNN) "Median" means the area between two roadways of a 7646
divided highway, measured from edge of traveled way to edge of 7647
traveled way, but excluding turn lanes. The width of a median may 7648

be different between intersections, between interchanges, and at 7649
opposite approaches of the same intersection. 7650

(OOO) "Private road open to public travel" means a private 7651
toll road or road, including any adjacent sidewalks that generally 7652
run parallel to the road, within a shopping center, airport, 7653
sports arena, or other similar business or recreation facility 7654
that is privately owned but where the public is allowed to travel 7655
without access restrictions. "Private road open to public travel" 7656
includes a gated toll road but does not include a road within a 7657
private gated property where access is restricted at all times, a 7658
parking area, a driving aisle within a parking area, or a private 7659
grade crossing. 7660

(PPP) "Shared-use path" means a bikeway outside the traveled 7661
way and physically separated from motorized vehicular traffic by 7662
an open space or barrier and either within the highway 7663
right-of-way or within an independent alignment. A shared-use path 7664
also may be used by pedestrians, including skaters, joggers, users 7665
of manual and motorized wheelchairs, and other authorized 7666
motorized and non-motorized users. 7667

(QQQ) "Highway maintenance vehicle" means a vehicle used in 7668
snow and ice removal or road surface maintenance, including a snow 7669
plow, traffic line striper, road sweeper, mowing machine, asphalt 7670
distributing vehicle, or other such vehicle designed for use in 7671
specific highway maintenance activities. 7672

Sec. 4511.21. (A) No person shall operate a motor vehicle, 7673
trackless trolley, or streetcar at a speed greater or less than is 7674
reasonable or proper, having due regard to the traffic, surface, 7675
and width of the street or highway and any other conditions, and 7676
no person shall drive any motor vehicle, trackless trolley, or 7677
streetcar in and upon any street or highway at a greater speed 7678
than will permit the person to bring it to a stop within the 7679

assured clear distance ahead. 7680

(B) It is prima-facie lawful, in the absence of a lower limit 7681
declared or established pursuant to this section by the director 7682
of transportation or local authorities, for the operator of a 7683
motor vehicle, trackless trolley, or streetcar to operate the same 7684
at a speed not exceeding the following: 7685

(1)(a) Twenty miles per hour in school zones during school 7686
recess and while children are going to or leaving school during 7687
the opening or closing hours, and when twenty miles per hour 7688
school speed limit signs are erected; except that, on 7689
controlled-access highways and expressways, if the right-of-way 7690
line fence has been erected without pedestrian opening, the speed 7691
shall be governed by division (B)(4) of this section and on 7692
freeways, if the right-of-way line fence has been erected without 7693
pedestrian opening, the speed shall be governed by divisions 7694
(B)(9) and (10) of this section. The end of every school zone may 7695
be marked by a sign indicating the end of the zone. Nothing in 7696
this section or in the manual and specifications for a uniform 7697
system of traffic control devices shall be construed to require 7698
school zones to be indicated by signs equipped with flashing or 7699
other lights, or giving other special notice of the hours in which 7700
the school zone speed limit is in effect. 7701

(b) As used in this section and in section 4511.212 of the 7702
Revised Code, "school" means any school chartered under section 7703
3301.16 of the Revised Code and any nonchartered school that 7704
during the preceding year filed with the department of education 7705
in compliance with rule 3301-35-08 of the Ohio Administrative 7706
Code, a copy of the school's report for the parents of the 7707
school's pupils certifying that the school meets Ohio minimum 7708
standards for nonchartered, nontax-supported schools and presents 7709
evidence of this filing to the jurisdiction from which it is 7710
requesting the establishment of a school zone. "School" also 7711

includes a special elementary school that in writing requests the 7712
county engineer of the county in which the special elementary 7713
school is located to create a school zone at the location of that 7714
school. Upon receipt of such a written request, the county 7715
engineer shall create a school zone at that location by erecting 7716
the appropriate signs. 7717

(c) As used in this section, "school zone" means that portion 7718
of a street or highway passing a school fronting upon the street 7719
or highway that is encompassed by projecting the school property 7720
lines to the fronting street or highway, and also includes that 7721
portion of a state highway. Upon request from local authorities 7722
for streets and highways under their jurisdiction and that portion 7723
of a state highway under the jurisdiction of the director of 7724
transportation or a request from a county engineer in the case of 7725
a school zone for a special elementary school, the director may 7726
extend the traditional school zone boundaries. The distances in 7727
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 7728
exceed three hundred feet per approach per direction and are 7729
bounded by whichever of the following distances or combinations 7730
thereof the director approves as most appropriate: 7731

(i) The distance encompassed by projecting the school 7732
building lines normal to the fronting highway and extending a 7733
distance of three hundred feet on each approach direction; 7734

(ii) The distance encompassed by projecting the school 7735
property lines intersecting the fronting highway and extending a 7736
distance of three hundred feet on each approach direction; 7737

(iii) The distance encompassed by the special marking of the 7738
pavement for a principal school pupil crosswalk plus a distance of 7739
three hundred feet on each approach direction of the highway. 7740

Nothing in this section shall be construed to invalidate the 7741
director's initial action on August 9, 1976, establishing all 7742

school zones at the traditional school zone boundaries defined by 7743
projecting school property lines, except when those boundaries are 7744
extended as provided in divisions (B)(1)(a) and (c) of this 7745
section. 7746

(d) As used in this division, "crosswalk" has the meaning 7747
given that term in division (LL)(2) of section 4511.01 of the 7748
Revised Code. 7749

The director may, upon request by resolution of the 7750
legislative authority of a municipal corporation, the board of 7751
trustees of a township, or a county board of developmental 7752
disabilities created pursuant to Chapter 5126. of the Revised 7753
Code, and upon submission by the municipal corporation, township, 7754
or county board of such engineering, traffic, and other 7755
information as the director considers necessary, designate a 7756
school zone on any portion of a state route lying within the 7757
municipal corporation, lying within the unincorporated territory 7758
of the township, or lying adjacent to the property of a school 7759
that is operated by such county board, that includes a crosswalk 7760
customarily used by children going to or leaving a school during 7761
recess and opening and closing hours, whenever the distance, as 7762
measured in a straight line, from the school property line nearest 7763
the crosswalk to the nearest point of the crosswalk is no more 7764
than one thousand three hundred twenty feet. Such a school zone 7765
shall include the distance encompassed by the crosswalk and 7766
extending three hundred feet on each approach direction of the 7767
state route. 7768

(e) As used in this section, "special elementary school" 7769
means a school that meets all of the following criteria: 7770

(i) It is not chartered and does not receive tax revenue from 7771
any source. 7772

(ii) It does not educate children beyond the eighth grade. 7773

(iii) It is located outside the limits of a municipal corporation.	7774 7775
(iv) A majority of the total number of students enrolled at the school are not related by blood.	7776 7777
(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.	7778 7779 7780 7781 7782 7783
(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	7784 7785 7786 7787
(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;	7788 7789 7790
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	7791 7792
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in division (B)(9) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), and (16) of this section;	7793 7794 7795 7796 7797 7798
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	7799 7800 7801
(7) Fifteen miles per hour on all alleys within the municipal corporation;	7802 7803

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	7804 7805
(9) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section.	7806 7807 7808
(10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(14) and (16) of this section;	7809 7810 7811
(11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(14) and (16) of this section;	7812 7813 7814
(12) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;	7815 7816
(13) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;	7817 7818 7819
(14) Seventy <u>Seventy-five</u> miles per hour for operators of any motor vehicle at all times on all rural freeways;	7820 7821
(15) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;	7822 7823 7824 7825 7826
(16) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the director and that are part of the interstate system and are part of an interstate freeway outerbelt.	7827 7828 7829 7830
(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), and (8) of this section, or any declared or established	7831 7832 7833

pursuant to this section by the director or local authorities and 7834
it is unlawful for any person to exceed any of the speed 7835
limitations in division (D) of this section. No person shall be 7836
convicted of more than one violation of this section for the same 7837
conduct, although violations of more than one provision of this 7838
section may be charged in the alternative in a single affidavit. 7839

(D) No person shall operate a motor vehicle, trackless 7840
trolley, or streetcar upon a street or highway as follows: 7841

(1) At a speed exceeding fifty-five miles per hour, except 7842
upon a two-lane state route as provided in division (B)(9) of this 7843
section and upon a highway, expressway, or freeway as provided in 7844
divisions (B)(12), (13), (14), and (16) of this section; 7845

(2) At a speed exceeding sixty miles per hour upon a two-lane 7846
state route as provided in division (B)(9) of this section and 7847
upon a highway as provided in division (B)(12) of this section; 7848

(3) At a speed exceeding sixty-five miles per hour upon an 7849
expressway as provided in division (B)(13) or upon a freeway as 7850
provided in division (B)(16) of this section, except upon a 7851
freeway as provided in division (B)(14) of this section; 7852

(4) At a speed exceeding ~~seventy~~ seventy-five miles per hour 7853
upon a freeway as provided in division (B)(14) of this section; 7854

(5) At a speed exceeding the posted speed limit upon a 7855
highway, expressway, or freeway for which the director has 7856
determined and declared a speed limit pursuant to division (I)(2) 7857
or (L)(2) of this section. 7858

(E) In every charge of violation of this section the 7859
affidavit and warrant shall specify the time, place, and speed at 7860
which the defendant is alleged to have driven, and in charges made 7861
in reliance upon division (C) of this section also the speed which 7862
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 7863
declared or established pursuant to, this section declares is 7864

prima-facie lawful at the time and place of such alleged 7865
violation, except that in affidavits where a person is alleged to 7866
have driven at a greater speed than will permit the person to 7867
bring the vehicle to a stop within the assured clear distance 7868
ahead the affidavit and warrant need not specify the speed at 7869
which the defendant is alleged to have driven. 7870

(F) When a speed in excess of both a prima-facie limitation 7871
and a limitation in division (D) of this section is alleged, the 7872
defendant shall be charged in a single affidavit, alleging a 7873
single act, with a violation indicated of both division (B)(1)(a), 7874
(2), (3), (4), (6), (7), or (8) of this section, or of a limit 7875
declared or established pursuant to this section by the director 7876
or local authorities, and of the limitation in division (D) of 7877
this section. If the court finds a violation of division 7878
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 7879
or established pursuant to, this section has occurred, it shall 7880
enter a judgment of conviction under such division and dismiss the 7881
charge under division (D) of this section. If it finds no 7882
violation of division (B)(1)(a), (2), (3), (4), (6), (7), or (8) 7883
of, or a limit declared or established pursuant to, this section, 7884
it shall then consider whether the evidence supports a conviction 7885
under division (D) of this section. 7886

(G) Points shall be assessed for violation of a limitation 7887
under division (D) of this section in accordance with section 7888
4510.036 of the Revised Code. 7889

(H)(1) Whenever the director determines upon the basis of a 7890
geometric and traffic characteristic study that any speed limit 7891
set forth in divisions (B)(1)(a) to (D) of this section is greater 7892
or less than is reasonable or safe under the conditions found to 7893
exist at any portion of a street or highway under the jurisdiction 7894
of the director, the director shall determine and declare a 7895
reasonable and safe prima-facie speed limit, which shall be 7896

effective when appropriate signs giving notice of it are erected 7897
at the location. 7898

(2) Whenever the director determines upon the basis of a 7899
geometric and traffic characteristic study that the speed limit of 7900
fifty-five miles per hour on a two-lane state route outside a 7901
municipal corporation is less than is reasonable or safe under the 7902
conditions found to exist at that portion of the state route, the 7903
director may determine and declare a speed limit of sixty miles 7904
per hour for that portion of the state route, which shall be 7905
effective when appropriate signs giving notice of it are erected 7906
at the location. 7907

(I)(1) Except as provided in divisions (I)(2) and (K) of this 7908
section, whenever local authorities determine upon the basis of an 7909
engineering and traffic investigation that the speed permitted by 7910
divisions (B)(1)(a) to (D) of this section, on any part of a 7911
highway under their jurisdiction, is greater than is reasonable 7912
and safe under the conditions found to exist at such location, the 7913
local authorities may by resolution request the director to 7914
determine and declare a reasonable and safe prima-facie speed 7915
limit. Upon receipt of such request the director may determine and 7916
declare a reasonable and safe prima-facie speed limit at such 7917
location, and if the director does so, then such declared speed 7918
limit shall become effective only when appropriate signs giving 7919
notice thereof are erected at such location by the local 7920
authorities. The director may withdraw the declaration of a 7921
prima-facie speed limit whenever in the director's opinion the 7922
altered prima-facie speed becomes unreasonable. Upon such 7923
withdrawal, the declared prima-facie speed shall become 7924
ineffective and the signs relating thereto shall be immediately 7925
removed by the local authorities. 7926

(2) A local authority may determine on the basis of a 7927
geometric and traffic characteristic study that the speed limit of 7928

sixty-five miles per hour on a portion of a freeway under its jurisdiction that was established through the operation of division (L)(3) of this section is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the local authority makes such a determination, the local authority by resolution may request the director to determine and declare a reasonable and safe speed limit of not less than fifty-five miles per hour for that portion of the freeway. If the director takes such action, the declared speed limit becomes effective only when appropriate signs giving notice of it are erected at such location by the local authority.

(J) Local authorities in their respective jurisdictions may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but local authorities shall not modify or alter the basic rule set forth in division (A) of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw approval of any altered prima-facie speed limits whenever in the director's opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this section, "unimproved highway" means a highway consisting of any of the following:

(a) Unimproved earth;

(b) Unimproved graded and drained earth; 7961

(c) Gravel. 7962

(2) Except as otherwise provided in divisions (K)(4) and (5) 7963
of this section, whenever a board of township trustees determines 7964
upon the basis of an engineering and traffic investigation that 7965
the speed permitted by division (B)(5) of this section on any part 7966
of an unimproved highway under its jurisdiction and in the 7967
unincorporated territory of the township is greater than is 7968
reasonable or safe under the conditions found to exist at the 7969
location, the board may by resolution declare a reasonable and 7970
safe prima-facie speed limit of fifty-five but not less than 7971
twenty-five miles per hour. An altered speed limit adopted by a 7972
board of township trustees under this division becomes effective 7973
when appropriate traffic control devices, as prescribed in section 7974
4511.11 of the Revised Code, giving notice thereof are erected at 7975
the location, which shall be no sooner than sixty days after 7976
adoption of the resolution. 7977

(3)(a) Whenever, in the opinion of a board of township 7978
trustees, any altered prima-facie speed limit established by the 7979
board under this division becomes unreasonable, the board may 7980
adopt a resolution withdrawing the altered prima-facie speed 7981
limit. Upon the adoption of such a resolution, the altered 7982
prima-facie speed limit becomes ineffective and the traffic 7983
control devices relating thereto shall be immediately removed. 7984

(b) Whenever a highway ceases to be an unimproved highway and 7985
the board has adopted an altered prima-facie speed limit pursuant 7986
to division (K)(2) of this section, the board shall, by 7987
resolution, withdraw the altered prima-facie speed limit as soon 7988
as the highway ceases to be unimproved. Upon the adoption of such 7989
a resolution, the altered prima-facie speed limit becomes 7990
ineffective and the traffic control devices relating thereto shall 7991
be immediately removed. 7992

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of an engineering and traffic investigation, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division (K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section: 8025

(a) "Commercial subdivision" means any platted territory 8026
outside the limits of a municipal corporation and fronting a 8027
highway where, for a distance of three hundred feet or more, the 8028
frontage is improved with buildings in use for commercial 8029
purposes, or where the entire length of the highway is less than 8030
three hundred feet long and the frontage is improved with 8031
buildings in use for commercial purposes. 8032

(b) "Residential subdivision" means any platted territory 8033
outside the limits of a municipal corporation and fronting a 8034
highway, where, for a distance of three hundred feet or more, the 8035
frontage is improved with residences or residences and buildings 8036
in use for business, or where the entire length of the highway is 8037
less than three hundred feet long and the frontage is improved 8038
with residences or residences and buildings in use for business. 8039

Whenever a board of township trustees finds upon the basis of 8040
an engineering and traffic investigation that the prima-facie 8041
speed permitted by division (B)(5) of this section on any part of 8042
a highway under its jurisdiction that is located in a commercial 8043
or residential subdivision, except on highways or portions thereof 8044
at the entrances to which vehicular traffic from the majority of 8045
intersecting highways is required to yield the right-of-way to 8046
vehicles on such highways in obedience to stop or yield signs or 8047
traffic control signals, is greater than is reasonable and safe 8048
under the conditions found to exist at the location, the board may 8049
by resolution declare a reasonable and safe prima-facie speed 8050
limit of less than fifty-five but not less than twenty-five miles 8051
per hour at the location. An altered speed limit adopted by a 8052
board of township trustees under this division shall become 8053
effective when appropriate signs giving notice thereof are erected 8054
at the location by the township. Whenever, in the opinion of a 8055
board of township trustees, any altered prima-facie speed limit 8056

established by it under this division becomes unreasonable, it may 8057
adopt a resolution withdrawing the altered prima-facie speed, and 8058
upon such withdrawal, the altered prima-facie speed shall become 8059
ineffective, and the signs relating thereto shall be immediately 8060
removed by the township. 8061

(L)(1) On ~~the effective date of this amendment~~ September 29, 8062
2013, the director of transportation, based upon an engineering 8063
study of a highway, expressway, or freeway described in division 8064
(B)(12), (13), (14), (15), or (16) of this section, in 8065
consultation with the director of public safety and, if 8066
applicable, the local authority having jurisdiction over the 8067
studied highway, expressway, or freeway, may determine and declare 8068
that the speed limit established on such highway, expressway, or 8069
freeway under division (B)(12), (13), (14), (15), or (16) of this 8070
section either is reasonable and safe or is more or less than that 8071
which is reasonable and safe. 8072

(2) If the established speed limit for a highway, expressway, 8073
or freeway studied pursuant to division (L)(1) of this section is 8074
determined to be more or less than that which is reasonable and 8075
safe, the director of transportation, in consultation with the 8076
director of public safety and, if applicable, the local authority 8077
having jurisdiction over the studied highway, expressway, or 8078
freeway, shall determine and declare a reasonable and safe speed 8079
limit for that highway, expressway, or freeway. 8080

~~(N)~~(M)(1)(a) If the boundary of two local authorities rests 8081
on the centerline of a highway and both authorities have 8082
jurisdiction over the highway, the speed limit for the part of the 8083
highway within their joint jurisdiction shall be either one of the 8084
following as agreed to by both authorities: 8085

(i) Either prima-facie speed limit permitted by division (B) 8086
of this section; 8087

(ii) An altered speed limit determined and posted in accordance with this section. 8088
8089

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section. 8090
8091
8092

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section. 8093
8094
8095
8096
8097
8098
8099
8100
8101
8102
8103
8104
8105
8106
8107
8108
8109
8110

~~(O)~~(N) As used in this section: 8111

(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101. 8112
8113

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 8114
8115
8116

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the 8117
8118

transportation of persons associated with a charitable or 8119
nonprofit organization. 8120

(4) "Outerbelt" means a portion of a freeway that is part of 8121
the interstate system and is located in the outer vicinity of a 8122
major municipal corporation or group of municipal corporations, as 8123
designated by the director. 8124

(5) "Rural" means outside urbanized areas, as designated in 8125
accordance with 23 U.S.C. 101, and outside of a business or urban 8126
district. 8127

~~(P)~~(O)(1) A violation of any provision of this section is one 8128
of the following: 8129

(a) Except as otherwise provided in divisions ~~(P)~~(O)(1)(b), 8130
(1)(c), (2), and (3) of this section, a minor misdemeanor; 8131

(b) If, within one year of the offense, the offender 8132
previously has been convicted of or pleaded guilty to two 8133
violations of any provision of this section or of any provision of 8134
a municipal ordinance that is substantially similar to any 8135
provision of this section, a misdemeanor of the fourth degree; 8136

(c) If, within one year of the offense, the offender 8137
previously has been convicted of or pleaded guilty to three or 8138
more violations of any provision of this section or of any 8139
provision of a municipal ordinance that is substantially similar 8140
to any provision of this section, a misdemeanor of the third 8141
degree. 8142

(2) If the offender has not previously been convicted of or 8143
pleaded guilty to a violation of any provision of this section or 8144
of any provision of a municipal ordinance that is substantially 8145
similar to this section and operated a motor vehicle faster than 8146
thirty-five miles an hour in a business district of a municipal 8147
corporation, faster than fifty miles an hour in other portions of 8148
a municipal corporation, or faster than thirty-five miles an hour 8149

in a school zone during recess or while children are going to or 8150
leaving school during the school's opening or closing hours, a 8151
misdemeanor of the fourth degree. 8152

(3) Notwithstanding division ~~(P)~~(O)(1) of this section, if 8153
the offender operated a motor vehicle in a construction zone where 8154
a sign was then posted in accordance with section 4511.98 of the 8155
Revised Code, the court, in addition to all other penalties 8156
provided by law, shall impose upon the offender a fine of two 8157
times the usual amount imposed for the violation. No court shall 8158
impose a fine of two times the usual amount imposed for the 8159
violation upon an offender if the offender alleges, in an 8160
affidavit filed with the court prior to the offender's sentencing, 8161
that the offender is indigent and is unable to pay the fine 8162
imposed pursuant to this division and if the court determines that 8163
the offender is an indigent person and unable to pay the fine. 8164

Sec. 4511.213. (A) The driver of a motor vehicle, upon 8165
approaching a stationary ~~public safety vehicle, emergency vehicle,~~ 8166
~~road service vehicle, vehicle used by the public utilities~~ 8167
~~commission to conduct motor vehicle inspections in accordance with~~ 8168
~~sections 4923.04 and 4923.06 of the Revised Code, or a highway~~ 8169
~~maintenance~~ vehicle that is displaying the appropriate visual 8170
signals by means of flashing, oscillating, or rotating lights, as 8171
prescribed in section 4513.17 of the Revised Code, shall do either 8172
of the following: 8173

(1) If the driver of the motor vehicle is traveling on a 8174
highway that consists of at least two lanes that carry traffic in 8175
the same direction of travel as that of the driver's motor 8176
vehicle, the driver shall proceed with due caution and, if 8177
possible and with due regard to the road, weather, and traffic 8178
conditions, shall change lanes into a lane that is not adjacent to 8179
that of the stationary ~~public safety vehicle, emergency vehicle,~~ 8180

~~road service vehicle, vehicle used by the public utilities~~ 8181
~~commission to conduct motor vehicle inspections in accordance with~~ 8182
~~sections 4923.04 and 4923.06 of the Revised Code, or a highway~~ 8183
~~maintenance vehicle.~~ 8184

(2) If the driver is not traveling on a highway of a type 8185
described in division (A)(1) of this section, or if the driver is 8186
traveling on a highway of that type but it is not possible to 8187
change lanes or if to do so would be unsafe, the driver shall 8188
proceed with due caution, reduce the speed of the motor vehicle, 8189
and maintain a safe speed for the road, weather, and traffic 8190
conditions. 8191

(B) This section does not relieve the any driver of a public 8192
~~safety vehicle, emergency vehicle, road service vehicle, vehicle~~ 8193
~~used by the public utilities commission to conduct motor vehicle~~ 8194
~~inspections in accordance with sections 4923.04 and 4923.06 of the~~ 8195
~~Revised Code, or a highway maintenance vehicle~~ from the duty to 8196
drive with due regard for the safety of all persons and property 8197
upon the highway. 8198

(C) No person shall fail to drive a motor vehicle in 8199
compliance with division (A)(1) or (2) of this section when so 8200
required by division (A) of this section. 8201

(D)(1) Except as otherwise provided in this division, whoever 8202
violates this section is guilty of a minor misdemeanor. If, within 8203
one year of the offense, the offender previously has been 8204
convicted of or pleaded guilty to one predicate motor vehicle or 8205
traffic offense, whoever violates this section is guilty of a 8206
misdemeanor of the fourth degree. If, within one year of the 8207
offense, the offender previously has been convicted of two or more 8208
predicate motor vehicle or traffic offenses, whoever violates this 8209
section is guilty of a misdemeanor of the third degree. 8210

(2) Notwithstanding section 2929.28 of the Revised Code, upon 8211

a finding that a person operated a motor vehicle in violation of 8212
division (C) of this section, the court, in addition to all other 8213
penalties provided by law, shall impose a fine of two times the 8214
usual amount imposed for the violation. 8215

(E) The offense established under this section is a strict 8216
liability offense and strict liability is a culpable mental state 8217
for purposes of section 2901.20 of the Revised Code. The 8218
designation of this offense as a strict liability offense shall 8219
not be construed to imply that any other offense, for which there 8220
is no specified degree of culpability, is not a strict liability 8221
offense. 8222

(F) For the purposes of this section, "stationary vehicle" 8223
includes, but is not limited to, a public safety vehicle, 8224
emergency vehicle, road service vehicle, waste collection vehicle, 8225
construction vehicle, disabled vehicle, vehicle used by the public 8226
utilities commission to conduct motor vehicle inspections in 8227
accordance with sections 4923.04 and 4923.06 of the Revised Code, 8228
or a highway maintenance vehicle. 8229

Sec. 4511.351. (A) No person shall operate a vehicle in the 8230
left-hand lane of the right-hand roadway of a freeway that 8231
consists of at least three lanes and is part of the interstate 8232
system except as follows: 8233

(1) When exiting the freeway; 8234

(2) When overtaking and passing a slower vehicle; 8235

(3) When allowing other vehicles to enter a right-hand lane 8236
of the right-hand roadway; 8237

(4) When traffic or road conditions exist that would make 8238
operation of the vehicle in the right-hand lanes unsafe or 8239
impracticable; 8240

(5) When required to change lanes under section 4511.213 of 8241

the Revised Code; 8242

(6) When signage requires the person's vehicle to occupy the 8243
left-hand lane. 8244

The operator of a vehicle being driven in the left-hand lane 8245
shall return to a center lane or right-hand lane as soon as 8246
traffic and road conditions make it safe to do so. 8247

(B) Except as otherwise provided in this division, whoever 8248
violates this section is guilty of a minor misdemeanor. If, within 8249
one year of the offense, the offender previously has been 8250
convicted of or pleaded guilty to one predicate motor vehicle or 8251
traffic offense, whoever violates this section is guilty of a 8252
misdemeanor of the fourth degree. If, within one year of the 8253
offense, the offender previously has been convicted of two or more 8254
predicate motor vehicle or traffic offenses, whoever violates this 8255
section is guilty of a misdemeanor of the third degree. 8256

(C)(1) The department of transportation shall include sign 8257
R4-16 of the federal manual of uniform traffic control devices 8258
that states "keep right except to pass" in the department's manual 8259
for a uniform system of traffic control devices adopted under 8260
section 4511.09 of the Revised Code. 8261

(2) The director of transportation shall erect "keep right 8262
except to pass" signs along the right-hand roadway of a freeway 8263
that consists of at least three lanes and is part of the 8264
interstate system. 8265

(D) The offense established under this section is a strict 8266
liability offense and section 2901.20 of the Revised Code does not 8267
apply. The designation of this offense as a strict liability 8268
offense shall not be construed to imply that any other offense, 8269
for which there is no specified degree of culpability, is not a 8270
strict liability offense. 8271

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 8272
has the same meaning as given that term in section 4519.01 of the 8273
Revised Code. 8274

(B) No person operating a bicycle shall ride other than upon 8275
or astride the permanent and regular seat attached thereto or 8276
carry any other person upon such bicycle other than upon a firmly 8277
attached and regular seat thereon, and no person shall ride upon a 8278
bicycle other than upon such a firmly attached and regular seat. 8279

No person operating a motorcycle shall ride other than upon 8280
or astride the permanent and regular seat or saddle attached 8281
thereto, or carry any other person upon such motorcycle other than 8282
upon a firmly attached and regular seat or saddle thereon, and no 8283
person shall ride upon a motorcycle other than upon such a firmly 8284
attached and regular seat or saddle. 8285

No person shall ride upon a motorcycle that is equipped with 8286
a saddle other than while sitting astride the saddle, facing 8287
forward, with one leg on each side of the motorcycle. 8288

No person shall ride upon a motorcycle that is equipped with 8289
a seat other than while sitting upon the seat. 8290

No person operating a bicycle shall carry any package, 8291
bundle, or article that prevents the driver from keeping at least 8292
one hand upon the handle bars. 8293

No bicycle or motorcycle shall be used to carry more persons 8294
at one time than the number for which it is designed and equipped, 8295
nor shall any motorcycle be operated on a highway when the handle 8296
bars or grips are more than fifteen inches higher than the seat or 8297
saddle for the operator. 8298

~~No~~ (C)(1) Except as provided in division (C)(3) of this 8299
section, no person shall operate or be a passenger on a snowmobile 8300
or motorcycle without using safety glasses or other protective eye 8301

device. ~~Ne~~ Except as provided in division (C)(3) of this section, 8302
no person who is under the age of eighteen years, or who holds a 8303
motorcycle operator's endorsement or license bearing a "novice" 8304
designation that is currently in effect as provided in section 8305
4507.13 of the Revised Code, shall operate a motorcycle on a 8306
highway, or be a passenger on a motorcycle, unless wearing a 8307
protective helmet on the person's head, and no other person shall 8308
be a passenger on a motorcycle operated by such a person unless 8309
similarly wearing a protective helmet. The helmet, safety glasses, 8310
or other protective eye device shall conform with rules adopted by 8311
the director of public safety. The provisions of this paragraph or 8312
a violation thereof shall not be used in the trial of any civil 8313
action. 8314

~~(C)(1) Ne~~ (2)(a) Except as provided in division (C)(3) of 8315
this section, no person shall operate a motorcycle with a valid 8316
temporary instruction permit and temporary instruction permit 8317
identification card issued by the registrar of motor vehicles 8318
pursuant to section 4507.05 of the Revised Code unless the person, 8319
at the time of such operation, is wearing on the person's head a 8320
protective helmet that conforms with rules adopted by the 8321
director. 8322

~~(2)(b)~~ No person shall operate a motorcycle with a valid 8323
temporary instruction permit and temporary instruction permit 8324
identification card issued by the registrar pursuant to section 8325
4507.05 of the Revised Code in any of the following circumstances: 8326

~~(a)(i)~~ At any time when lighted lights are required by 8327
division (A)(1) of section 4513.03 of the Revised Code; 8328

~~(b)(ii)~~ While carrying a passenger; 8329

~~(e)(iii)~~ On any limited access highway. 8330

(3) Divisions (C)(1) and (2)(a) of this section do not apply 8331
to a person who operates or is a passenger in a cab-enclosed 8332

motorcycle when the occupant compartment top is in place enclosing 8333
the occupants. 8334

(D) Nothing in this section shall be construed as prohibiting 8335
the carrying of a child in a seat or trailer that is designed for 8336
carrying children and is firmly attached to the bicycle. 8337

(E) Except as otherwise provided in this division, whoever 8338
violates division (B) or (C)(1) or (2) of this section is guilty 8339
of a minor misdemeanor. If, within one year of the offense, the 8340
offender previously has been convicted of or pleaded guilty to one 8341
predicate motor vehicle or traffic offense, whoever violates 8342
division (B) or (C)(1) or (2) of this section is guilty of a 8343
misdemeanor of the fourth degree. If, within one year of the 8344
offense, the offender previously has been convicted of two or more 8345
predicate motor vehicle or traffic offenses, whoever violates 8346
division (B) or (C)(1) or (2) of this section is guilty of a 8347
misdemeanor of the third degree. 8348

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 8349
roadway where there is an adjacent curb shall be stopped or parked 8350
with the right-hand wheels of the vehicle parallel with and not 8351
more than twelve inches from the right-hand curb, unless it is 8352
impossible to approach so close to the curb; in such case the stop 8353
shall be made as close to the curb as possible and only for the 8354
time necessary to discharge and receive passengers or to load or 8355
unload merchandise. Local authorities by ordinance may permit 8356
angle parking on any roadway under their jurisdiction, except that 8357
angle parking shall not be permitted on a state route within a 8358
municipal corporation unless an unoccupied roadway width of not 8359
less than twenty-five feet is available for free-moving traffic. 8360

(B) Local authorities by ordinance may permit parking of 8361
vehicles with the left-hand wheels adjacent to and within twelve 8362
inches of the left-hand curb of a one-way roadway. 8363

(C)(1)(a) Except as provided in division (C)(1)(b) of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(b) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in division (C)(2) of this section irrespective of whether or not the space is metered.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the

international symbol of access and shall be reasonably close to 8396
exits, entrances, elevators, and ramps. All elevated signs posted 8397
in accordance with this division and division (C) of section 8398
3781.111 of the Revised Code shall be mounted on a fixed or 8399
movable post, and the distance from the ground to the bottom edge 8400
of the sign shall measure not less than five feet. If a new sign 8401
or a replacement sign designating a special parking location is 8402
posted on or after October 14, 1999, there also shall be affixed 8403
upon the surface of that sign or affixed next to the designating 8404
sign a notice that states the fine applicable for the offense of 8405
parking a motor vehicle in the special designated parking location 8406
if the motor vehicle is not legally entitled to be parked in that 8407
location. 8408

(F)(1)(a) No person shall stop, stand, or park any motor 8409
vehicle at special parking locations provided under division (E) 8410
of this section or at special clearly marked parking locations 8411
provided in or on privately owned parking lots, parking garages, 8412
or other parking areas and designated in accordance with that 8413
division, unless one of the following applies: 8414

~~(a)~~(i) The motor vehicle is being operated by or for the 8415
transport of a person with a disability that limits or impairs the 8416
ability to walk and is displaying a valid removable windshield 8417
placard or special license plates; 8418

~~(b)~~(ii) The motor vehicle is being operated by or for the 8419
transport of a handicapped person and is displaying a parking card 8420
or special handicapped license plates. 8421

~~(2)~~(b) Any motor vehicle that is parked in a special marked 8422
parking location in violation of division (F)(1)(a)(i) or ~~(b)~~(ii) 8423
of this section may be towed or otherwise removed from the parking 8424
location by the law enforcement agency of the political 8425
subdivision in which the parking location is located. A motor 8426
vehicle that is so towed or removed shall not be released to its 8427

owner until the owner presents proof of ownership of the motor 8428
vehicle and pays all towing and storage fees normally imposed by 8429
that political subdivision for towing and storing motor vehicles. 8430
If the motor vehicle is a leased vehicle, it shall not be released 8431
to the lessee until the lessee presents proof that that person is 8432
the lessee of the motor vehicle and pays all towing and storage 8433
fees normally imposed by that political subdivision for towing and 8434
storing motor vehicles. 8435

~~(3)(c)~~ If a person is charged with a violation of division 8436
(F)(1)(a)~~(i)~~ or ~~(b)(ii)~~ of this section, it is an affirmative 8437
defense to the charge that the person suffered an injury not more 8438
than seventy-two hours prior to the time the person was issued the 8439
ticket or citation and that, because of the injury, the person 8440
meets at least one of the criteria contained in division (A)(1) of 8441
section 4503.44 of the Revised Code. 8442

(2) No person shall stop, stand, or park any motor vehicle in 8443
an area that is commonly known as an access aisle, which area is 8444
marked by diagonal stripes and is located immediately adjacent to 8445
a special parking location provided under division (E) of this 8446
section or at a special clearly marked parking location provided 8447
in or on a privately owned parking lot, parking garage, or other 8448
parking area and designated in accordance with that division. 8449

(G) When a motor vehicle is being operated by or for the 8450
transport of a person with a disability that limits or impairs the 8451
ability to walk and is displaying a removable windshield placard 8452
or a temporary removable windshield placard or special license 8453
plates, or when a motor vehicle is being operated by or for the 8454
transport of a handicapped person and is displaying a parking card 8455
or special handicapped license plates, the motor vehicle is 8456
permitted to park for a period of two hours in excess of the legal 8457
parking period permitted by local authorities, except where local 8458
ordinances or police rules provide otherwise or where the vehicle 8459

is parked in such a manner as to be clearly a traffic hazard. 8460

(H) No owner of an office, facility, or parking garage where 8461
special parking locations are required to be designated in 8462
accordance with division (E) of this section shall fail to 8463
properly mark the special parking locations in accordance with 8464
that division or fail to maintain the markings of the special 8465
locations, including the erection and maintenance of the fixed or 8466
movable signs. 8467

(I) Nothing in this section shall be construed to require a 8468
person or organization to apply for a removable windshield placard 8469
or special license plates if the parking card or special license 8470
plates issued to the person or organization under prior law have 8471
not expired or been surrendered or revoked. 8472

(J)(1) Whoever violates division (A) or (C) of this section 8473
is guilty of a minor misdemeanor. 8474

(2)(a) Whoever violates division (F)(1)(a)(i) or ~~(b)~~(ii) of 8475
this section is guilty of a misdemeanor and shall be punished as 8476
provided in division (J)(2)(a) and (b) of this section. Except as 8477
otherwise provided in division (J)(2)(a) of this section, an 8478
offender who violates division (F)(1)(a)(i) or ~~(b)~~(ii) of this 8479
section shall be fined not less than two hundred fifty nor more 8480
than five hundred dollars. An offender who violates division 8481
(F)(1)(a)(i) or ~~(b)~~(ii) of this section shall be fined not more 8482
than one hundred dollars if the offender, prior to sentencing, 8483
proves either of the following to the satisfaction of the court: 8484

(i) At the time of the violation of division (F)(1)(a)(i) of 8485
this section, the offender or the person for whose transport the 8486
motor vehicle was being operated had been issued a removable 8487
windshield placard that then was valid or special license plates 8488
that then were valid but the offender or the person neglected to 8489
display the placard or license plates as described in division 8490

(F)(1)(a)(i) of this section. 8491

(ii) At the time of the violation of division 8492
(F)(1)(~~b~~)(a)(ii) of this section, the offender or the person for 8493
whose transport the motor vehicle was being operated had been 8494
issued a parking card that then was valid or special handicapped 8495
license plates that then were valid but the offender or the person 8496
neglected to display the card or license plates as described in 8497
division (F)(1)(~~b~~)(a)(ii) of this section. 8498

(b) In no case shall an offender who violates division 8499
(F)(1)(a)(i) or (~~b~~)(ii) of this section be sentenced to any term 8500
of imprisonment. 8501

An arrest or conviction for a violation of division 8502
(F)(1)(a)(i) or (~~b~~)(ii) of this section does not constitute a 8503
criminal record and need not be reported by the person so arrested 8504
or convicted in response to any inquiries contained in any 8505
application for employment, license, or other right or privilege, 8506
or made in connection with the person's appearance as a witness. 8507

The clerk of the court shall pay every fine collected under 8508
~~division~~ divisions (J)(2) and (3) of this section to the political 8509
subdivision in which the violation occurred. Except as provided in 8510
division (J)(2) of this section, the political subdivision shall 8511
use the fine moneys it receives under ~~division~~ divisions (J)(2) 8512
and (3) of this section to pay the expenses it incurs in complying 8513
with the signage and notice requirements contained in division (E) 8514
of this section. The political subdivision may use up to fifty per 8515
cent of each fine it receives under ~~division~~ divisions (J)(2) and 8516
(3) of this section to pay the costs of educational, advocacy, 8517
support, and assistive technology programs for persons with 8518
disabilities, and for public improvements within the political 8519
subdivision that benefit or assist persons with disabilities, if 8520
governmental agencies or nonprofit organizations offer the 8521
programs. 8522

(3) Whoever violates division (F)(2) of this section shall be 8523
fined not less than two hundred fifty nor more than five hundred 8524
dollars. 8525

In no case shall an offender who violates division (F)(2) of 8526
this section be sentenced to any term of imprisonment. An arrest 8527
or conviction for a violation of division (F)(2) of this section 8528
does not constitute a criminal record and need not be reported by 8529
the person so arrested or convicted in response to any inquiries 8530
contained in any application for employment, license, or other 8531
right or privilege, or made in connection with the person's 8532
appearance as a witness. 8533

(4) Whoever violates division (H) of this section shall be 8534
punished as follows: 8535

(a) Except as otherwise provided in division (J)~~(3)~~(4) of 8536
this section, the offender shall be issued a warning. 8537

(b) If the offender previously has been convicted of or 8538
pleaded guilty to a violation of division (H) of this section or 8539
of a municipal ordinance that is substantially similar to that 8540
division, the offender shall not be issued a warning but shall be 8541
fined not more than twenty-five dollars for each parking location 8542
that is not properly marked or whose markings are not properly 8543
maintained. 8544

(K) As used in this section: 8545

(1) "Handicapped person" means any person who has lost the 8546
use of one or both legs or one or both arms, who is blind, deaf, 8547
or so severely handicapped as to be unable to move without the aid 8548
of crutches or a wheelchair, or whose mobility is restricted by a 8549
permanent cardiovascular, pulmonary, or other handicapping 8550
condition. 8551

(2) "Person with a disability that limits or impairs the 8552
ability to walk" has the same meaning as in section 4503.44 of the 8553

Revised Code. 8554

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

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

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

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

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

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

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

(6) "Tort action" means a civil action for damages for 8584
injury, death, or loss to person or property. "Tort action" 8585
includes a product liability claim, as defined in section 2307.71 8586
of the Revised Code, and an asbestos claim, as defined in section 8587
2307.91 of the Revised Code, but does not include a civil action 8588
for damages for breach of contract or another agreement between 8589
persons. 8590

(B) No person shall do any of the following: 8591

(1) Operate an automobile on any street or highway unless 8592
that person is wearing all of the available elements of a properly 8593
adjusted occupant restraining device, or operate a school bus that 8594
has an occupant restraining device installed for use in its 8595
operator's seat unless that person is wearing all of the available 8596
elements of the device, as properly adjusted; 8597

(2) Operate an automobile on any street or highway unless 8598
each passenger in the automobile who is subject to the requirement 8599
set forth in division (B)(3) of this section is wearing all of the 8600
available elements of a properly adjusted occupant restraining 8601
device; 8602

(3) Occupy, as a passenger, a seating position on the front 8603
seat of an automobile being operated on any street or highway 8604
unless that person is wearing all of the available elements of a 8605
properly adjusted occupant restraining device; 8606

(4) Operate a taxicab on any street or highway unless all 8607
factory-equipped occupant restraining devices in the taxicab are 8608
maintained in usable form. 8609

(C) Division (B)(3) of this section does not apply to a 8610
person who is required by section 4511.81 of the Revised Code to 8611
be secured in a child restraint device or booster seat. Division 8612
(B)(1) of this section does not apply to a person who is an 8613
employee of the United States postal service or of a newspaper 8614

home delivery service, during any period in which the person is 8615
engaged in the operation of an automobile to deliver mail or 8616
newspapers to addressees. Divisions (B)(1) and (3) of this section 8617
do not apply to a person who has an affidavit signed by a 8618
physician licensed to practice in this state under Chapter 4731. 8619
of the Revised Code or a chiropractor licensed to practice in this 8620
state under Chapter 4734. of the Revised Code that states that the 8621
person has a physical impairment that makes use of an occupant 8622
restraining device impossible or impractical. 8623

(D) Notwithstanding any provision of law to the contrary, no 8624
law enforcement officer shall cause an operator of an automobile 8625
being operated on any street or highway to stop the automobile for 8626
the sole purpose of determining whether a violation of division 8627
(B) of this section has been or is being committed or for the sole 8628
purpose of issuing a ticket, citation, or summons for a violation 8629
of that nature or causing the arrest of or commencing a 8630
prosecution of a person for a violation of that nature, and no law 8631
enforcement officer shall view the interior or visually inspect 8632
any automobile being operated on any street or highway for the 8633
sole purpose of determining whether a violation of that nature has 8634
been or is being committed. 8635

(E) All fines collected for violations of division (B) of 8636
this section, or for violations of any ordinance or resolution of 8637
a political subdivision that is substantively comparable to that 8638
division, shall be forwarded to the treasurer of state for deposit 8639
into the state treasury to the credit of the trauma and emergency 8640
medical services fund, which is hereby created. In addition, ~~sixty~~ 8641
~~cents of each fee collected under sections 4501.34, 4503.26,~~ 8642
~~4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as~~ 8643
~~specified in those sections, plus~~ the portion of the driver's 8644
license reinstatement fee described in division (F)(2)(g) of 8645
section 4511.191 of the Revised Code, plus all fees collected 8646

under section 4765.11 of the Revised Code, plus all fines imposed 8647
under section 4765.55 of the Revised Code, plus the fees and other 8648
moneys specified in section 4766.05 of the Revised Code, and plus 8649
five per cent of fines and moneys arising from bail forfeitures as 8650
directed by section 5503.04 of the Revised Code, also shall be 8651
deposited into the trauma and emergency medical services fund. All 8652
money deposited into the trauma and emergency medical services 8653
fund shall be used by the department of public safety for the 8654
administration and operation of the division of emergency medical 8655
services and the state board of emergency medical, fire, and 8656
transportation services, and by the state board of emergency 8657
medical, fire, and transportation services to make grants, in 8658
accordance with section 4765.07 of the Revised Code and rules the 8659
board adopts under section 4765.11 of the Revised Code. The 8660
director of budget and management may transfer excess money from 8661
the trauma and emergency medical services fund to the state 8662
highway safety fund if the director of public safety determines 8663
that the amount of money in the trauma and emergency medical 8664
services fund exceeds the amount required to cover such costs 8665
incurred by the emergency medical services agency and the grants 8666
made by the state board of emergency medical, fire, and 8667
transportation services and requests the director of budget and 8668
management to make the transfer. 8669

(F)(1) Subject to division (F)(2) of this section, the 8670
failure of a person to wear all of the available elements of a 8671
properly adjusted occupant restraining device in violation of 8672
division (B)(1) or (3) of this section or the failure of a person 8673
to ensure that each minor who is a passenger of an automobile 8674
being operated by that person is wearing all of the available 8675
elements of a properly adjusted occupant restraining device in 8676
violation of division (B)(2) of this section shall not be 8677
considered or used by the trier of fact in a tort action as 8678
evidence of negligence or contributory negligence. But, the trier 8679

of fact may determine based on evidence admitted consistent with 8680
the Ohio Rules of Evidence that the failure contributed to the 8681
harm alleged in the tort action and may diminish a recovery of 8682
compensatory damages that represents noneconomic loss, as defined 8683
in section 2307.011 of the Revised Code, in a tort action that 8684
could have been recovered but for the plaintiff's failure to wear 8685
all of the available elements of a properly adjusted occupant 8686
restraining device. Evidence of that failure shall not be used as 8687
a basis for a criminal prosecution of the person other than a 8688
prosecution for a violation of this section; and shall not be 8689
admissible as evidence in a criminal action involving the person 8690
other than a prosecution for a violation of this section. 8691

(2) If, at the time of an accident involving a passenger car 8692
equipped with occupant restraining devices, any occupant of the 8693
passenger car who sustained injury or death was not wearing an 8694
available occupant restraining device, was not wearing all of the 8695
available elements of such a device, or was not wearing such a 8696
device as properly adjusted, then, consistent with the Rules of 8697
Evidence, the fact that the occupant was not wearing the available 8698
occupant restraining device, was not wearing all of the available 8699
elements of such a device, or was not wearing such a device as 8700
properly adjusted is admissible in evidence in relation to any 8701
claim for relief in a tort action to the extent that the claim for 8702
relief satisfies all of the following: 8703

(a) It seeks to recover damages for injury or death to the 8704
occupant. 8705

(b) The defendant in question is the manufacturer, designer, 8706
distributor, or seller of the passenger car. 8707

(c) The claim for relief against the defendant in question is 8708
that the injury or death sustained by the occupant was enhanced or 8709
aggravated by some design defect in the passenger car or that the 8710
passenger car was not crashworthy. 8711

(G)(1) Whoever violates division (B)(1) of this section shall 8712
be fined thirty dollars. 8713

(2) Whoever violates division (B)(3) of this section shall be 8714
fined twenty dollars. 8715

(3) Except as otherwise provided in this division, whoever 8716
violates division (B)(4) of this section is guilty of a minor 8717
misdemeanor. If the offender previously has been convicted of or 8718
pleaded guilty to a violation of division (B)(4) of this section, 8719
whoever violates division (B)(4) of this section is guilty of a 8720
misdemeanor of the third degree. 8721

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 8722
police of a municipal corporation, township, or township or joint 8723
police district, within the sheriff's or chief's respective 8724
territorial jurisdiction, upon complaint of any person adversely 8725
affected, may order into storage any motor vehicle, other than an 8726
abandoned junk motor vehicle as defined in section 4513.63 of the 8727
Revised Code, that has been left on private residential or private 8728
agricultural property for at least four hours without the 8729
permission of the person having the right to the possession of the 8730
property. The sheriff or chief of police, upon complaint of the 8731
owner of a repair garage or place of storage, may order into 8732
storage any motor vehicle, other than an abandoned junk motor 8733
vehicle, that has been left at the garage or place of storage for 8734
a longer period than that agreed upon. When ordering a motor 8735
vehicle into storage pursuant to this division, a sheriff or chief 8736
of police may arrange for the removal of the motor vehicle by a 8737
towing service and shall designate a storage facility. 8738

(2) A towing service towing a motor vehicle under division 8739
(A)(1) of this section shall remove the motor vehicle in 8740
accordance with that division. The towing service shall deliver 8741
the motor vehicle to the location designated by the sheriff or 8742

chief of police not more than two hours after the time it is 8743
removed from the private property. 8744

(3) Subject to division (B) of this section, the owner of a 8745
motor vehicle that has been removed pursuant to this division may 8746
recover the vehicle only in accordance with division (D) of this 8747
section. 8748

(4) As used in this section, "private residential property" 8749
means private property on which is located one or more structures 8750
that are used as a home, residence, or sleeping place by one or 8751
more persons, if no more than three separate households are 8752
maintained in the structure or structures. "Private residential 8753
property" does not include any private property on which is 8754
located one or more structures that are used as a home, residence, 8755
or sleeping place by two or more persons, if more than three 8756
separate households are maintained in the structure or structures. 8757

(B) If the owner or operator of a motor vehicle that has been 8758
ordered into storage pursuant to division (A)(1) of this section 8759
arrives after the motor vehicle has been prepared for removal, but 8760
prior to its actual removal from the property, the towing service 8761
shall give the owner or operator oral or written notification at 8762
the time of such arrival that the vehicle owner or operator may 8763
pay a fee of not more than one-half of the fee for the removal of 8764
the motor vehicle under division (D)(1) of this section, in order 8765
to obtain release of the motor vehicle. Upon payment of that fee, 8766
the towing service shall give the vehicle owner or operator a 8767
receipt showing both the full amount normally assessed and the 8768
actual amount received and shall release the motor vehicle to the 8769
owner or operator. Upon its release, the owner or operator 8770
immediately shall move it so that it is not on the private 8771
residential or private agricultural property without the 8772
permission of the person having the right to possession of the 8773
property, or is not at the garage or place of storage without the 8774

permission of the owner, whichever is applicable. 8775

(C)(1) Each county sheriff and each chief of police of a 8776
municipal corporation, township, or township or joint police 8777
district shall maintain a record of motor vehicles that the 8778
sheriff or chief orders into storage pursuant to division (A)(1) 8779
of this section. The record shall include an entry for each such 8780
motor vehicle that identifies the motor vehicle's license number, 8781
make, model, and color, the location from which it was removed, 8782
the date and time of its removal, the telephone number of the 8783
person from whom it may be recovered, and the address of the place 8784
to which it has been taken and from which it may be recovered. A 8785
sheriff or chief of police shall provide any information in the 8786
record that pertains to a particular motor vehicle to any person 8787
who, either in person or pursuant to a telephone call, identifies 8788
self as the owner or operator of the motor vehicle and requests 8789
information pertaining to its location. 8790

(2) Any person who registers a complaint that is the basis of 8791
a sheriff's or police chief's order for the removal and storage of 8792
a motor vehicle under division (A)(1) of this section shall 8793
provide the identity of the law enforcement agency with which the 8794
complaint was registered to any person who identifies self as the 8795
owner or operator of the motor vehicle and requests information 8796
pertaining to its location. 8797

(D)(1) The owner or lienholder of a motor vehicle that is 8798
ordered into storage pursuant to division (A)(1) of this section 8799
may reclaim it upon both of the following: 8800

(a) Payment of the following fees: 8801

(i) Not more than ninety dollars for the removal of the motor 8802
vehicle. However, if the motor vehicle has a manufacturer's gross 8803
vehicle weight rating in excess of ten thousand pounds and is a 8804
truck, bus, or a combination of a commercial tractor and trailer 8805

or semitrailer, not more than one hundred fifty dollars for the 8806
removal. 8807

(ii) Not more than twelve dollars per twenty-four-hour period 8808
for the storage of the motor vehicle. However, if the motor 8809
vehicle has a manufacturer's gross vehicle weight rating in excess 8810
of ten thousand pounds and is a truck, bus, or a combination of a 8811
commercial tractor and trailer or semitrailer, not more than 8812
twenty dollars per twenty-four-hour period for storage. 8813

(b) Presentation of proof of ownership, which may be 8814
evidenced by a certificate of title to the motor vehicle, a 8815
certificate of registration for the motor vehicle, or a lease 8816
agreement. 8817

(2) Upon presentation of proof of ownership as required under 8818
division (D)(1)(b) of this section, the owner of a motor vehicle 8819
that is ordered into storage under division (A)(1) of this section 8820
may retrieve any personal items from the motor vehicle without 8821
retrieving the vehicle and without paying any fee. However, the 8822
owner may not retrieve any personal item that has been determined 8823
by the sheriff or chief of police, as applicable, to be necessary 8824
to a criminal investigation. For purposes of division (D)(2) of 8825
this section, "personal items" do not include any items that are 8826
attached to the motor vehicle. 8827

(3) If a motor vehicle that is ordered into storage pursuant 8828
to division (A)(1) of this section remains unclaimed by the owner 8829
for thirty days, the procedures established by sections 4513.61 8830
and 4513.62 of the Revised Code apply. 8831

(E)(1) No person shall remove, or cause the removal of, any 8832
motor vehicle from any private residential or private agricultural 8833
property other than in accordance with division (A)(1) of this 8834
section or sections 4513.61 to 4513.65 of the Revised Code. 8835

(2) No towing service or storage facility shall fail to 8836

comply with the requirements of this section. 8837

(F) This section does not apply to any private residential or 8838
private agricultural property that is established as a private 8839
tow-away zone in accordance with section 4513.601 of the Revised 8840
Code. 8841

(G) The owner of any towing service or storage facility that 8842
violates division (E) of this section is guilty of a minor 8843
misdemeanor. 8844

Sec. 4513.601. (A) The owner of private property may 8845
establish a private tow-away zone, but may do so only if all of 8846
the following conditions are satisfied: 8847

(1) The owner posts on the owner's property a sign, that is 8848
at least eighteen inches by twenty-four inches in size, that is 8849
visible from all entrances to the property, and that includes all 8850
of the following information: 8851

(a) A statement that the property is a tow-away zone; 8852

(b) A description of persons authorized to park on the 8853
property. If the property is a residential property, the owner of 8854
the private property may include on the sign a statement that only 8855
tenants and guests may park in the private tow-away zone, subject 8856
to the terms of the property owner. If the property is a 8857
commercial property, the owner of the private property may include 8858
on the sign a statement that only customers may park in the 8859
private tow-away zone. In all cases, if it is not apparent which 8860
persons may park in the private tow-away zone, the owner shall 8861
include on the sign the address of the property on which the 8862
private tow-away zone is located or the name of the business that 8863
is located on the property designated as a private tow-away zone. 8864

(c) If the private tow-away zone is not enforceable at all 8865
times, the times during which the parking restrictions are 8866

enforced; 8867

(d) The telephone number and the address of the place from 8868
which a towed vehicle may be recovered at any time during the day 8869
or night; 8870

(e) A statement that the failure to recover a towed vehicle 8871
may result in the loss of title to the vehicle as provided in 8872
division (B) of section 4505.101 of the Revised Code. 8873

Any owner of property that has been established as a private 8874
tow-away zone under section 4513.60 of the Revised Code as that 8875
section existed prior to ~~the effective date of this section~~ March 8876
23, 2015, who does not have a contract with a towing service for 8877
the removal of vehicles from the property may retain existing 8878
private tow-away zone signs that comply with that section for up 8879
to six months after ~~the effective date of this section~~ March 23, 8880
2015. At any time, in order to comply with the requirements of 8881
division (B)(1) of this section, such a property owner may modify 8882
the existing sign by affixing to the existing sign stickers or an 8883
addendum in lieu of replacing the sign. 8884

(2) A towing service ensures that a vehicle towed under this 8885
section is taken to a location from which it may be recovered that 8886
complies with all of the following: 8887

(a) It is located within twenty linear miles of the location 8888
of the private tow-away zone, unless it is not practicable to take 8889
the vehicle to a place of storage within twenty linear miles. 8890

(b) It is well-lighted. 8891

(c) It is on or within a reasonable distance of a regularly 8892
scheduled route of one or more modes of public transportation, if 8893
any public transportation is available in the municipal 8894
corporation or township in which the private tow-away zone is 8895
located. 8896

(B)(1) If a vehicle is parked on private property that is 8897
established as a private tow-away zone in accordance with division 8898
(A) of this section, without the consent of the owner of the 8899
property or in violation of any posted parking condition or 8900
regulation, the owner may cause the removal of the vehicle by a 8901
towing service. The towing service shall remove the vehicle in 8902
accordance with this section. The vehicle owner and the operator 8903
of the vehicle are considered to have consented to the removal and 8904
storage of the vehicle, to the payment of the applicable fees 8905
established under division (G) of this section, and to the right 8906
of a towing service to obtain title to the vehicle if it remains 8907
unclaimed as provided in section 4505.101 of the Revised Code. The 8908
owner or lienholder of a vehicle that has been removed under this 8909
section, subject to division (C) of this section, may recover the 8910
vehicle in accordance with division (G) of this section. 8911

(2) If a municipal corporation requires tow trucks and tow 8912
truck operators to be licensed, no owner of private property 8913
located within the municipal corporation shall cause the removal 8914
and storage of any vehicle pursuant to division (B) of this 8915
section by an unlicensed tow truck or unlicensed tow truck 8916
operator. 8917

(C) If the owner or operator of a vehicle that is being 8918
removed under authority of division (B) of this section arrives 8919
after the vehicle has been prepared for removal, but prior to its 8920
actual removal from the property, the towing service shall give 8921
the vehicle owner or operator oral or written notification at the 8922
time of such arrival that the vehicle owner or operator may pay a 8923
fee of not more than one-half of the fee for the removal of the 8924
vehicle established under division (G) of this section in order to 8925
obtain release of the vehicle. Upon payment of that fee, the 8926
towing service shall give the vehicle owner or operator a receipt 8927
showing both the full amount normally assessed and the actual 8928

amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(D)(1) Prior to towing a vehicle under division (B) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (A) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(2) A towing service shall deliver a vehicle towed under division (B) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone.

(E)(1) If an owner of private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division (B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township, or township or joint police district in which the property is located concerning all of the following:

- (a) The vehicle's license number, make, model, and color; 8960
- (b) The location from which the vehicle was removed; 8961
- (c) The date and time the vehicle was removed; 8962
- (d) The telephone number of the person from whom the vehicle
may be recovered; 8963
8964
- (e) The address of the place from which the vehicle may be
recovered. 8965
8966
- (2) Each county sheriff and each chief of police of a 8967
municipal corporation, township, or township or joint police 8968
district shall maintain a record of any vehicle removed from 8969
private property in the sheriff's or chief's jurisdiction that is 8970
established as a private tow-away zone of which the sheriff or 8971
chief has received notice under this section. The record shall 8972
include all information submitted by the towing service. The 8973
sheriff or chief shall provide any information in the record that 8974
pertains to a particular vehicle to a person who, either in person 8975
or pursuant to a telephone call, identifies self as the owner, 8976
operator, or lienholder of the vehicle and requests information 8977
pertaining to the vehicle. 8978
- (F)(1) When a vehicle is removed from private property in 8979
accordance with this section, the owner of the towing service or 8980
storage facility from which the vehicle may be recovered shall 8981
immediately cause a search to be made of the records of the bureau 8982
of motor vehicles to ascertain the identity of the owner and any 8983
lienholder of the motor vehicle. Subject to division (F)(4) of 8984
this section, the owner of the towing service or storage facility 8985
shall send notice to the vehicle owner and any known lienholder as 8986
follows: 8987
- (a) Within five business days of removal of the vehicle from 8988
the private tow-away zone, if the vehicle has not yet been 8989
recovered, to the owner's and lienholder's last known address by 8990

certified or express mail with return receipt requested or by a 8991
commercial carrier service utilizing any form of delivery 8992
requiring a signed receipt; 8993

(b) If the vehicle remains unclaimed thirty days after the 8994
first notice is sent, in the manner authorized in division 8995
(F)(1)(a) of this section; 8996

(c) If the vehicle remains unclaimed forty-five days after 8997
the first notice is sent, in the manner authorized in division 8998
(F)(1)(a) of this section. 8999

(2) Sixty days after any notice sent pursuant to division 9000
(F)(1) of this section is received, as evidenced by a receipt 9001
signed by any person, or the towing service or storage facility 9002
has been notified that delivery was not possible, the owner of a 9003
towing service or storage facility, if authorized under division 9004
(B) of section 4505.101 of the Revised Code, may initiate the 9005
process for obtaining a certificate of title to the motor vehicle 9006
as provided in that section. 9007

(3) A towing service or storage facility that does not 9008
receive a signed receipt of notice, or a notification that 9009
delivery was not possible, shall not obtain, and shall not attempt 9010
to obtain, a certificate of title to the motor vehicle under 9011
division (B) of section 4505.101 of the Revised Code. 9012

(4) With respect to a vehicle concerning which a towing 9013
service or storage facility is not eligible to obtain title under 9014
section 4505.101 of the Revised Code, the towing service or 9015
storage facility need only comply with the initial notice required 9016
under division (F)(1)(a) of this section. 9017

(G)(1) The owner or lienholder of a vehicle that is removed 9018
under division (B) of this section may reclaim it upon all of the 9019
following: 9020

(a) Presentation of proof of ownership, which may be 9021

evidenced by a certificate of title to the vehicle, a certificate 9022
of registration for the motor vehicle, or a lease agreement; 9023

(b) Payment of the following fees: 9024

(i) Not more than ninety dollars for the removal of the 9025
vehicle. However, if the vehicle has a manufacturer's gross 9026
vehicle weight rating in excess of ten thousand pounds and is a 9027
truck, bus, or a combination of a commercial tractor and trailer 9028
or semitrailer, not more than one hundred fifty dollars for the 9029
removal. 9030

(ii) Not more than twelve dollars per twenty-four-hour period 9031
for the storage of the vehicle. However, if the vehicle has a 9032
manufacturer's gross vehicle weight rating in excess of ten 9033
thousand pounds and is a truck, bus, or a combination of a 9034
commercial tractor and trailer or semitrailer, not more than 9035
twenty dollars per twenty-four-hour period for storage. 9036

(iii) If notice has been sent to the owner and lienholder as 9037
described in division (F) of this section, a processing fee of 9038
twenty-five dollars. 9039

(2) A towing service or storage facility in possession of a 9040
vehicle that is removed under authority of division (B) of this 9041
section shall show the vehicle owner, operator, or lienholder who 9042
contests the removal of the vehicle all photographs taken under 9043
division (D) of this section. Upon request, the towing service or 9044
storage facility shall provide copies of all photographs in the 9045
medium in which the photographs are stored, whether paper, 9046
electronic, or otherwise. 9047

(3) Upon presentation of proof of ownership, which may be 9048
evidenced by a certificate of title to the vehicle, a certificate 9049
of registration for the motor vehicle, or a lease agreement, the 9050
owner of a vehicle that is removed under authority of division (B) 9051
of this section may retrieve any personal items from the vehicle 9052

without retrieving the vehicle and without paying any fee. For 9053
purposes of division (G)(3) of this section, "personal items" do 9054
not include any items that are attached to the vehicle. 9055

(H) No towing service or storage facility shall remove, or 9056
cause the removal of, any vehicle from private property that is 9057
established as a private tow-away zone under this section, store 9058
such a vehicle other than in accordance with this section, or 9059
otherwise fail to comply with any applicable requirement of this 9060
section. 9061

(I) This section does not affect or limit the operation of 9062
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 9063
as they relate to property other than private property that is 9064
established as a private tow-away zone under division (A) of this 9065
section. 9066

(J) The owner of any towing service or storage facility or 9067
property owner that violates division (H) of this section is 9068
guilty of a minor misdemeanor. 9069

Sec. 4513.61. (A) The sheriff of a county or chief of police 9070
of a municipal corporation, township, or township or joint police 9071
district, within the sheriff's or chief's respective territorial 9072
jurisdiction, or a state highway patrol trooper, upon notification 9073
to the sheriff or chief of police of such action and of the 9074
location of the place of storage, may order into storage any motor 9075
vehicle, including an abandoned junk motor vehicle as defined in 9076
section 4513.63 of the Revised Code, that: 9077

(1) Has come into the possession of the sheriff, chief of 9078
police, or state highway patrol trooper as a result of the 9079
performance of the sheriff's, chief's, or trooper's duties; or 9080

(2) Has been left on a public street or other property open 9081
to the public for purposes of vehicular travel, or upon or within 9082

the right-of-way of any road or highway, for forty-eight hours or 9083
longer without notification to the sheriff or chief of police of 9084
the reasons for leaving the motor vehicle in such place. However, 9085
when such a motor vehicle constitutes an obstruction to traffic it 9086
may be ordered into storage immediately unless either of the 9087
following applies:- 9088

(a) The vehicle was involved in an accident and is subject to 9089
section 4513.66 of the Revised Code; 9090

(b) The vehicle is a commercial motor vehicle. If the vehicle 9091
is a commercial motor vehicle, the sheriff, chief of police, or 9092
state highway patrol trooper shall allow the owner or operator of 9093
the vehicle the opportunity to arrange for the removal of the 9094
motor vehicle within a period of time specified by the sheriff, 9095
chief of police, or state highway patrol trooper. If the sheriff, 9096
chief of police, or state highway patrol trooper determines that 9097
the vehicle cannot be removed within the specified period of time, 9098
the sheriff, chief of police, or state highway patrol trooper 9099
shall order the removal of the vehicle. 9100

Subject to division (C) of this section, the sheriff or chief 9101
of police shall designate the place of storage of any motor 9102
vehicle so ordered removed. 9103

(B) If the sheriff, chief of police, or a state highway 9104
patrol trooper issues an order under division (A) of this section 9105
and arranges for the removal of a motor vehicle by a towing 9106
service, the towing service shall deliver the motor vehicle to the 9107
location designated by the sheriff or chief of police not more 9108
than two hours after the time it is removed. 9109

(C)(1) The sheriff or chief of police immediately shall cause 9110
a search to be made of the records of the bureau of motor vehicles 9111
to ascertain the identity of the owner and any lienholder of a 9112
motor vehicle ordered into storage by the sheriff or chief of 9113

police, or by a state highway patrol trooper. Upon obtaining such 9114
identity, the sheriff or chief of police shall send or cause to be 9115
sent to the owner or lienholder at the owner's or lienholder's 9116
last known address by certified mail with return receipt 9117
requested, notice that informs the owner or lienholder that the 9118
motor vehicle will be declared a nuisance and disposed of if not 9119
claimed within ten days of the date of mailing of the notice. 9120

(2) The owner or lienholder of the motor vehicle may reclaim 9121
the motor vehicle upon payment of any expenses or charges incurred 9122
in its removal and storage, and presentation of proof of 9123
ownership, which may be evidenced by a certificate of title or 9124
memorandum certificate of title to the motor vehicle, a 9125
certificate of registration for the motor vehicle, or a lease 9126
agreement. Upon presentation of proof of ownership evidenced as 9127
provided above, the owner of the motor vehicle also may retrieve 9128
any personal items from the vehicle without retrieving the vehicle 9129
and without paying any fee. However, the owner may not retrieve 9130
any personal item that has been determined by the sheriff, chief 9131
of police, or a state highway patrol trooper, as applicable, to be 9132
necessary to a criminal investigation. For purposes of division 9133
(C)(2) of this section, "personal items" do not include any items 9134
that are attached to the vehicle. 9135

(3) If the owner or lienholder of the motor vehicle reclaims 9136
it after a search of the records of the bureau has been conducted 9137
and after notice has been sent to the owner or lienholder as 9138
described in this section, and the search was conducted by the 9139
owner of the place of storage or the owner's employee, and the 9140
notice was sent to the motor vehicle owner by the owner of the 9141
place of storage or the owner's employee, the owner or lienholder 9142
shall pay to the place of storage a processing fee of twenty-five 9143
dollars, in addition to any expenses or charges incurred in the 9144
removal and storage of the vehicle. 9145

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in section 4513.62 of the Revised Code, the sheriff or chief of police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief of police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in section 4513.62 of the Revised Code, the sheriff or chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief of police shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

(E) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.

(F) No towing service or storage facility shall fail to

comply with this section. 9178

Sec. 4513.68. (A) ~~Except as provided in division (B) of this~~ 9179
~~section~~ If a towing service is removing a motor vehicle, and the 9180
removal was not authorized under section 4513.60, 4513.601, 9181
4513.61, or 4513.66 of the Revised Code, prior to removing a the 9182
~~motor vehicle from an accident scene on any street or highway or~~ 9183
~~any other property open to the public for purposes of vehicular~~ 9184
~~travel or parking, a the~~ towing service shall provide an a written 9185
estimate of the price for the removal to the ~~person who was~~ 9186
~~operating~~ operator of the motor vehicle ~~at the time of the~~ 9187
~~accident unless that person the operator~~ is incapacitated, 9188
seriously injured, or otherwise unavailable to accept the 9189
estimate. The towing service shall not submit such an estimate to 9190
~~the~~ any repair facility or storage facility to which the motor 9191
vehicle is transported unless the ~~person who was operating~~ 9192
operator of the motor vehicle ~~at the time of the accident~~ meets 9193
one of the conditions specified above. 9194

(B) The towing service shall ensure that any estimate 9195
provided under division (A) of this section includes the fees, 9196
services to be rendered, and destination of the vehicle. 9197

(C) ~~Division (A) of this section does not apply if all of the~~ 9198
~~following are applicable:~~ 9199

~~(1) The towing service removes a motor vehicle from an~~ 9200
~~accident scene.~~ 9201

~~(2) The removal is conducted pursuant to a contract between~~ 9202
~~the towing service and the issuer of a policy of motor vehicle~~ 9203
~~insurance covering the motor vehicle.~~ 9204

~~(3) The contract requires the towing service to be paid~~ 9205
~~directly by issuer of the policy.~~ 9206

~~(D) If a towing service fails to provide an a written~~ 9207

estimate ~~at an accident scene~~ as required by this section, the 9208
towing service shall not charge fees for the towing and storage of 9209
the motor vehicle ~~removed from the accident scene~~ that exceed 9210
twenty-five per cent of the fees authorized under division 9211
(G)(1)(b) of section 4513.601 of the Revised Code for a motor 9212
vehicle removed from a private tow-away zone. 9213

~~(E)(D)~~ Any storage facility that accepts towed vehicles ~~towed~~ 9214
~~from accident scenes~~ shall conspicuously post a notice at the 9215
entrance to the storage facility that states the limitation on 9216
fees established under division ~~(D)(C)~~ of this section. 9217

Sec. 4513.69. (A) The owner of a storage facility shall 9218
ensure that the facility remains open during both of the following 9219
periods of time to allow a vehicle owner or lienholder to retrieve 9220
a vehicle in the possession of the storage facility: 9221

(1) Any time during which a towing service is towing a 9222
vehicle pursuant to section 4513.60, 4513.601, or 4513.61 of the 9223
Revised Code and the vehicle will be held by the storage facility; 9224

(2) Between nine o'clock in the morning and noon on the day 9225
after any day during which the storage facility accepted for 9226
storage a vehicle towed under section 4513.60, 4513.601, or 9227
4513.61 of the Revised Code. 9228

(B)(1) The owner of a storage facility that accepts for 9229
storage vehicles towed under section 4513.60, 4513.601, or 4513.61 9230
of the Revised Code shall ensure that a notice is conspicuously 9231
posted at the entrance to the storage facility that states the 9232
telephone number at which the owner or lienholder of a vehicle may 9233
contact the owner or a representative of the storage facility for 9234
the purpose of retrieving a vehicle when the storage facility is 9235
closed. The owner of the storage facility also shall provide that 9236
telephone number to the sheriff of a county or chief of police of 9237
a municipal corporation, township, or township or joint police 9238

district. The owner of the storage facility shall ensure that a process is in place for purposes of answering calls at all times day or night.

(2) After receiving a call from the owner or lienholder of a vehicle who seeks to recover the vehicle, the owner of the storage facility shall ensure that, within three hours of receiving the phone call, a representative of the storage facility is available to release the vehicle upon being presented with proof of ownership of the vehicle, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, and payment of an after-hours vehicle retrieval fee established under section ~~4921.25~~ 4513.70 of the Revised Code and all other applicable fees.

(C) No owner of a storage facility shall fail to comply with division (A) or (B) of this section.

Sec. 4513.70. The director of public safety shall adopt rules that do all of the following:

(A) Establish the acceptable scope of public safety regulations applicable to a towing service that is engaged in the towing of motor vehicles under section 4513.60, 4513.601, or 4513.61 of the Revised Code that a county or township may adopt pursuant to a resolution;

(B) Establish safety standards for the type of equipment necessary to safely remove and tow vehicles based on the type of vehicle being removed or towed;

(C) Establish standards for the removal of a vehicle from a private tow-away zone in addition to standards and requirements established under section 4513.601 of the Revised Code. The standards may vary based on whether the private tow-away zone is located on residential, retail, or other commercial property.

(D) Establish an after-hours retrieval fee for purposes of 9269
section 4513.69 of the Revised Code; 9270

(E) Establish any other requirements necessary to carry out 9271
the purposes of this section. 9272

Sec. 4517.03. (A) A place of business that is used for 9273
selling, displaying, offering for sale, or dealing in motor 9274
vehicles shall be considered as used exclusively for those 9275
purposes even though snowmobiles, farm machinery, outdoor power 9276
equipment, watercraft and related products, or products 9277
manufactured or distributed by a motor vehicle manufacturer with 9278
which the motor vehicle dealer has a franchise agreement are sold 9279
or displayed there, or if repair, accessory, gasoline and oil, 9280
storage, parts, service, or paint departments are maintained 9281
there, or such products or services are provided there, if the 9282
departments are operated or the products or services are provided 9283
for the business of selling, displaying, offering for sale, or 9284
dealing in motor vehicles. Places of business or departments in a 9285
place of business used to dismantle, salvage, or rebuild motor 9286
vehicles by means of using used parts, are not considered as being 9287
maintained for the purpose of assisting or furthering the selling, 9288
displaying, offering for sale, or dealing in motor vehicles. A 9289
place of business shall be considered as used exclusively for 9290
selling, displaying, offering for sale, or dealing in motor 9291
vehicles even though a business owned by a motor vehicle leasing 9292
dealer or a motor vehicle renting dealer is located at the place 9293
of business. 9294

(B)(1)(a) No new motor vehicle dealer shall sell, display, 9295
offer for sale, or deal in motor vehicles at any place except an 9296
established place of business that is used exclusively for the 9297
purpose of selling, displaying, offering for sale, or dealing in 9298
motor vehicles. The place of business shall have space, under 9299

roof, for the display of at least one new motor vehicle. The 9300
established place of business or, if the dealer operates a remote 9301
service facility, the dealer's remote service facility shall have 9302
facilities and space for the inspection, servicing, and repair of 9303
at least one motor vehicle. However a new motor vehicle dealer 9304
selling manufactured or mobile homes is exempt from the 9305
requirement that a place of business have space, under roof, for 9306
the display of at least one new motor vehicle and facilities and 9307
space for the inspection, servicing, and repair of at least one 9308
motor vehicle. 9309

(b) A new motor vehicle dealer does not violate division 9310
(B)(1) of this section if a customer of the new motor vehicle 9311
dealer executes purchase or lease documentation at a location 9312
other than the new motor vehicle dealer's established place of 9313
business. 9314

(c) A commercial transaction involving the sale or lease by a 9315
new motor vehicle dealer of a new or used heavy duty vehicle, as 9316
defined in 49 C.F.R. 523.6, is deemed to have taken place at the 9317
new motor vehicle dealer's established place of business if the 9318
sale or lease is negotiated and the documents are executed at the 9319
customer's business location. 9320

(2) A licensed new motor vehicle dealer may operate a remote 9321
service facility with the consent of the manufacturer and only to 9322
perform repairs, warranty work, recall work, and maintenance on 9323
motor vehicles as part of the dealer's franchised and licensed new 9324
motor vehicle dealership. The remote service facility shall be 9325
included on the new motor vehicle dealer's license and be deemed 9326
to be part of the dealer's licensed location. 9327

(3) No person shall use a remote service facility for 9328
selling, displaying, or offering for sale motor vehicles. 9329

(C) No used motor vehicle dealer shall sell, display, offer 9330

for sale, or deal in motor vehicles at any place except an 9331
established place of business that is used exclusively for the 9332
purpose of selling, displaying, offering for sale, or dealing in 9333
motor vehicles. 9334

(D) No motor vehicle leasing dealer shall make a motor 9335
vehicle available for use by another, in the manner described in 9336
division (M) of section 4517.01 of the Revised Code, at any place 9337
except an established place of business that is used for leasing 9338
motor vehicles; except that a motor vehicle leasing dealer who is 9339
also a new motor vehicle dealer or used motor vehicle dealer may 9340
lease motor vehicles at the same place of business at which the 9341
dealer sells, offers for sale, or deals in new or used motor 9342
vehicles. 9343

(E) No motor vehicle leasing dealer or motor vehicle renting 9344
dealer shall sell a motor vehicle within ninety days after a 9345
certificate of title to the motor vehicle is issued to the dealer, 9346
except as follows: 9347

(1) A salvage certificate of title may be issued to replace 9348
the original certificate of title. 9349

(2) A motor vehicle leasing dealer may sell a motor vehicle 9350
to another motor vehicle leasing dealer at the end of a sublease 9351
pursuant to that sublease. 9352

(3) A motor vehicle leasing dealer may sell a motor vehicle 9353
previously titled to an ultimate purchaser to another licensed 9354
motor vehicle dealer. 9355

(4) A motor vehicle leasing dealer may sell a motor vehicle 9356
when the motor vehicle has been titled in the dealer's name or in 9357
the name of an entity affiliated with the dealer in this state or 9358
another state for a cumulative period of ninety days. 9359

(F) No distributor shall distribute new motor vehicles to new 9360
motor vehicle dealers at any place except an established place of 9361

business that is used exclusively for the purpose of distributing 9362
new motor vehicles to new motor vehicle dealers; except that a 9363
distributor who is also a new motor vehicle dealer may distribute 9364
new motor vehicles at the same place of business at which the 9365
distributor sells, displays, offers for sale, or deals in new 9366
motor vehicles. 9367

(G) No person, firm, or corporation that sells, displays, or 9368
offers for sale tent-type fold-out camping trailers is subject to 9369
the requirement that the person's, firm's, or corporation's place 9370
of business be used exclusively for the purpose of selling, 9371
displaying, offering for sale, or dealing in motor vehicles. No 9372
person, firm, or corporation that sells, displays, or offers for 9373
sale tent-type fold-out camping trailers, trailers, semitrailers, 9374
or park trailers is subject to the requirement that the place of 9375
business have space, under roof, for the display of at least one 9376
new motor vehicle and facilities and space for the inspection, 9377
servicing, and repair of at least one motor vehicle. 9378

(H) Nothing in this section shall be construed to prohibit 9379
persons licensed under this chapter from making sales calls. 9380

(I) Whoever violates this section is guilty of a misdemeanor 9381
of the fourth degree. 9382

(J) As used in this section: 9383

(1) "Motor vehicle leasing dealer" has the same meaning as in 9384
section 4517.01 of the Revised Code. 9385

(2) "Motor vehicle renting dealer" has the same meaning as in 9386
section 4549.65 of the Revised Code. 9387

(3) "Watercraft" has the same meaning as in section 1547.01 9388
of the Revised Code. 9389

Sec. 4517.10. At the time the registrar of motor vehicles 9390
grants the application of any person for a license as motor 9391

vehicle dealer, motor vehicle leasing dealer, distributor, motor 9392
vehicle auction owner, or motor vehicle salesperson, the registrar 9393
shall issue to the person a license. The registrar shall prescribe 9394
different forms for the licenses of motor vehicle dealers, motor 9395
vehicle leasing dealers, distributors, motor vehicle auction 9396
owners, and motor vehicle salespersons, and all licenses shall 9397
include the name and post-office address of the person licensed. 9398

The fee for a motor vehicle dealer's license and a motor 9399
vehicle leasing dealer's license shall be fifty dollars. In 9400
addition to the license fee, the registrar shall collect from each 9401
applicant for an initial motor vehicle dealer's license and motor 9402
vehicle leasing dealer's license a separate fee in an amount equal 9403
to the last assessment required by section 4505.181 of the Revised 9404
Code for all motor vehicle dealers and motor vehicle leasing 9405
dealers. The registrar shall deposit the separate fee into the 9406
state treasury to the credit of the title defect ~~rescision~~ 9407
recision fund created in section 1345.52 of the Revised Code. The 9408
fee for a salesperson's license shall be ten dollars. The fee for 9409
a motor vehicle auction owner's license shall be one hundred 9410
dollars for each location. The fee for a distributor's license 9411
shall be one hundred dollars for each distributorship. In all 9412
cases, the fee shall accompany the application for license. 9413

The registrar may require each applicant for a license issued 9414
under this chapter to pay an additional fee, which shall be used 9415
by the registrar to pay the costs of obtaining a record of any 9416
arrests and convictions of the applicant from the Ohio bureau of 9417
identification and investigation. The amount of the fee shall be 9418
equal to that paid by the registrar to obtain such record. 9419

If a motor vehicle dealer or a motor vehicle leasing dealer 9420
has more than one place of business in the county, the dealer 9421
shall make application, in such form as the registrar prescribes, 9422
for a certified copy of the license issued to the dealer for each 9423

place of business operated. In the event of the loss, mutilation, 9424
or destruction of a license issued under sections 4517.01 to 9425
4517.65 of the Revised Code, any licensee may make application to 9426
the registrar, in such form as the registrar prescribes, for a 9427
duplicate copy thereof. The fee for a certified or duplicate copy 9428
of a motor vehicle dealer's, motor vehicle leasing dealer's, 9429
distributor's, or auction owner's license, is two dollars, and the 9430
fee for a duplicate copy of a salesperson's license is one dollar. 9431
All fees for such copies shall accompany the applications. 9432

Beginning on September 16, 2004, all motor vehicle dealers' 9433
licenses, motor vehicle leasing dealers' licenses, distributors' 9434
licenses, auction owners' licenses, and all salespersons' licenses 9435
issued or renewed shall expire biennially on a day within the 9436
two-year cycle that is prescribed by the registrar, unless sooner 9437
suspended or revoked. Before the first day after the day 9438
prescribed by the registrar in the year that the license expires, 9439
each licensed motor vehicle dealer, motor vehicle leasing dealer, 9440
distributor, and auction owner and each licensed salesperson, in 9441
the year in which the license will expire, shall file an 9442
application, in such form as the registrar prescribes, for the 9443
renewal of such license. The fee for renewing a motor vehicle 9444
dealer's license and a motor vehicle leasing dealer's license 9445
shall be fifty dollars. The fee for renewing a salesperson's 9446
license shall be ten dollars. The fee for renewing a motor vehicle 9447
auction owner's license shall be one hundred dollars for each 9448
location. The fee for renewing a distributor's license shall be 9449
one hundred dollars for each distributorship. In all cases the 9450
license renewal fee shall accompany the renewal application. 9451

Any salesperson's license shall be suspended upon the 9452
termination, suspension, or revocation of the license of the motor 9453
vehicle dealer for whom the salesperson is acting, or upon the 9454
salesperson leaving the service of the motor vehicle dealer; 9455

provided that upon the termination, suspension, or revocation of 9456
the license of the motor vehicle dealer for whom the salesperson 9457
is acting, or upon the salesperson leaving the service of a 9458
licensed motor vehicle dealer, the licensed salesperson, upon 9459
entering the service of any other licensed motor vehicle dealer, 9460
shall make application to the registrar, in such form as the 9461
registrar prescribes, to have the salesperson's license 9462
reinstated, transferred, and registered as a salesperson for the 9463
other dealer. If the information contained in the application is 9464
satisfactory to the registrar, the registrar shall have the 9465
salesperson's license reinstated, transferred, and registered as a 9466
salesperson for the other dealer. The fee for the reinstatement 9467
and transfer of license shall be two dollars. No license issued to 9468
a motor vehicle dealer, motor vehicle leasing dealer, auction 9469
owner, or salesperson, under sections 4517.01 to 4517.65 of the 9470
Revised Code shall be transferable to any other person. 9471

Each motor vehicle dealer, motor vehicle leasing dealer, 9472
distributor, and auction owner shall keep the dealer's or auction 9473
owner's license or a certified copy thereof ~~and, in the case of a~~ 9474
~~dealer, a current list of the dealer's licensed salespersons,~~ 9475
~~showing the names, addresses, and serial numbers of their~~ 9476
~~licenses,~~ posted in a conspicuous place in each place of business. 9477
A dealer shall keep a current list of the dealer's licensed 9478
salespersons, showing the names, addresses, and serial numbers of 9479
their licenses and shall make the list available upon request. 9480
Each salesperson shall ~~carry~~ keep the salesperson's license or a 9481
certified copy thereof at the salesperson's place of business and 9482
shall ~~exhibit~~ provide such license or copy upon demand to any 9483
inspector of the bureau of motor vehicles, state highway patrol 9484
trooper, police officer, or person with whom the salesperson seeks 9485
to transact business as a motor vehicle salesperson. 9486

The notice of refusal to grant a license shall disclose the 9487

reason for refusal. 9488

Sec. 4519.63. (A) The registrar of motor vehicles or the 9489
clerk of the court of common pleas, upon the application of any 9490
person and payment of the proper fee, may prepare and furnish 9491
title information regarding off-highway motorcycles and 9492
all-purpose vehicles in the form and subject to any territorial 9493
division or other classification as they may direct. The registrar 9494
or the clerk may search the records of the bureau of motor 9495
vehicles regarding off-highway motorcycles and all-purpose 9496
vehicles and furnish reports of those records under the signature 9497
of the registrar or the clerk. 9498

(B)(1) Fees for lists containing title information shall be 9499
charged and collected as follows: 9500

(a) For lists containing three thousand titles or more, 9501
twenty-five dollars per thousand or part thereof; 9502

(b) For each report of a search of the records, ~~two dollars~~ 9503
~~per copy except that on and after October 1, 2009, the fee shall~~ 9504
~~be~~ is five dollars per copy. The registrar and clerk may certify 9505
copies of records generated by an automated title processing 9506
system. 9507

(2) A copy of any such report shall be taken as prima-facie 9508
evidence of the facts therein stated in any court of the state. 9509
The registrar and the clerk shall furnish information on any title 9510
without charge to state highway patrol troopers, sheriffs, chiefs 9511
of police, or the attorney general. The clerk also may provide a 9512
copy of a certificate of title to a public agency without charge. 9513

(C)(1) Those fees collected by the registrar as provided in 9514
division (B)(1)(a) of this section shall be paid to the treasurer 9515
of state to the credit of the state bureau of motor vehicles fund 9516
established in section 4501.25 of the Revised Code. Those fees 9517

collected by the clerk as provided in division (B)(1)(a) of this 9518
section shall be paid to the certificate of title administration 9519
fund created by section 325.33 of the Revised Code. 9520

~~(2) Prior to October 1, 2009, the registrar shall pay those 9521
fees the registrar collects under division (B)(1)(b) of this 9522
section into the state treasury to the credit of the state bureau 9523
of motor vehicles fund established in section 4501.25 of the 9524
Revised Code. Prior to October 1, 2009, the clerk shall pay those 9525
fees the clerk collects under division (B)(1)(b) of this section 9526
to the certificate of title administration fund created by section 9527
325.33 of the Revised Code. 9528~~

~~(3) On and after October 1, 2009, the The registrar shall pay 9529
two dollars of each five-dollar fee the registrar collects under 9530
division (B)(1)(b) of this section into the state treasury to the 9531
credit of the state bureau of motor vehicles fund established in 9532
section 4501.25 of the Revised Code. ~~Of the remaining three 9533
dollars of each such fee the registrar collects, the registrar 9534
shall deposit sixty cents into the state treasury to the credit of 9535
the trauma and emergency medical services fund established in 9536
section 4513.263 of the Revised Code, sixty cents into the state 9537
treasury to the credit of the homeland security fund established 9538
under section 5502.03 of the Revised Code, thirty cents into the 9539
state treasury to the credit of the investigations fund 9540
established in section 5502.131 of the Revised Code, one dollar 9541
and twenty five cents into the state treasury to the credit of the 9542
emergency management agency service and reimbursement fund 9543
established in section 5502.39 of the Revised Code, and 9544
twenty five cents into the state treasury to the credit of the 9545
justice program services fund established in section 5502.67 of 9546
the Revised Code. 9547~~~~

~~(4) On and after October 1, 2009, the (3) The clerk of the 9548
court of common pleas shall retain two dollars of each fee the 9549~~

clerk collects under division (B)(1)(b) of this section and 9550
deposit that two dollars into the certificate of title 9551
administration fund created by section 325.33 of the Revised Code. 9552
The clerk shall forward the remaining three dollars to the 9553
registrar not later than the fifth day of the month next 9554
succeeding that in which the transaction occurred. ~~Of that~~ 9555
~~remaining three dollars, the~~ The registrar shall deposit ~~sixty~~ 9556
~~cents~~ the three-dollar portion of each fee into the state treasury 9557
to the credit of the ~~trauma and emergency medical services state~~ 9558
bureau of motor vehicles fund established in section ~~4513.263~~ 9559
4501.25 of the Revised Code, ~~sixty cents into the state treasury~~ 9560
~~to the credit of the homeland security fund established under~~ 9561
~~section 5502.03 of the Revised Code, thirty cents into the state~~ 9562
~~treasury to the credit of the investigations fund established in~~ 9563
~~section 5502.131 of the Revised Code, one dollar and twenty five~~ 9564
~~cents into the state treasury to the credit of the emergency~~ 9565
~~management agency service and reimbursement fund established in~~ 9566
~~section 5502.39 of the Revised Code, and twenty five cents into~~ 9567
~~the state treasury to the credit of the justice program services~~ 9568
~~fund established in section 5502.67 of the Revised Code.~~ 9569

Sec. 4582.06. (A) A port authority created in accordance with 9570
section 4582.02 of the Revised Code may: 9571

(1) Acquire, construct, furnish, equip, maintain, repair, 9572
sell, exchange, lease to or from, lease with an option to 9573
purchase, convey other interests in, or operate real or personal 9574
property, or any combination thereof, related to, useful for, or 9575
in furtherance of any authorized purpose, and make charges for the 9576
use of any port authority facility, which shall be not less than 9577
the charges established for the same services furnished by a 9578
public utility or common carrier in the jurisdiction of the 9579
particular port authority; 9580

(2) Straighten, deepen, and improve any canal, channel, 9581
river, stream, or other water course or way that may be necessary 9582
or proper in the development of the facilities of the port 9583
authority; 9584

(3) Issue bonds or notes for the acquisition, construction, 9585
furnishing, or equipping of any real or personal property, or any 9586
combination thereof, related to, useful for, or in furtherance of 9587
any authorized purpose, in compliance with Chapter 133. of the 9588
Revised Code, except that the bonds or notes only may be issued 9589
pursuant to a vote of the electors residing within the territory 9590
of the port authority. The net indebtedness incurred by a port 9591
authority shall never exceed two per cent of the total value of 9592
all property within the territory comprising the authority as 9593
listed and assessed for taxation. 9594

(4) By resolution of its board of directors, issue revenue 9595
bonds beyond the limit of bonded indebtedness provided by law, for 9596
the acquisition, construction, furnishing, or equipping of any 9597
real or personal property, or any combination thereof, related to, 9598
useful for, or in furtherance of any authorized purpose, including 9599
all costs in connection with or incidental thereto. 9600

The revenue bonds of the port authority shall be secured only 9601
by a pledge of and a lien on the revenues of the port authority 9602
derived from those loan payments, rentals, fees, charges, or other 9603
revenues that are designated in the resolution, including, but not 9604
limited to, any property to be acquired, constructed, furnished, 9605
or equipped with the proceeds of the bond issue, after provision 9606
only for the reasonable cost of operating, maintaining, and 9607
repairing the property of the port authority so designated. The 9608
bonds may further be secured by the covenant of the port authority 9609
to maintain rates or charges that will produce revenues sufficient 9610
to meet the costs of operating, maintaining, and repairing such 9611
property and to meet the interest and principal requirements of 9612

the bonds and to establish and maintain reserves for the foregoing 9613
purposes. The board of directors, by resolution, may provide for 9614
the issuance of additional revenue bonds from time to time, to be 9615
secured equally and ratably, without preference, priority, or 9616
distinction, with outstanding revenue bonds, but subject to the 9617
terms and limitations of any trust agreement described in this 9618
section, and of any resolution authorizing bonds then outstanding. 9619
The board of directors, by resolution, may designate additional 9620
property of the port authority, the revenues of which shall be 9621
pledged and be subject to a lien for the payment of the debt 9622
charges on revenue bonds theretofore authorized by resolution of 9623
the board of directors, to the same extent as the revenues above 9624
described. 9625

In the discretion of the board of directors, the revenue 9626
bonds of the port authority may be secured by a trust agreement 9627
between the board of directors on behalf of the port authority and 9628
a corporate trustee, that may be any trust company or bank having 9629
powers of a trust company, within or without the state. 9630

The trust agreement may provide for the pledge or assignment 9631
of the revenues to be received, but shall not pledge the general 9632
credit and taxing power of the port authority. A trust agreement 9633
securing revenue bonds issued to acquire, construct, furnish, or 9634
equip real property, plants, factories, offices, and other 9635
structures and facilities for authorized purposes consistent with 9636
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 9637
the real or personal property, or a combination thereof, to be 9638
acquired, constructed, furnished, or equipped from the proceeds of 9639
such revenue bonds, as further security for the bonds. The trust 9640
agreement or the resolution providing for the issuance of revenue 9641
bonds may set forth the rights and remedies of the bondholders and 9642
trustee, and may contain other provisions for protecting and 9643
enforcing their rights and remedies that are determined in the 9644

discretion of the board of directors to be reasonable and proper. 9645
The agreement or resolution may provide for the custody, 9646
investment, and disbursement of all moneys derived from the sale 9647
of such bonds, or from the revenues of the port authority, other 9648
than those moneys received from taxes levied pursuant to section 9649
4582.14 of the Revised Code, and may provide for the deposit of 9650
such funds without regard to section 4582.15 of the Revised Code. 9651

All bonds issued under authority of this chapter, regardless 9652
of form or terms and regardless of any other law to the contrary, 9653
shall have all qualities and incidents of negotiable instruments, 9654
subject to provisions for registration, and may be issued in 9655
coupon, fully registered, or other form, or any combination 9656
thereof, as the board of directors determines. Provision may be 9657
made for the registration of any coupon bonds as to principal 9658
alone or as to both principal and interest, and for the conversion 9659
into coupon bonds of any fully registered bonds or bonds 9660
registered as to both principal and interest. 9661

The revenue bonds shall bear interest at such rate or rates, 9662
shall bear such date or dates, and shall mature within forty-five 9663
years following the date of issuance and in such amount, at such 9664
time or times, and in such number of installments, as may be 9665
provided in or pursuant to the resolution authorizing their 9666
issuance. The final maturity of any original issue of revenue 9667
bonds shall not be later than forty-five years from their date of 9668
issue. Such resolution also shall provide for the execution of the 9669
bonds, which may be by facsimile signatures unless prohibited by 9670
the resolution, and the manner of sale of the bonds. The 9671
resolution shall provide for, or provide for the determination of, 9672
any other terms and conditions relative to the issuance, sale, and 9673
retirement of the bonds that the board of directors in its 9674
discretion determines to be reasonable and proper. 9675

Whenever a port authority considers it expedient, it may 9676

issue renewal notes and refund any bonds, whether the bonds to be 9677
refunded have or have not matured. The final maturity of any 9678
notes, including any renewal notes, shall not be later than five 9679
years from the date of issue of the original issue of notes. The 9680
final maturity of any refunding bonds shall not be later than the 9681
later of forty-five years from the date of issue of the original 9682
issue of bonds. The refunding bonds shall be sold and the proceeds 9683
applied to the purchase, redemption, or payment of the bonds to be 9684
refunded and the costs of issuance of the refunding bonds. The 9685
bonds and notes issued under this chapter, their transfer, and the 9686
income therefrom, shall at all times be free from taxation within 9687
the state. 9688

(5) Do any of the following, in regard to any interests in 9689
any real or personal property, or any combination thereof, 9690
including, without limitation, machinery, equipment, plants, 9691
factories, offices, and other structures and facilities related 9692
to, useful for, or in furtherance of any authorized purpose, for 9693
such consideration and in such manner, consistent with Article 9694
VIII, Ohio Constitution, as the board in its sole discretion may 9695
determine: 9696

(a) Loan moneys to any person or governmental entity for the 9697
acquisition, construction, furnishing, and equipping of the 9698
property; 9699

(b) Acquire, construct, maintain, repair, furnish, and equip 9700
the property; 9701

(c) Sell to, exchange with, lease, convey other interests in, 9702
or lease with an option to purchase the same or any lesser 9703
interest in the property to the same or any other person or 9704
governmental entity; 9705

(d) Guarantee the obligations of any person or governmental 9706
entity. 9707

A port authority may accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board in its discretion may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

(6) Construct, maintain, repair, furnish, equip, sell, exchange, lease, or lease with an option to purchase, any property that it is authorized to acquire. A port authority that is subject to this section also may operate any property in connection with transportation, recreational, governmental operations, or cultural activities.

(a) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of an activity contemplated by Section 13 or 16 of Article VIII, Ohio Constitution, shall be made in such manner and subject to such terms and conditions as may be determined by the board of directors in its discretion.

(b) Division (A)(6)(a) of this section applies to all contracts that are subject to the division, notwithstanding any other provision of law that might otherwise apply, including, without limitation, any requirement of notice, any requirement of competitive bidding or selection, or any requirement for the provision of security.

(c) Divisions (A)(6)(a) and (b) of this section do not apply to either of the following:

(i) Any contract secured by or to be paid from moneys raised by taxation or the proceeds of obligations secured by a pledge of

moneys raised by taxation; 9739

(ii) Any contract secured exclusively by or to be paid 9740
exclusively from the general revenues of the port authority. For 9741
the purposes of this section, any revenues derived by the port 9742
authority under a lease or other agreement that, by its terms, 9743
contemplates the use of amounts payable under the agreement either 9744
to pay the costs of the improvement that is the subject of the 9745
contract or to secure obligations of the port authority issued to 9746
finance costs of such improvement, are excluded from general 9747
revenues. 9748

(7) Apply to the proper authorities of the United States 9749
pursuant to appropriate law for the right to establish, operate, 9750
and maintain foreign trade zones and to establish, operate, and 9751
maintain foreign trade zones; and to acquire land or property 9752
therefor, in a manner consistent with section 4582.17 of the 9753
Revised Code; 9754

(8) Exercise the right of eminent domain to appropriate any 9755
land, rights, rights-of-way, franchises, easements, or other 9756
property, necessary or proper for any authorized purpose, pursuant 9757
to the procedure provided in sections 163.01 to 163.22 of the 9758
Revised Code, if funds equal to the appraised value of the 9759
property to be acquired as a result of such proceedings are 9760
available for that purpose, except that nothing contained in 9761
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 9762
port authority to take or disturb property or facilities belonging 9763
to any agency or political subdivision of this state, public 9764
utility, or common carrier, which property or facilities are 9765
necessary and convenient in the operation of the agency or 9766
political subdivision, public utility, or common carrier, unless 9767
provision is made for the restoration, relocation, or duplication 9768
of the property or facilities, or upon the election of the agency 9769
or political subdivision, public utility, or common carrier, for 9770

the payment of compensation, if any, at the sole cost of the port 9771
authority, provided that: 9772

(a) If any restoration or duplication proposed to be made 9773
pursuant to this section involves a relocation of such property or 9774
facilities, the new facilities and location shall be of at least 9775
comparable utilitarian value and effectiveness, and the relocation 9776
shall not impair the ability of the public utility or common 9777
carrier to compete in its original area of operation. 9778

(b) If any restoration or duplication made pursuant to this 9779
section involves a relocation of such property or facilities, the 9780
port authority shall acquire no interest or right in or to the 9781
appropriated property or facilities, except as provided in 9782
division (A)(11) of this section, until the relocated property or 9783
facilities are available for use and until marketable title 9784
thereto has been transferred to the public utility or common 9785
carrier. 9786

(c) Provisions for restoration or duplication shall be 9787
described in detail in the resolution for appropriation passed by 9788
the port authority. 9789

(9) Enjoy and possess the same rights, privileges, and powers 9790
granted municipal corporations under sections 721.04 to 721.11 of 9791
the Revised Code; 9792

(10) Maintain such funds as it considers necessary; 9793

(11) Direct its agents or employees, when properly identified 9794
in writing, and after at least five days' written notice, to enter 9795
upon lands within the confines of its jurisdiction in order to 9796
make surveys and examinations preliminary to location and 9797
construction of works for the purposes of the port authority, 9798
without liability of the port authority or its agents or employees 9799
except for actual damage done; 9800

(12) Sell, lease, or convey other interests in real and 9801

personal property and grant easements or rights-of-way over 9802
property of the port authority. The board of directors shall 9803
specify the consideration and any terms thereof for the sale, 9804
lease, or conveyance of other interests in real and personal 9805
property. Any determinations made by the board of directors under 9806
this division shall be conclusive. The sale, lease, or conveyance 9807
may be made without advertising and the receipt of bids. 9808

(13) Promote, advertise, and publicize the port authority 9809
facilities and its authorized purposes, provide information to 9810
persons with an interest in transportation and other port 9811
authority activities, and appear before rate-making authorities to 9812
represent and promote the interests of the port authority and its 9813
authorized purposes; 9814

(14) Adopt rules, not in conflict with general law, governing 9815
the use of and the safeguarding of its property, grounds, 9816
buildings, equipment, and facilities, safeguarding persons and 9817
their property located on or in port authority property, and 9818
governing the conduct of its employees and the public, in order to 9819
promote the public safety and convenience in and about its 9820
terminals and grounds, and to maintain order. Any such regulation 9821
shall be posted at no less than five public places in the port 9822
authority, as determined by the board of directors, for a period 9823
of not fewer than fifteen days, and shall be available for public 9824
inspection at the principal office of the port authority during 9825
regular business hours. No person shall violate any lawful 9826
regulation adopted and posted as provided in this division. 9827

(15) Establish and administer one or more payment card 9828
programs for purposes of paying expenses related to port authority 9829
business. Any obligation incurred as a result of the use of such a 9830
payment card shall be paid from port authority funds. 9831

(16) Do all acts necessary or appropriate to carry out its 9832
authorized purposes. The port authority shall have the powers and 9833

rights granted to other subdivisions under section 9.20 of the Revised Code. 9834
9835

(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code. 9836
9837
9838
9839

(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor. 9840
9841

Sec. 4582.31. (A) A port authority created in accordance with section 4582.22 of the Revised Code may: 9842
9843

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 9844
9845

(2) Adopt an official seal; 9846

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require; 9847
9848

(4) Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease to or from, or lease with an option to purchase, convey other interests in real or personal property, or any combination thereof, related to, useful for, or in furtherance of any authorized purpose and operate any property in connection with transportation, recreational, governmental operations, or cultural activities; 9849
9850
9851
9852
9853
9854
9855

(5) Straighten, deepen, and improve any channel, river, stream, or other water course or way which may be necessary or proper in the development of the facilities of a port authority; 9856
9857
9858

(6) Make available the use or services of any port authority facility to one or more persons, one or more governmental agencies, or any combination thereof; 9859
9860
9861

(7) Issue bonds or notes for the acquisition, construction, 9862

furnishing, or equipping of any port authority facility or other 9863
permanent improvement that a port authority is authorized to 9864
acquire, construct, furnish, or equip, in compliance with Chapter 9865
133. of the Revised Code, except that such bonds or notes may only 9866
be issued pursuant to a vote of the electors residing within the 9867
area of jurisdiction of the port authority. The net indebtedness 9868
incurred by a port authority shall never exceed two per cent of 9869
the total value of all property within the territory comprising 9870
the port authority as listed and assessed for taxation. 9871

(8) Issue port authority revenue bonds beyond the limit of 9872
bonded indebtedness provided by law, payable solely from revenues 9873
as provided in section 4582.48 of the Revised Code, for the 9874
purpose of providing funds to pay the costs of any port authority 9875
facility or facilities or parts thereof; 9876

(9) Apply to the proper authorities of the United States 9877
pursuant to appropriate law for the right to establish, operate, 9878
and maintain foreign trade zones and establish, operate, and 9879
maintain foreign trade zones and to acquire, exchange, sell, lease 9880
to or from, lease with an option to purchase, or operate 9881
facilities, land, or property therefor in accordance with the 9882
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 9883
81u; 9884

(10) Enjoy and possess the same rights, privileges, and 9885
powers granted municipal corporations under sections 721.04 to 9886
721.11 of the Revised Code; 9887

(11) Maintain such funds as it considers necessary; 9888

(12) Direct its agents or employees, when properly identified 9889
in writing, and after at least five days' written notice, to enter 9890
upon lands within the confines of its jurisdiction in order to 9891
make surveys and examinations preliminary to location and 9892
construction of works for the purposes of the port authority, 9893

without liability of the port authority or its agents or employees 9894
except for actual damage done; 9895

(13) Promote, advertise, and publicize the port authority and 9896
its facilities; provide information to shippers and other 9897
commercial interests; and appear before rate-making authorities to 9898
represent and promote the interests of the port authority; 9899

(14) Adopt rules, not in conflict with general law, it finds 9900
necessary or incidental to the performance of its duties and the 9901
execution of its powers under sections 4582.21 to 4582.54 of the 9902
Revised Code. Any such rule shall be posted at no less than five 9903
public places in the port authority, as determined by the board of 9904
directors, for a period of not fewer than fifteen days, and shall 9905
be available for public inspection at the principal office of the 9906
port authority during regular business hours. No person shall 9907
violate any lawful rule adopted and posted as provided in this 9908
division. 9909

(15) Do any of the following, in regard to any interests in 9910
any real or personal property, or any combination thereof, 9911
including, without limitation, machinery, equipment, plants, 9912
factories, offices, and other structures and facilities related 9913
to, useful for, or in furtherance of any authorized purpose, for 9914
such consideration and in such manner, consistent with Article 9915
VIII of the Ohio Constitution, as the board in its sole discretion 9916
may determine: 9917

(a) Loan moneys to any person or governmental entity for the 9918
acquisition, construction, furnishing, and equipping of the 9919
property; 9920

(b) Acquire, construct, maintain, repair, furnish, and equip 9921
the property; 9922

(c) Sell to, exchange with, lease, convey other interests in, 9923
or lease with an option to purchase the same or any lesser 9924

interest in the property to the same or any other person or 9925
governmental entity; 9926

(d) Guarantee the obligations of any person or governmental 9927
entity. 9928

A port authority may accept and hold as consideration for the 9929
conveyance of property or any interest therein such property or 9930
interests therein as the board in its discretion may determine, 9931
notwithstanding any restrictions that apply to the investment of 9932
funds by a port authority. 9933

(16) Sell, lease, or convey other interests in real and 9934
personal property, and grant easements or rights-of-way over 9935
property of the port authority. The board of directors shall 9936
specify the consideration and any terms for the sale, lease, or 9937
conveyance of other interests in real and personal property. Any 9938
determination made by the board under this division shall be 9939
conclusive. The sale, lease, or conveyance may be made without 9940
advertising and the receipt of bids. 9941

(17) Exercise the right of eminent domain to appropriate any 9942
land, rights, rights-of-way, franchises, easements, or other 9943
property, necessary or proper for any authorized purpose, pursuant 9944
to the procedure provided in sections 163.01 to 163.22 of the 9945
Revised Code, if funds equal to the appraised value of the 9946
property to be acquired as a result of such proceedings are 9947
available for that purpose. However, nothing contained in sections 9948
4582.201 to 4582.59 of the Revised Code shall authorize a port 9949
authority to take or disturb property or facilities belonging to 9950
any agency or political subdivision of this state, public utility, 9951
cable operator, or common carrier, which property or facilities 9952
are necessary and convenient in the operation of the agency or 9953
political subdivision, public utility, cable operator, or common 9954
carrier, unless provision is made for the restoration, relocation, 9955
or duplication of such property or facilities, or upon the 9956

election of the agency or political subdivision, public utility, 9957
cable operator, or common carrier, for the payment of 9958
compensation, if any, at the sole cost of the port authority, 9959
provided that: 9960

(a) If any restoration or duplication proposed to be made 9961
under this section involves a relocation of the property or 9962
facilities, the new facilities and location shall be of at least 9963
comparable utilitarian value and effectiveness and shall not 9964
impair the ability of the public utility, cable operator, or 9965
common carrier to compete in its original area of operation; 9966

(b) If any restoration or duplication made under this section 9967
involves a relocation of the property or facilities, the port 9968
authority shall acquire no interest or right in or to the 9969
appropriated property or facilities, except as provided in 9970
division (A)(15) of this section, until the relocated property or 9971
facilities are available for use and until marketable title 9972
thereto has been transferred to the public utility, cable 9973
operator, or common carrier. 9974

As used in division (A)(17) of this section, "cable operator" 9975
has the same meaning as in the "Cable Communications Policy Act of 9976
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 9977
amended by the "Telecommunications Act of 1996," Pub. L. No. 9978
104-104, 110 Stat. 56. 9979

(18)(a) Make and enter into all contracts and agreements and 9980
execute all instruments necessary or incidental to the performance 9981
of its duties and the execution of its powers under sections 9982
4582.21 to 4582.59 of the Revised Code. 9983

(b)(i) Except as provided in division (A)(18)(c) of this 9984
section or except when the port authority elects to construct a 9985
building, structure, or other improvement pursuant to a contract 9986
made with a construction manager at risk under sections 9.33 to 9987

9.335 of the Revised Code or with a design-build firm under 9988
section 153.65 to 153.73 of the Revised Code, when the cost of a 9989
contract for the construction of any building, structure, or other 9990
improvement undertaken by a port authority involves an expenditure 9991
exceeding the higher of one hundred thousand dollars or the amount 9992
as adjusted under division (A)(18)(b)(ii) of this section, and the 9993
port authority is the contracting entity, the port authority shall 9994
make a written contract after notice calling for bids for the 9995
award of the contract has been given by publication twice, with at 9996
least seven days between publications, in a newspaper of general 9997
circulation in the area of the port authority or as provided in 9998
section 7.16 of the Revised Code. Each such contract shall be let 9999
to the lowest responsive and responsible bidder in accordance with 10000
section 9.312 of the Revised Code. Every contract shall be 10001
accompanied by or shall refer to plans and specifications for the 10002
work to be done, prepared for and approved by the port authority, 10003
signed by an authorized officer of the port authority and by the 10004
contractor, and shall be executed in triplicate. 10005

Each bid shall be awarded in accordance with sections 153.54, 10006
153.57, and 153.571 of the Revised Code. The port authority may 10007
reject any and all bids. 10008

(ii) On January 1, 2012, and the first day of January of 10009
every even-numbered year thereafter, the director of commerce 10010
shall adjust the threshold level for contracts subject to the 10011
bidding requirements contained in division (A)(18)(b)(i) of this 10012
section. The director shall adjust this amount according to the 10013
average increase for each of the two years immediately preceding 10014
the adjustment as set forth in the producer price index for 10015
material and supply inputs for new nonresidential construction as 10016
determined by the bureau of labor statistics of the United States 10017
department of labor or, if that index no longer is published, a 10018
generally available comparable index. If there is no resulting 10019

increase, the threshold shall remain the same until the next 10020
scheduled adjustment on the first day of January of the next 10021
even-numbered year. 10022

(c) The board of directors by rule may provide criteria for 10023
the negotiation and award without competitive bidding of any 10024
contract as to which the port authority is the contracting entity 10025
for the construction of any building or structure or other 10026
improvement under any of the following circumstances: 10027

(i) There exists a real and present emergency that threatens 10028
damage or injury to persons or property of the port authority or 10029
other persons, provided that a statement specifying the nature of 10030
the emergency that is the basis for the negotiation and award of a 10031
contract without competitive bidding shall be signed by the 10032
officer of the port authority that executes that contract at the 10033
time of the contract's execution and shall be attached to the 10034
contract. 10035

(ii) A commonly recognized industry or other standard or 10036
specification does not exist and cannot objectively be articulated 10037
for the improvement. 10038

(iii) The contract is for any energy conservation measure as 10039
defined in section 307.041 of the Revised Code. 10040

(iv) With respect to material to be incorporated into the 10041
improvement, only a single source or supplier exists for the 10042
material. 10043

(v) A single bid is received by the port authority after 10044
complying with the provisions of division (A)(18)(b) of this 10045
section. 10046

(d)(i) If a contract is to be negotiated and awarded without 10047
competitive bidding for the reason set forth in division 10048
(A)(18)(c)(ii) of this section, the port authority shall publish a 10049
notice calling for technical proposals twice, with at least seven 10050

days between publications, in a newspaper of general circulation 10051
in the area of the port authority or as provided in section 7.16 10052
of the Revised Code. After receipt of the technical proposals, the 10053
port authority may negotiate with and award a contract for the 10054
improvement to the proposer making the proposal considered to be 10055
the most advantageous to the port authority. 10056

(ii) If a contract is to be negotiated and awarded without 10057
competitive bidding for the reason set forth in division 10058
(A)(18)(c)(iv) of this section, any construction activities 10059
related to the incorporation of the material into the improvement 10060
also may be provided without competitive bidding by the source or 10061
supplier of that material. 10062

(e)(i) Any purchase, exchange, sale, lease, lease with an 10063
option to purchase, conveyance of other interests in, or other 10064
contract with a person or governmental entity that pertains to the 10065
acquisition, construction, maintenance, repair, furnishing, 10066
equipping, or operation of any real or personal property, or any 10067
combination thereof, related to, useful for, or in furtherance of 10068
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 10069
Constitution, shall be made in such manner and subject to such 10070
terms and conditions as may be determined by the board of 10071
directors in its discretion. 10072

(ii) Division (A)(18)(e)(i) of this section applies to all 10073
contracts that are subject to the division, notwithstanding any 10074
other provision of law that might otherwise apply, including, 10075
without limitation, any requirement of notice, any requirement of 10076
competitive bidding or selection, or any requirement for the 10077
provision of security. 10078

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 10079
apply to either of the following: any contract secured by or to be 10080
paid from moneys raised by taxation or the proceeds of obligations 10081
secured by a pledge of moneys raised by taxation; or any contract 10082

secured exclusively by or to be paid exclusively from the general 10083
revenues of the port authority. For the purposes of this section, 10084
any revenues derived by the port authority under a lease or other 10085
agreement that, by its terms, contemplates the use of amounts 10086
payable under the agreement either to pay the costs of the 10087
improvement that is the subject of the contract or to secure 10088
obligations of the port authority issued to finance costs of such 10089
improvement, are excluded from general revenues. 10090

(19) Employ managers, superintendents, and other employees 10091
and retain or contract with consulting engineers, financial 10092
consultants, accounting experts, architects, attorneys, and any 10093
other consultants and independent contractors as are necessary in 10094
its judgment to carry out this chapter, and fix the compensation 10095
thereof. All expenses thereof shall be payable from any available 10096
funds of the port authority or from funds appropriated for that 10097
purpose by a political subdivision creating or participating in 10098
the creation of the port authority. 10099

(20) Receive and accept from any state or federal agency 10100
grants and loans for or in aid of the construction of any port 10101
authority facility or for research and development with respect to 10102
port authority facilities, and receive and accept aid or 10103
contributions from any source of money, property, labor, or other 10104
things of value, to be held, used, and applied only for the 10105
purposes for which the grants and contributions are made; 10106

(21) Engage in research and development with respect to port 10107
authority facilities; 10108

(22) Purchase fire and extended coverage and liability 10109
insurance for any port authority facility and for the principal 10110
office and branch offices of the port authority, insurance 10111
protecting the port authority and its officers and employees 10112
against liability for damage to property or injury to or death of 10113
persons arising from its operations, and any other insurance the 10114

port authority may agree to provide under any resolution 10115
authorizing its port authority revenue bonds or in any trust 10116
agreement securing the same; 10117

(23) Charge, alter, and collect rentals and other charges for 10118
the use or services of any port authority facility as provided in 10119
section 4582.43 of the Revised Code; 10120

(24) Provide coverage for its employees under Chapters 145., 10121
4123., and 4141. of the Revised Code; 10122

(25) Establish and administer one or more payment card 10123
programs for purposes of paying expenses related to port authority 10124
business. Any obligation incurred as a result of the use of such a 10125
payment card shall be paid from port authority funds. 10126

(26) Do all acts necessary or proper to carry out the powers 10127
expressly granted in sections 4582.21 to 4582.59 of the Revised 10128
Code. 10129

(B) Any instrument by which real property is acquired 10130
pursuant to this section shall identify the agency of the state 10131
that has the use and benefit of the real property as specified in 10132
section 5301.012 of the Revised Code. 10133

(C) Whoever violates division (A)(14) of this section is 10134
guilty of a minor misdemeanor. 10135

Sec. 4749.07. (A) After refund of any license fees as 10136
required by section 4749.03 of the Revised Code, the department of 10137
public safety shall pay all fees and penalties received pursuant 10138
to this chapter to the treasurer of state, to be credited to the 10139
private investigator and security guard provider fund, which is 10140
hereby created. 10141

(B) Moneys received in payment of fines levied pursuant to 10142
section 4749.99 of the Revised Code shall be distributed as 10143
follows: 10144

(1) One-third to the general fund of the municipal corporation or township in which the prosecution occurs;	10145 10146
(2) One-third to the general fund of the county in which the prosecution occurs;	10147 10148
(3) One-third to the private investigator and security guard provider fund.	10149 10150
Sec. 4921.25. (A) Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, that is engaged in the towing of motor vehicles is subject to regulation by the public utilities commission as a for-hire motor carrier under this chapter.	10151 10152 10153 10154 10155
(B) The commission shall adopt rules under Chapter 111. of the Revised Code that do all of the following:	10156 10157
(1) Establish the acceptable scope of public safety regulations applicable to a for hire motor carrier engaged in the towing of motor vehicles under section 4513.60, 4513.601, or 4513.61 of the Revised Code that a county or township may adopt pursuant to a resolution;	10158 10159 10160 10161 10162
(2) Establish safety standards for the type of equipment necessary to safely remove and tow vehicles based on the type of vehicle being removed or towed;	10163 10164 10165
(3) Establish standards for the removal of a vehicle from a private tow away zone by a for hire motor carrier engaged in the towing of motor vehicles in addition to standards and requirements established under section 4513.601 of the Revised Code. The standards may vary based on whether the private tow away zone is located on residential, retail, or other commercial property.	10166 10167 10168 10169 10170 10171
(4) Establish an after hours retrieval fee for purposes of section 4513.69 of the Revised Code;	10172 10173
(5) Adopt any other rules necessary to carry out the purposes	10174

of this section.	10175
Sec. 5501.03. (A) The department of transportation shall:	10176
(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;	10177 10178 10179 10180
(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;	10181 10182 10183 10184 10185 10186
(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;	10187 10188 10189 10190 10191
(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;	10192 10193 10194 10195
(5) Cooperate with and assist the Ohio power siting board in the board's administration of Chapter 4906. of the Revised Code;	10196 10197
(6) Give particular consideration to the development of policy and planning for public transportation facilities, and to the coordination of associated activities relating thereto, as prescribed under divisions (A)(2) and (3) of this section;	10198 10199 10200 10201
(7) Conduct, in cooperation with the Ohio legislative service commission, any studies or comparisons of state traffic laws and local traffic ordinances with model laws and ordinances that may	10202 10203 10204

be required to meet program standards adopted by the United States 10205
department of transportation pursuant to the "Highway Safety Act 10206
of 1966," 80 Stat. 731, U.S.C.A. 401; 10207

(8) Prepare, print, distribute, and advertise books, maps, 10208
pamphlets, and other information that, in the judgment of the 10209
director, will inform the public and other governmental 10210
departments, agencies, and authorities as to the duties, powers, 10211
and functions of the department; 10212

(9) In its research and development program, consider 10213
technologies for improving safety, mobility, aviation and aviation 10214
education, transportation facilities, roadways, including 10215
construction techniques and materials to prolong project life, 10216
being used or developed by other states that have geographic, 10217
geologic, or climatic features similar to this state's, and 10218
collaborate with those states in that development. 10219

(B) Nothing contained in this section shall be held to in any 10220
manner affect, limit, restrict, or otherwise interfere with the 10221
exercise of powers relating to transportation facilities by 10222
appropriate agencies of the federal government, or by counties, 10223
municipal corporations, or other political subdivisions or special 10224
districts in this state authorized by law to exercise such powers. 10225

(C) The department may use all appropriate sources of revenue 10226
to assist in the development and implementation of rail service as 10227
defined by division (C) of section ~~4981.01~~ 5501.57 of the Revised 10228
Code. 10229

(D) The director of transportation may enter into contracts 10230
with public agencies including political subdivisions, other state 10231
agencies, boards, commissions, regional transit authorities, 10232
county transit boards, and port authorities, to administer the 10233
design, qualification of bidders, competitive bid letting, 10234
construction inspection, research, and acceptance of any projects 10235

or transportation facilities administered by the department, 10236
provided the administration of such projects or transportation 10237
facilities is performed in accordance with all applicable state 10238
and federal laws and regulations with oversight by the department. 10239

(E) The director may enter into cooperative or contractual 10240
agreements with any individual, organization, or business related 10241
to the creation or promotion of a traveler information program. 10242
The traveler information program shall provide real-time traffic 10243
conditions and travel time information to travelers by telephone, 10244
text message, internet, or other similar means at no cost to the 10245
traveler. The director may contract with a program manager for the 10246
traveler information program. The program manager shall be 10247
responsible for all costs associated with the development and 10248
operation of the traveler information program. The compensation 10249
due to a program manager or vendor under any of these agreements 10250
may include deferred compensation in an amount determined by the 10251
director. Excess revenue shall be remitted to the department for 10252
deposit into the highway operating fund. 10253

(F) Any materials or data submitted to, made available to, or 10254
received by the director of transportation, to the extent that the 10255
materials or data consist of trade secrets, as defined in section 10256
1333.61 of the Revised Code, or commercial or financial 10257
information, are confidential and are not public records for the 10258
purposes of section 149.43 of the Revised Code. 10259

Sec. 5501.08. The department of transportation, in order to 10260
assist in statewide strategic transportation planning, shall 10261
develop metrics that allow the comparison of data across 10262
transportation modes and that also incorporate the full spectrum 10263
of state strategic transportation goals, including all of the 10264
following: 10265

(A) Anticipated future costs of maintaining infrastructure in 10266

acceptable condition, both short-term and long-term; 10267

(B) Short-term economic impact, one to five years, and 10268

long-term economic impact, thirty years and longer; 10269

(C) Economic impact on a region's future rate of job growth 10270

and job retention; 10271

(D) Motorist, bicyclist, and pedestrian counts, and number of 10272

accidents by mode. 10273

Sec. 5501.491. There is hereby created the department of 10274

transportation Ohio bridge partnership program. Under the program, 10275

the department shall work with counties and local jurisdictions 10276

to, at the discretion of the director of transportation, either 10277

pay the full cost of, or match local expenditures with regard to, 10278

the rehabilitation or reconstruction of selected bridges that are 10279

located on county roads or within municipal corporations and are 10280

owned by a county or municipal corporation, as applicable. The 10281

program also shall apply to embankments, drainage, and other 10282

issues related to a subject bridge. The director shall confer with 10283

the appropriate county or municipal corporation officials in 10284

determining what bridges will be part of the program. A bridge 10285

must meet all of the following criteria in order to be eligible 10286

for the program: 10287

(A) The bridge must be not less than twenty feet in length. 10288

(B) The bridge must be "structurally deficient" in that the 10289

bridge, while safe for use, is in need of repair. 10290

(C) The bridge must be open currently and be carrying 10291

vehicular traffic. 10292

Sec. 5501.55. (A) The department of transportation is the 10293

designated state agency responsible for overseeing the safety 10294

practices of rail fixed guideway systems and the administration of 10295

49 U.S.C. 5329 and 5330. The director of transportation shall 10296
develop any guidelines necessary to oversee the safety practices 10297
of rail fixed guideway systems that are consistent with the 10298
federal act and rules adopted thereunder. 10299

(B) In accordance with guidelines developed by the director, 10300
the department shall do all of the following: 10301

(1) Establish a safety program ~~plan~~ documentation standard 10302
for transit agencies operating ~~a~~, implementing, or significantly 10303
enhancing an applicable rail fixed guideway system within the 10304
state; 10305

(2) ~~Adopt~~ Oversee adoption of standards and oversee 10306
enforcement of laws for the personal safety and security of 10307
passengers and employees of rail fixed guideway systems; 10308

(3) Review and approve or disapprove the annual internal 10309
safety audit conducted by a transit agency under section 5501.56 10310
of the Revised Code; 10311

(4) Periodically, conduct an on-site safety review of each 10312
transit agency safety program based on the agency's safety program 10313
documentation and make recommendations ~~based on the review of~~ for 10314
changes or enhancements to the ~~system~~ transit agency safety 10315
program ~~plan~~; 10316

(5)(a) Establish procedures for the investigation of 10317
accidents and ~~unacceptable~~ hazardous conditions, and for 10318
coordinating and addressing immediate conditions at a transit 10319
agency, as defined in the guidelines developed by the director; 10320

(b) Investigate accidents and ~~unacceptable~~ hazardous 10321
conditions at transit agencies; 10322

(c) Approve or disapprove any corrective action plan of a 10323
transit agency intended to minimize, control, correct, or 10324
eliminate any investigated hazard; 10325

(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. 10326
10327
10328
10329

(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; 10330
10331
10332

(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. 10333
10334
10335
10336

(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. 10337
10338
10339
10340

(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. 10341
10342
10343
10344
10345
10346
10347
10348

(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 referred to in the investigation or audit, except in actions or proceedings instituted by the state or by the department on behalf of the state, nor shall any member of the department or its 10349
10350
10351
10352
10353
10354
10355
10356

employees, a transit agency acting on behalf of the department, or 10357
a contractor acting on behalf of the department or such a transit 10358
agency be required to testify to any facts ascertained in, or 10359
information obtained by reason of, the person's official capacity, 10360
or to testify as an expert witness in any action or proceeding 10361
involving or pertaining to rail fixed guideway systems to which 10362
the state is not a party. 10363

(E) In accordance with the guidelines developed by the 10364
director, the department may establish such programs, procedures, 10365
and administrative mandates as may be necessary to carry out its 10366
duties under this section and section 5501.56 of the Revised Code 10367
and 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ 10368
thereunder. 10369

(F) As used in this section and in section 5501.56 of the 10370
Revised Code: 10371

(1) "Rail fixed guideway system" means any light, heavy, or 10372
rapid rail system, monorail, inclined plane, funicular, trolley, 10373
or automated guideway that is included in the federal transit 10374
administration's calculation of fixed guideway route miles or 10375
receives funding for urbanized areas under 49 U.S.C. 5336 and is 10376
not regulated by the federal railroad administration. 10377

(2) "Transit agency" means an entity operating a rail fixed 10378
guideway system. 10379

Sec. 5501.56. (A) Each transit agency shall do all of the 10380
following: 10381

(1) Develop a system safety program ~~plan~~ documentation that 10382
complies with the safety program ~~plan~~ documentation standards 10383
adopted by the department of transportation under section 5501.55 10384
of the Revised Code and includes standards and laws for the 10385
personal safety and security of passengers and employees; 10386

(2) Conduct an annual internal safety audit and submit the audit to the department for input and approval;

(3) Report accidents and ~~unacceptable~~ hazardous conditions, as defined in the guidelines developed by the director of transportation under section 5501.55 of the Revised Code, to the department within a time period specified by the department;

(4) Minimize, control, correct, or eliminate any identified and investigated ~~unacceptable~~ hazardous condition within a time period specified by the department and in accordance with a plan approved by the department;

(5) Provide all necessary assistance to the department as required to allow the department to conduct or participate in appropriate on-site investigations of accidents and ~~unacceptable~~ hazardous conditions or audits at the transit ~~system~~ agency.

(B) Any part of a transit agency's system safety program ~~plan~~ that concerns security for the system is confidential and is not subject to disclosure, inspection, or copying under section 149.43 of the Revised Code. Security information shall be disclosed only at the discretion of the director or as otherwise provided in section 5501.55 of the Revised Code.

Sec. ~~4981.01~~ 5501.57. As used in sections ~~4981.01~~ 5501.57 to ~~4981.34~~ 5501.661 of the Revised Code:

(A) "Person" means, in addition to the meaning given that term in division (C) of section 1.59 of the Revised Code, any unit of local government, any local or regional transportation authority, and any private corporation or organization.

(B) "Rail property" means any asset or right that is used or is useful in providing rail service, including tracks, rolling stock, rights-of-way, bridges, grade crossing equipment, terminals, stations, parking facilities, and other rail

facilities.	10417
(C) "Rail service" means freight, intercity passenger, commuter, and high speed rail transportation service.	10418 10419
(D) "Regional rail reorganization act" means the "Regional Rail Reorganization Act of 1973," 87 Stat. 986, 45 U.S.C.A. 701, as amended.	10420 10421 10422
(E) "Local or regional transportation authority" includes a county transit board, a board of county commissioners operating a county transit system, a regional transit authority, a regional transit commission, or any other local or regional transportation authority or agency.	10423 10424 10425 10426 10427
(F) "Qualifying subdivision" means a county, township, or municipal corporation in this state that is levying a tax for the purpose of acquiring, rehabilitating, or developing rail service or rail property pursuant to division (CC) of section 5705.19 of the Revised Code.	10428 10429 10430 10431 10432
(G) "Ancillary system facilities" means all facilities desirable in connection with the operation and maintenance of a rail system such as parking lots, retail establishments, restaurants, hotels, offices, and other commercial or support facilities, located within or outside the right-of-way of the rail system.	10433 10434 10435 10436 10437 10438
(H) "Corridor" means a designated portion of a rail system serving two or more designated urban areas.	10439 10440
(I) "Franchise" means a license approved by the Ohio rail development commission <u>division of freight</u> that grants exclusive rights to a private corporation or organization to plan, construct, finance, lease, improve, use, operate, maintain, and set and collect charges for the use of a rail system or a portion of a rail system, such as a corridor, for a period of years as permitted by section 4981.29 <u>5501.651</u> of the Revised Code, as	10441 10442 10443 10444 10445 10446 10447

system owner or as lessee from or agent of the commission. 10448

(J) "Franchise agreement" means the agreement executed 10449
between the ~~Ohio rail development commission~~ division of freight 10450
and a person to whom a franchise is awarded. 10451

(K) "3-C corridor" means the corridor connecting Cincinnati, 10452
Columbus, and Cleveland. 10453

Sec. ~~4981.02~~ 5501.58. (A) There is hereby created the ~~Ohio~~ 10454
~~rail development commission, as an independent agency of the state~~ 10455
division of freight within the department of transportation, 10456
~~consisting of seven members appointed by the governor with the~~ 10457
~~advice and consent of the senate, two members of the Ohio senate,~~ 10458
~~one of whom shall be appointed by and serve at the pleasure of the~~ 10459
~~president of the senate and one of whom shall be appointed by and~~ 10460
~~serve at the pleasure of the minority leader of the senate, two~~ 10461
~~members of the Ohio house of representatives, one of whom shall be~~ 10462
~~appointed by and serve at the pleasure of the speaker of the house~~ 10463
~~of representatives and one of whom shall be appointed by and serve~~ 10464
~~at the pleasure of the minority leader of the house of~~ 10465
~~representatives, and two members representing the general public,~~ 10466
~~one of whom shall be appointed by the president of the senate and~~ 10467
~~one of whom shall be appointed by the speaker of the house of~~ 10468
~~representatives. The director of transportation and the director~~ 10469
~~of development, or their designees, shall be ex officio members of~~ 10470
~~the commission. Of the members appointed by the governor, one~~ 10471
~~shall serve as chairman of the commission, one shall represent the~~ 10472
~~interests of a freight rail company, one shall represent the~~ 10473
~~interests of passenger rail service, one shall have expertise in~~ 10474
~~infrastructure financing, one shall represent the interests of~~ 10475
~~organized labor, one shall represent the interests of~~ 10476
~~manufacturers, and one shall represent the general public. All~~ 10477
~~members shall be reimbursed for actual expenses incurred in the~~ 10478

~~performance of their duties. The members of the commission from 10479
the Ohio senate and the Ohio house of representatives shall serve 10480
as nonvoting members. No more than four members of the seven 10481
appointed to the commission by the governor shall be from the same 10482
political party. Each member of the commission shall be a resident 10483
of this state which shall include an office of rail, an office of 10484
highway freight, and an office of maritime freight. The division 10485
shall be responsible for any duty or obligation with regard to 10486
rail service as specified under sections 5501.57 to 5501.661 of 10487
the Revised Code as well as any duty or obligation delegated to 10488
the division by the director of transportation in accordance with 10489
section 5501.04 of the Revised Code, including those related to 10490
the intermodal transportation of freight. Any duty or obligation 10491
of the division is under the purview of the director of 10492
transportation, and the director has the authority to approve or 10493
disapprove any action of the division. The director may appoint a 10494
deputy director of the division to serve at the pleasure of the 10495
director. The deputy director shall be an advocate for all freight 10496
transport within the state, including rail, highway, air cargo, 10497
and maritime freight. The deputy director is responsible, to the 10498
extent authorized by the director, for the organization, 10499
direction, and supervision of the work of the division. The deputy 10500
director also may exercise any powers and perform any duties of 10501
the division under sections 5501.57 to 5501.661 of the Revised 10502
Code, as authorized by the director. Subject to Chapter 124. of 10503
the Revised Code and any civil service regulations, the deputy 10504
director, with the approval of the director, shall select and 10505
appoint any necessary employees. The director also may employ 10506
experts for assistance in any specific manner at a reasonable rate 10507
of compensation. 10508~~

~~(B) Within sixty days after the effective date of this 10509
amendment, the governor shall make initial appointments to the 10510
commission. Of the initial appointments made to the commission, 10511~~

~~three shall be for a term ending three years after the effective date of this amendment, and three shall be for a term ending six years after that date. Terms for all other appointments made to the commission shall be for six years. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy shall have the same qualifications as his predecessor. Each term shall end on the same day of the same month of the year as did the term which it succeeds. Each appointed member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term. Any appointed member shall continue in office subsequent to the expiration date of his term until his successor takes office, or for a period of sixty days, whichever occurs first. All members shall be eligible for reappointment.~~

~~(C) The commission may employ an executive director, who shall have appropriate experience as determined by the commission, and a secretary treasurer and other employees that the commission considers appropriate. The commission may fix the compensation of the employees.~~

~~(D) Six members of the commission shall constitute a quorum, and the affirmative vote of six members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the rights of a quorum to exercise all the rights and perform all the duties of the commission.~~

~~(E) All members of the commission are subject to Chapter 102 of the Revised Code.~~

~~(F) The department of transportation may use all appropriate sources of revenue to assist the commission in developing and implementing rail service.~~

~~(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.~~ 10544
10545
10546
10547
10548
10549
10550
10551
10552
10553
10554
10555
10556

Sec. 4981.03 5501.581. (A) ~~The Ohio rail development commission~~ division of freight shall do all of the following: 10557
10558

(1) Develop, promote, and support safe, adequate, and efficient rail service throughout the state; 10559
10560

(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; 10561
10562
10563
10564

(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. 10565
10566
10567
10568

(B) ~~In regard to rail service, the Ohio rail development commission~~ The 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 10569
10570
10571
10572
10573
10574

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 10606
with an affirmative vote of not fewer than five members, including 10607
the affirmative vote of a majority of the controlling board 10608
members appointed by the president of the senate and a majority of 10609
the controlling board members appointed by the speaker of the 10610
house of representatives. The department shall use all public 10611
funds acquired by the division for developing, implementing, and 10612
regulating rail service and not for operating rail service unless 10613
the general assembly specifically approves the expenditure of 10614
funds for operating rail service. 10615

Sec. ~~4981.14~~ 5501.582. (A) ~~The Ohio rail development~~ 10616
~~commission~~ division of freight may exercise all powers necessary 10617
or appropriate to carry out its ~~corporate~~ purposes related to 10618
rail, highway freight, air freight, and maritime freight. 10619

(B) The ~~commission~~ division may do all of the following: 10620

(1) ~~Adopt, and from time to time, ratify, amend, and repeal~~ 10621
~~bylaws necessary and proper for the regulation of its affairs and~~ 10622
~~the conduct of its business and rules to implement and make~~ 10623
~~effective its powers and duties;~~ 10624

(2) ~~Adopt an official seal;~~ 10625

(3) ~~Maintain a principal office in Columbus and, if~~ 10626
~~necessary, regional sub-offices at locations properly designated~~ 10627
~~or provided;~~ 10628

(4) ~~Sue and be sued in its own name and plead and be~~ 10629
~~impleaded in its own name, particularly to enforce the obligations~~ 10630
~~and covenants made under this section and sections 4981.13 and~~ 10631
~~4981.29 of the Revised Code. Any actions against the commission~~ 10632
~~shall be brought in the court of common pleas in Franklin county,~~ 10633
~~in which the principal office of the commission shall be located.~~ 10634

(5) Undertake or cause to be undertaken the acquisition, 10635

renovation, repair, refunding, operation, maintenance, or 10636
construction of any rail service project; 10637

~~(6)~~(2) Establish and operate a revolving loan fund for the 10638
purpose of making loans to qualifying subdivisions, local or 10639
regional transportation authorities, or other persons for the 10640
acquisition, renovation, repair, refunding, or construction of 10641
rail service projects by such qualifying subdivisions, local or 10642
regional transportation authorities, and private corporations or 10643
organizations, and the repayment thereof from project financing 10644
proceeds and revenues; purchase the obligations of counties and 10645
municipal corporations issued for the acquisition, renovation, 10646
repair, or construction of rail service projects by such 10647
qualifying subdivisions and local or regional transportation 10648
authorities; and adopt rules and procedures for making those loans 10649
or purchasing those obligations; 10650

~~(7)~~(3) Issue bonds and notes and refunding obligations of the 10651
state, payable as provided in ~~this chapter~~ sections 5501.57 to 10652
5501.661 of the Revised Code unless the bonds are refunded by 10653
refunding bonds, for the purpose of borrowing money to implement 10654
any power granted by divisions (B)~~(5)~~(1) and ~~(6)~~(2) of this 10655
section for one or more rail service projects or parts thereof; 10656

~~(8)~~(4) Acquire by gift or purchase, hold, or dispose of real 10657
and personal property in the exercise of its powers and 10658
performance of its duties as set forth in ~~this chapter~~ sections 10659
5501.57 to 5501.661 of the Revised Code; 10660

~~(9)~~(5) Make and enter into all contracts and agreements and 10661
execute all instruments necessary or incidental to the performance 10662
of its duties and the execution of its powers and to employ 10663
natural persons to act on behalf of the ~~commission~~ division, and 10664
to establish the terms and conditions of such employment; 10665

~~(10)~~(6) Receive and accept from any federal agency or other 10666

person, subject to the approval of the governor, grants for or in 10667
aid of the construction, repair, renovation, operation, 10668
maintenance, or acquisition of rail service projects, and receive 10669
and accept aid or contributions from any source of money, 10670
property, labor, or other things of value, to be held, used, and 10671
applied only for the purposes for which the grants and 10672
contributions are made; 10673

~~(11)~~(7) Purchase property coverage and liability insurance 10674
for any rail service project and for any offices of the ~~commission~~ 10675
division, insurance protecting the ~~commission~~ division and its 10676
officers and employees against liability, if any, or damage to 10677
property or injury to or death of persons arising from its 10678
operations, and any other insurance the ~~commission~~ division may 10679
agree to provide under any ~~resolution~~ determination authorizing 10680
the issuance of bonds in accordance with sections ~~4981.11 to~~ 10681
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code, or in any trust 10682
agreement securing the same; 10683

~~(12)~~(8) Establish or increase reserves from moneys received 10684
or to be received by the ~~commission~~ division to secure or pay the 10685
principal of and interest on bonds, notes, or other obligations 10686
issued by the ~~commission~~ division pursuant to ~~this chapter~~ 10687
sections 5501.57 to 5501.661 of the Revised Code or other law. 10688
Moneys, funds, and accounts of the ~~commission~~ division, however, 10689
are subject only to audit by the auditor of state and all moneys, 10690
funds, and accounts shall be held in custody or deposited as 10691
directed by resolution of the ~~commission~~ division and unless 10692
otherwise provided by law all moneys of the ~~commission~~ division 10693
not pledged to the holders of bonds of the ~~commission~~ division 10694
shall be appropriated by the general assembly. 10695

~~(13)~~(9) Receive and disburse the proceeds of general 10696
obligation or other bonds of the state or agencies thereof as may 10697
be allowed by law pursuant to any resolution or act of the general 10698

assembly; 10699

~~(14)~~(10) To the extent permitted under its contracts with the 10700
holders of bonds or notes of the ~~commission~~ division, consent to 10701
modification of the rate of interest, time and payment of 10702
installment of principal or interest, security, or any other term 10703
of a bond, contract, or agreement of any kind to which the 10704
~~commission~~ division is a party; 10705

~~(15)~~(11) Make grants to counties or municipal corporations, 10706
qualifying subdivisions, local or regional transportation 10707
authorities, or other persons for one or more rail service 10708
projects or parts thereof; 10709

~~(16)~~(12) Provide consultation services to any qualifying 10710
subdivision, local or regional transportation authority, or other 10711
person in connection with the acquisition, renovation, repair, or 10712
construction of any rail service project; 10713

~~(17)~~(13) Establish and amend the criteria and qualifications 10714
for the making of any loan to or the purchasing of any bond from 10715
any qualifying subdivision, local or regional transportation 10716
authority, or other person and the terms not inconsistent with 10717
~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code of 10718
any loan or bond purchase agreement with any qualifying 10719
subdivision, local or regional transportation authority, or other 10720
person; 10721

~~(18)~~(14) Deposit money received from the repayment of loans 10722
and recoveries from the sale, lease, or other disposition of 10723
property acquired or constructed from amounts loaned by the 10724
~~commission~~ division pursuant to section ~~4981.13~~ 5501.642 of the 10725
Revised Code or division (B) of this section, in an account 10726
pledged to secure, and applied to the repayment, without the need 10727
for appropriation, of, obligations issued under section 166.08 of 10728
the Revised Code to pay the costs of property, facilities, or 10729

equipment that qualifies as rail service projects; enter into 10730
agreements with the treasurer of state or a corporate trustee for 10731
such obligations to provide for the deposit and pledge of such 10732
money as specified in the agreement, to permit the withdrawal of 10733
money by the treasurer of state or corporate trustee from the 10734
account as necessary for application to the payment of debt 10735
service on such obligations, and to permit the investment of those 10736
amounts, without regard to Chapter 131. or 135. of the Revised 10737
Code, pending their application to the payment of debt service; 10738
and enter into agreements with persons to provide for the 10739
repayment of any amounts paid from any pledged account in 10740
connection with obligations issued under section 166.08 of the 10741
Revised Code; 10742

~~(19)~~(15) Do all acts necessary and proper to carry out the 10743
powers expressly granted to the ~~commission~~ division in ~~this~~ 10744
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code. 10745

(C) Any instrument by which real property is acquired 10746
pursuant to this section shall identify the agency of the state 10747
that has the use and benefit of the real property as specified in 10748
section 5301.012 of the Revised Code. 10749

(D) The transportation review advisory council shall review 10750
any rail project, excluding grade crossing safety projects, 10751
initiated pursuant to the authority under sections 5501.57 to 10752
5501.661 of the Revised Code. 10753

Sec. ~~4981.031~~ 5501.59. (A) The ~~Ohio rail development~~ 10754
~~commission or the department of transportation, on behalf of the~~ 10755
~~commission, division of freight~~ may apply for and receive from the 10756
United States government loans and grants in accordance with any 10757
federal law or program concerning rail transportation. 10758

(B) It is hereby found and determined that rail 10759
transportation is an essential and indispensable part of the 10760

commerce and industry of the state and is of vital importance to 10761
the creation and preservation of jobs and employment opportunities 10762
and to the improvement of the economic welfare of the people of 10763
the state, and that rail transportation creates, promotes, and is 10764
a part of the continuous exchange of goods and services in the 10765
state economy. It is further found and determined that the 10766
authority granted ~~by Chapter 4981.~~ under sections 5501.57 to 10767
5501.661 of the Revised Code is consistent with and will effect 10768
the purposes of Section 13 of Article VIII, Ohio Constitution, 10769
that rail transportation is part of and is directly related to 10770
industry, commerce, distribution, and research under Section 13 of 10771
Article VIII, Ohio Constitution, and that it is in the public 10772
interest and a proper public purpose under Section 13 of Article 10773
VIII, Ohio Constitution, for the state to acquire, construct, 10774
enlarge, improve, or equip, and to sell, lease, or exchange, or 10775
otherwise dispose of property, structures, equipment, and 10776
facilities for rail transportation, all as provided ~~in Chapter~~ 10777
~~4981.~~ under sections 5501.57 to 5501.661 of the Revised Code, and 10778
that such activities will contribute to the creation or 10779
preservation of jobs or employment opportunities or the 10780
improvement of the economic welfare of the people of the state. 10781
~~Chapter 4981.~~ Sections 5501.57 to 5501.661 of the Revised Code, 10782
being necessary for the welfare of the state and its people, shall 10783
be liberally construed to effect its purposes. 10784

Sec. ~~4981.032~~ 5501.591. ~~The Ohio rail development commission~~ 10785
division of freight may issue grants and loans to any 10786
transportation authority or to any person for the purpose of 10787
continuing or instituting rail transportation in the state. The 10788
grants and loans may be used for rehabilitation, construction, 10789
planning, relocation, or acquisition of rail transportation or 10790
rail property, or for substitute service. The grants and loans may 10791
be provided by the ~~commission~~ division with funds from the United 10792

States government, the state, any transportation authority, or any 10793
person, or from any combination of those sources. The ~~commission~~ 10794
division shall establish eligibility and distribution criteria for 10795
the grants and loans. 10796

Sec. ~~4981.033~~ 5501.592. (A) Notwithstanding section 4961.37 10797
of the Revised Code, a railroad company, public agency, or other 10798
person operating passenger rail service on a right-of-way owned by 10799
another shall indemnify and hold harmless the owner, user, or 10800
other rights holder for liability for any damages arising out of 10801
passenger operations conducted by or on behalf of the railroad 10802
company, public agency, or other person operating passenger rail 10803
service and for all claims for damages for harm arising from any 10804
accident or incident occurring in connection with the operations 10805
conducted by or on behalf of the railroad company, public agency, 10806
or other person operating passenger rail service. 10807

(B) Each railroad company, public agency, or other person 10808
operating passenger rail service on a right-of-way owned by 10809
another shall maintain an aggregate limit of liability coverage of 10810
no less than two hundred million dollars. 10811

(C) The liability for damages for harm, including any 10812
punitive damages, of a railroad company or other entity over whose 10813
tracks passenger rail service operations are conducted by another 10814
shall not be in an amount greater than the limits of the liability 10815
coverage maintained by the railroad company, public agency, or 10816
other person operating passenger rail service. 10817

(D) Division (A) of this section ~~shall~~ does not apply if the 10818
railroad company or other entity over whose tracks the passenger 10819
rail service operations are conducted, committed an act or 10820
omission with reckless, wanton, willful, or gross negligence and 10821
the act or omission proximately caused the harm in question. 10822

(E) The operator of an excursion rail service and the owner 10823

of any railroad property over which the excursion rail service 10824
will be provided may negotiate to determine the amount of 10825
liability coverage necessary to satisfy the owner's private 10826
insurance requirements. If the operator and owner reach agreement 10827
on the amount of private insurance coverage so required, division 10828
(B) of this section ~~shall~~ does not apply to the operation of the 10829
excursion rail service over that railroad property. 10830

This division does not require any owner of railroad property 10831
to enter into such negotiations, to agree to an amount of 10832
liability coverage that the owner determines to be insufficient 10833
indemnification, nor to permit any excursion rail service operator 10834
to have access to the railroad property. 10835

(F) As used in this section: 10836

(1) "Harm" means injury, death, or loss to person or 10837
property. 10838

(2) "Passenger rail service" includes intercity passenger, 10839
commuter, or high speed rail transportation service. 10840

(3) "Excursion rail service" means any rail passenger service 10841
that is undertaken primarily for education, entertainment, 10842
recreation, or scenic observation and that does not involve any of 10843
the following: 10844

(a) The carrying of freight other than the personal luggage 10845
of the passengers or crew, or supplies and equipment necessary to 10846
serve the needs of the passengers or crew; 10847

(b) The carrying of passengers who are commuting to work; 10848

(c) The carrying of passengers who are traveling to a final 10849
destination solely for business or commercial purposes. 10850

Sec. ~~4981.05~~ 5501.593. (A) Any local or regional 10851
transportation authority may apply for a rail service continuation 10852
subsidy, acquisition or modernization loan, or any other 10853

assistance provided by the Regional Rail Reorganization Act for 10854
the purpose of providing any rail service that is consistent with 10855
rail service provided under ~~this chapter~~ sections 5501.57 to 10856
5501.661 of the Revised Code. Any local or regional transportation 10857
authority may exercise, or may be created to exercise, such 10858
authority, administrative jurisdiction, and fiscal control as is 10859
necessary to obtain such assistance and provide such rail service. 10860

(B) For the purposes of this section, "transit system" as 10861
used in section 306.04 of the Revised Code, and "transit facility" 10862
as used in sections 306.30 and 306.81 of the Revised Code, include 10863
rail service. 10864

Sec. ~~4981.04~~ 5501.60. (A) The ~~Ohio rail development~~ 10865
~~commission~~ division of freight shall prepare a draft plan for the 10866
construction and operation of an intercity conventional or high 10867
speed passenger transportation system in this state. The division 10868
shall construct and operate the system ~~shall be constructed and~~ 10869
~~operated by the commission~~. The division shall base the draft plan 10870
for construction and operation ~~shall be based~~ on existing studies, 10871
and shall state that the system's initial route will connect 10872
Cleveland, Columbus, and Cincinnati and any points in between 10873
those cities determined by the ~~authority~~ division. The division 10874
shall include in the draft plan ~~shall include~~ the following 10875
information: 10876

(1) The route alignment of the proposed system; 10877

(2) The proposed technology; 10878

(3) The size, nature, and scope of the proposed system; 10879

(4) The sources of the public and private revenue needed to 10880
finance the system; 10881

(5) The projected ability of all revenue sources to meet both 10882
capital and operating funding requirements of the proposed system; 10883

(6) The construction, operation, and management plan for the system, including a timetable for construction and the proposed location and number of transit stations considered necessary;

(7) The likelihood that Ohio-based corporations will be used to manufacture or supply components of the proposed system;

(8) The likelihood that additional or subsidiary development will be generated;

(9) The extent to which the proposed system will create an additional or reduced demand for sources of energy;

(10) Any changes in the law necessary to implement the proposed system;

(11) The proposed system's impact on the economy of the state and on the economic and other public policies of the state.

~~The commission may revise any plan of the Ohio high speed rail authority or may submit a separate plan for construction and operation and a funding request to the governor, the speaker of the house of representatives, and to the president of the senate.~~

(B) The division shall submit the draft plan to the transportation review advisory council for approval and acceptance. Any plan for an intercity conventional or high speed passenger transportation system submitted by the ~~commission~~ division pursuant to this section shall not propose the operation of such a system by the state other than through the ~~commission~~ division.

Sec. 4981.35 5501.601. The "Interstate High Speed Intercity Rail Passenger Network Compact" is hereby ratified, enacted into law and entered into by the state of Ohio with all other states legally joining therein the form substantially as follows:

"INTERSTATE HIGH SPEED INTERCITY RAIL PASSENGER

NETWORK COMPACT

10913

Article I	10914
Policy and Purpose	10915
Because the beneficial service of and profitability of a high	10916
speed intercity rail passenger system would be enhanced by	10917
establishing such a system which would operate across state lines,	10918
it is the policy of the states party to this compact to cooperate	10919
and share jointly the administrative and financial	10920
responsibilities of preparing a feasibility study concerning the	10921
operation of such a system connecting major cities in Ohio,	10922
Indiana, Michigan, Pennsylvania, Illinois, West Virginia, and	10923
Kentucky.	10924
Article II	10925
Cooperation	10926
The states of Ohio, Indiana, Michigan, Pennsylvania,	10927
Illinois, West Virginia, and Kentucky, hereinafter referred to as	10928
participating states, agree to, upon adoption of this compact by	10929
the respective states, jointly conduct and participate in a high	10930
speed intercity rail passenger feasibility study by providing such	10931
information and data as is available and may be requested by a	10932
participating state or any consulting firms representing a	10933
participating state or the compact. It is mutually understood by	10934
the participating states that such information shall not include	10935
matters not of public record or of a nature considered to be	10936
privileged and confidential unless the state providing such	10937
information agrees to waive the confidentiality.	10938
The participating states further agree to:	10939
(A) Make available to each other and to any consulting firm	10940
representing the member states or the compact such assistance as	10941
may be legal, proper and available, including but not limited to	10942
personnel, equipment, office space, machinery, computers,	10943
engineering and technical advice and services; and	10944
(B) Provide such financial assistance for the implementation	10945

of the feasibility study as may be legal, proper and available. 10946

Article III 10947

Interstate Rail Passenger Advisory Council 10948

There is hereby created an interstate rail passenger advisory 10949
council, the membership of which shall consist of two 10950
representatives from each participating state, one representative 10951
from each state shall hold a bachelor of science degree in either 10952
engineering or transportation science, and shall be appointed by 10953
the governor of the participating state and the other shall be the 10954
chairman of the state's railroad authority, but in the event said 10955
state does not have a railroad authority, the second member shall 10956
be the director of the participating state's transportation 10957
agency. The members shall select designees who shall serve in the 10958
absence of the members. The advisory council shall meet within 10959
thirty days after ratification of this agreement by at least two 10960
participating states and establish rules for the conduct of the 10961
advisory council's business. 10962

The advisory council shall coordinate all aspects of the high 10963
speed intercity rail passenger feasibility study relative to 10964
interstate connections and shall do all other things necessary and 10965
proper for the completion of the feasibility study. 10966

Article IV 10967

Effective Date 10968

This compact shall become effective upon the adoption of the 10969
compact into law by two or more of the participating states. 10970
Thereafter, it shall enter into force and effect as to any other 10971
participating state upon the enactment thereof by such state. 10972

This compact shall continue in force with respect to a 10973
participating state and remain binding upon such state until six 10974
months after such state has given notice to each other 10975
participating state of the repeal thereof. Such withdrawal shall 10976
not be construed to relieve any participating state from any 10977

obligation incurred prior to the end of the state's participation 10978
in the compact as provided herein. 10979

Article V 10980

Construction and Severability 10981

This compact shall be liberally construed so as to effectuate 10982
the purposes thereof. The provisions of this compact shall be 10983
severable and if any phrase, clause, sentence, or provision of 10984
this compact is declared to be contrary to the constitution of any 10985
participating state or of the United States, or the applicability 10986
thereof to any government, agency, person, or circumstance is held 10987
invalid, the validity of the remainder of this compact and the 10988
applicability thereof to any government, agency, person, or 10989
circumstance shall not be affected thereby. If this compact shall 10990
be held contrary to the constitution of any participating state, 10991
the compact shall remain in full force and effect as to the 10992
remaining states and in full force and effect as to the state 10993
affected as to all severable matters. 10994

Sec. ~~4981.40~~ 5501.602. In any overall programmatic 10995
environmental impact study or other comprehensive high-speed rail 10996
project development study, ~~the department of transportation and~~ 10997
~~the rail development commission~~ division of freight shall include 10998
all federally designated high-speed rail corridors in Ohio and all 10999
passenger rail corridors in the Ohio hub study. 11000

~~The department of transportation and the rail development~~ 11001
~~commission~~ division of freight shall work with Amtrak to examine 11002
methods to improve existing service between Toledo and Cleveland 11003
with a goal of creating optimum service to connect the planned 11004
Cleveland, Columbus, Dayton, and Cincinnati service. 11005

~~The department of transportation and the rail development~~ 11006
~~commission~~ division of freight shall examine the financial and 11007
economic feasibility of developing a passenger rail system between 11008

Toledo and Columbus, including necessary characteristics of a 11009
viable connection between the cities. 11010

Sec. 4981.06 5501.61. (A) The ~~Ohio rail development~~ 11011
~~commission~~ division of freight may purchase or lease any portion 11012
of the rail property of a railroad corporation, and may purchase 11013
or lease any other property, facilities, or equipment considered 11014
necessary by the ~~commission~~ division for the operation of rail 11015
services, and the maintenance of track and other rail property. 11016
For the purpose of acquiring such property the ~~commission~~ division 11017
may obtain acquisition loans from the federal government. 11018

(B) Where it is necessary for the purpose of implementing 11019
rail service under this chapter, the ~~commission, with the approval~~ 11020
~~of the director of transportation,~~ division may appropriate real 11021
property. ~~All~~ The division shall make all such appropriations 11022
~~shall be made~~ pursuant to sections 163.01 to 163.22 of the Revised 11023
Code. 11024

Sec. 4981.07 5501.611. (A) The ~~Ohio rail development~~ 11025
~~commission~~ division of freight may restore, repair, relocate, or 11026
upgrade any rail property purchased, leased, or maintained by the 11027
~~commission~~ division. The ~~commission~~ division may restore, repair, 11028
relocate, or upgrade any rail property owned by another person as 11029
long as such action is necessary for the efficient operation of 11030
rail services provided by the ~~commission~~ division. The ~~commission~~ 11031
division may obtain modernization loans from the federal 11032
government to restore or repair rail property acquired by the 11033
~~commission~~ division for the purpose of implementing rail service. 11034

(B) The ~~commission~~ division may operate any rail property 11035
acquired by it over track owned or leased by the ~~commission~~ 11036
division, or over track owned by another person pursuant to an 11037
agreement with that person as long as such action is necessary for 11038

the efficient operation of rail service provided by the ~~commission~~ 11039
~~division~~ pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of 11040
the Revised Code. 11041

(C) The ~~commission~~ division may enter into agreements with 11042
the ~~department of transportation~~, boards of county commissioners, 11043
boards of township trustees, legislative authorities of municipal 11044
corporations, with other governmental agencies or organizations, 11045
and with private corporations or organizations in order to 11046
facilitate implementation of rail service. 11047

Sec. 4981.08 5501.612. (A) The ~~Ohio rail development~~ 11048
~~commission~~ division of freight may sell, transfer, or lease any of 11049
the rail property that it possesses to any person for the 11050
continuation and operation of any rail service that is provided 11051
for pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of the 11052
Revised Code. 11053

(B) The ~~commission~~ division may assist any person to obtain 11054
an order or certificate required by the interstate commerce 11055
commission for the performance of rail services in this state. 11056

(C) The ~~commission~~ division may cooperate with other states 11057
in carrying out the provisions of ~~this chapter~~ sections 5501.57 to 11058
5501.661 of the Revised Code and may enter into any agreements 11059
with other states for the operation of rail services, including 11060
the joint purchasing or leasing of rail property. 11061

Sec. 4981.10 5501.613. As long as such action does not 11062
violate covenants made on behalf of or for the benefit of the 11063
holders of bonds, notes, or other obligations of the ~~Ohio rail~~ 11064
~~development commission~~ division of freight, the ~~Ohio rail~~ 11065
~~development commission~~ division may purchase any portion of the 11066
rail property of a railroad corporation and may purchase any other 11067
property, facilities, or equipment considered necessary by the 11068

commission for the operation of rail services, subject to the 11069
following conditions: 11070

(A) Upon inspection of the rail property the ~~commission~~ 11071
division determines that the rail property is suitable for the 11072
efficient operation of rail services; 11073

(B) The controlling board approves the purchase of the rail 11074
property by an affirmative vote of no fewer than five members. 11075

Sec. ~~4981-24~~ 5501.614. Any political subdivision, taxing 11076
district, or other public body of this state, without competitive 11077
bidding, may convey or exchange with the ~~Ohio rail development~~ 11078
~~commission~~ division of freight, for use in connection with a 11079
project, any or all of its interests in real or personal property, 11080
or both, not needed by the grantor. The interest in such property 11081
to be conveyed shall be appraised at its fair market value and 11082
such appraisal value shall be the conveyance price. The appraised 11083
fair market value of any property exchanged under this section 11084
shall be substantially equal to the aggregate of the appraised 11085
fair market value of the property for which it is exchanged and 11086
any moneys paid to the grantor in consideration of such exchange. 11087
The political subdivision, taxing district, or other public body 11088
shall prescribe the form of its deed. 11089

Sec. ~~4981-25~~ 5501.62. In accordance with Section 13 of 11090
Article VIII, Ohio Constitution, the state, acting through the 11091
~~Ohio rail development commission~~ division of freight, for the 11092
purpose of implementing rail service, may ~~by resolution~~ designate 11093
a corporation organized under Chapter 1702. or 1724. of the 11094
Revised Code as its agency to acquire, construct, reconstruct, 11095
enlarge, improve, furnish, or equip and to sell, lease, exchange, 11096
or otherwise dispose of property and facilities within the state 11097
for industry, commerce, distribution, and research; may approve 11098

such corporation and obligations of the corporation issued by it 11099
for one or more such purposes; and may have a beneficial interest 11100
in such corporation including the right to the property financed 11101
by such obligations on the retirement of such obligations, or by 11102
acquiring such property for endowment or similar uses or benefits 11103
or for ultimate direct use by it, subject to any lease or mortgage 11104
securing such obligations. 11105

Sec. ~~4981.26~~ 5501.63. (A) A project of the ~~Ohio rail~~ 11106
~~development commission shall~~ division of freight is not be subject 11107
to the requirements relating to public buildings, structures, 11108
grounds, works, or improvements imposed by section 125.81, 713.02, 11109
or 713.25 of the Revised Code or any other similar requirements 11110
that may be lawfully waived by this section. 11111

(B) A project of the ~~commission~~ division shall be 11112
constructed, reconstructed, enlarged, improved, furnished, or 11113
equipped and shall be leased, sold, or otherwise disposed of in 11114
the manner determined by the ~~issuer~~ director of transportation in 11115
~~its~~ the sole discretion of the director and any requirement of 11116
competitive bidding or other restriction, which may be lawfully 11117
waived by this section, imposed on the procedure for award of 11118
contracts for such purpose or the lease, sale, or other 11119
disposition of property of the issuer is not applicable to any 11120
action taken under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 11121
of the Revised Code. 11122

Sec. ~~4981.11~~ 5501.64. (A) "~~Commission~~ Division" means the 11123
~~Ohio rail development commission~~ division of freight created in 11124
section ~~4981.02~~ 5501.58 of the Revised Code, the duties, powers, 11125
responsibilities, and functions of which are specified in ~~this~~ 11126
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code. 11127

(B) "Bond" means revenue bonds, notes, or other obligations 11128

including current or advance refunding bonds issued by the 11129
~~commission~~ division to effect the intents and purposes of ~~this~~ 11130
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code and any 11131
bond issued by a qualifying subdivision or local or regional 11132
transportation authority pursuant to Chapter 133. of the Revised 11133
Code or otherwise as provided by the constitution and laws of this 11134
state. 11135

(C) "Bond proceedings" means any bond proceedings, as defined 11136
in division (E) of section 9.98 of the Revised Code, with respect 11137
to bonds, including, without limitation, the bond legislation with 11138
respect thereto. 11139

(D) "Cost," as applied to rail service projects, means the 11140
cost of acquisition, repair, renovation, and construction thereof; 11141
the cost of acquisition of all land, rights-of-way, property 11142
rights, easements, franchise rights, credit enhancements, or 11143
credit facility and interests required by any person, qualifying 11144
subdivision, a local or regional transportation authority, or the 11145
~~commission~~ division for such acquisition, renovation, repair, or 11146
construction, the cost of demolishing or removing any buildings or 11147
structures on land so acquired, including the cost of acquiring 11148
any lands to which buildings or structures may be moved; the cost 11149
of diverting highways, interchange of highways, access roads to 11150
private property, railroad rights-of-way including the cost of 11151
land or easement therefor; the cost of all machinery, furnishing, 11152
and equipment; all finance charges, and interest prior to and 11153
during the construction and for no more than eighteen months after 11154
completion of construction or acquisition; the cost of all legal 11155
services and expenses; the cost of all plans, specifications, 11156
surveys, and estimates of cost; all working capital and other 11157
expenses necessary or incident to determining the feasibility or 11158
practicability of acquiring, renovating, repairing, or 11159
constructing any such project; the financing of such acquisition, 11160

renovation, repair, refunding, or construction, including the 11161
amount ~~authorized in the resolution of the commission~~ determined 11162
by the division providing for the issuance of bonds to be paid 11163
into any special funds from the proceeds of such bonds; and the 11164
financing of the placing of any such rail service project in 11165
operation, if necessary. Any obligations or expenses incurred 11166
after December 19, 1986, by any person, qualifying subdivision, or 11167
local or regional transportation authority, with the approval of 11168
the ~~commission~~ division, for surveys, borings, preparation of 11169
plans and specifications, and other engineering services in 11170
connection with the acquisition, renovation, repair, or 11171
construction of a project shall be regarded as a part of the cost 11172
of such project and shall be reimbursed out of the proceeds of 11173
grants, loans, or bonds as authorized by ~~this chapter~~ sections 11174
5501.57 to 5501.661 of the Revised Code. 11175

(E) "Credit facility" means any credit facility, as defined 11176
in division (G) of section 9.98 of the Revised Code, with respect 11177
to bonds. 11178

(F) "Floating rate interest structure" means any floating 11179
rate interest structure, as defined in division (I) of section 11180
9.98 of the Revised Code, with respect to bonds. 11181

(G) "Indexing agent" means any indexing agent, as defined in 11182
division (J) of section 9.98 of the Revised Code, with respect to 11183
bonds. 11184

(H) "Rail service project" or "project" means any project of 11185
an essential public nature which is considered a part of the rail 11186
service system, including, without limitation, permitted loan 11187
purposes which are specifically declared to be for an essential 11188
public purpose. 11189

(I) "Interest rate period" means any interest rate period, as 11190
defined in division (K) of section 9.98 of the Revised Code, with 11191

respect to bonds. 11192

(J) "Issuer" means the ~~commission~~ division. 11193

(K) "Participation agreement" means any participation 11194
agreement, loan agreement, lease agreement, bond purchase 11195
agreement, or other agreement between or among any person, 11196
qualifying subdivision, or local or regional transportation 11197
authority and the commission pursuant to which the ~~commission~~ 11198
division agrees to lend moneys to the person, qualified 11199
subdivision, or local or regional transportation authority, and 11200
the person, qualifying subdivision, or local or regional 11201
transportation authority agrees to repay the moneys so lent, in 11202
accordance with ~~this chapter~~ sections 5501.57 to 5501.661 of the 11203
Revised Code and the applicable bond proceedings and on the terms 11204
and subject to the conditions set forth in such agreement. 11205

(L) "Permitted loan purpose" means any of the following: 11206

(1) The payment of the costs of the acquisition or 11207
construction of any property, asset, or improvement with an 11208
estimated life or usefulness of one year or more, including land 11209
and interests therein, and including reconstructions, 11210
enlargements, and extensions of any such property, asset, or 11211
improvement having an estimated life or usefulness of one year or 11212
more, of the commission provided that such estimated life or 11213
usefulness shall be certified by the fiscal officer of the person, 11214
qualifying subdivision, or local or regional transportation 11215
authority to which the loan is to be made to that person, 11216
qualifying subdivision, or local or regional transportation 11217
authority; 11218

(2) The payment of any final judgment, regardless of whether 11219
such judgment arose out of a contractual or noncontractual cause 11220
of action; 11221

(3) The reimbursement to any person, qualifying subdivision, 11222

or local or regional transportation authority of moneys expended 11223
by it for a permitted loan purpose described in divisions (L)(1) 11224
and (2) of this section, including, without limitation, rental 11225
payments made by any person, qualifying subdivision, or local or 11226
regional transportation authority under a lease with an option to 11227
purchase if the proceeds of the loan are to be applied to the 11228
payment of the purchase price upon the exercise of the option to 11229
purchase; 11230

(4) The refunding, including funding and retirement, or 11231
advance refunding of the outstanding principal amount of any debt 11232
obligation issued or incurred by the ~~commission~~ division or by any 11233
person, qualifying subdivision, or local or regional 11234
transportation authority, including, without limitation, any loan 11235
previously made from the ~~commission~~ division for a permitted loan 11236
purpose of the sort described in divisions (L)(1) and (2) of this 11237
section; 11238

(5) The costs and expenses incurred by the ~~commission~~ 11239
division or by any person, qualifying subdivision, or local or 11240
regional transportation authority in obtaining a loan from the 11241
~~commission~~ division, including, without limitation, the fees and 11242
expenses of attorneys, accountants, engineers, and consultants and 11243
the costs and expenses of preparing, printing, and delivering any 11244
documents or instruments required to be delivered by any person, 11245
qualifying subdivision, or local or regional transportation 11246
authority under its participation agreement with the ~~commission~~ 11247
division. 11248

(M) "Person" means any natural person, partnership, joint 11249
venture, corporation, foreign or domestic, state or subdivision 11250
thereof, or sovereign government, or province thereof including 11251
the United States or any agency or instrumentality thereof. 11252

(N) "Put arrangement" means any put arrangement, as defined 11253
in division (N) of section 9.98 of the Revised Code, with respect 11254

to bonds. 11255

(O) "Remarketing agent" means a remarketing agent as defined 11256
in division (O) of section 9.98 of the Revised Code, with respect 11257
to bonds. 11258

(P) "Revenue" means any money or thing of value collected by, 11259
or paid to, the ~~commission~~ division in connection with any rail 11260
project or as principal of or interest, charges, or other fees on 11261
loans, including any moneys derived from taxation or any other 11262
collections on loans made by the ~~commission~~ division to any 11263
person, qualifying subdivisions, or local or regional 11264
transportation authorities to finance in whole or in part the 11265
acquisition, renovation, repair, refunding, or construction of any 11266
rail service project or projects, or other money or property which 11267
is received by the ~~commission~~ division and may be expended for or 11268
pledged as revenues pursuant to ~~this chapter~~ sections 5501.57 to 11269
5501.661 of the Revised Code. 11270

(Q) "Special fund" means any fund required to be established 11271
by the ~~commission~~ division pursuant to the bond proceedings with 11272
respect to any bonds and into which the bond proceedings require 11273
that pledged receipts be deposited and from which the bond 11274
proceedings permit the disbursement of the pledged receipts at the 11275
times, in the amounts, and for the purposes set forth therein. 11276

(R) "Special revenue loan" means a loan to a qualifying 11277
subdivision or local or regional transportation authority by the 11278
~~commission~~ division that is payable solely from and secured solely 11279
by one or more sources of county or municipal tax or other revenue 11280
other than ad valorem property taxes. 11281

Sec. ~~4981.12~~ 5501.641. (A) The general assembly hereby finds 11282
and declares that increasing requirements for rail service for the 11283
people of the state and escalating costs of providing such rail 11284
service have created inordinate demands upon the financial 11285

resources of the state, qualifying subdivisions, private 11286
corporations and organizations, and local and regional 11287
transportation authorities necessitating legislation to enable the 11288
people of the state to attain a more competitive position in 11289
capital markets to provide rail service. 11290

(B) The general assembly hereby finds and declares further 11291
that it is in the public interest and is the responsibility of the 11292
state to foster and promote by all lawful means the provision of 11293
adequate capital markets and facilities for borrowing money for 11294
the financing of rail service and the fulfillment of public 11295
purposes, and to make it possible for the ~~commission~~ division of 11296
freight, qualifying subdivisions, private corporations or 11297
organizations, and local or regional transportation authorities to 11298
obtain new or additional sources of capital funds at acceptable 11299
interest costs, including activities to encourage investor 11300
interest in the purchase of bonds, notes or other obligations of 11301
the ~~commission~~ division, or issued by the ~~commission~~ division to 11302
fund loans it may make to private corporations or organizations 11303
under sections ~~4981.01 to 4981.26~~ 5501.57 to 5501.661 of the 11304
Revised Code, as sound and preferred securities for investments. 11305

(C) The general assembly hereby finds and declares further 11306
that it is in the public interest and is the responsibility of the 11307
state to encourage qualifying subdivisions, local or regional 11308
transportation authorities, and other persons to continue their 11309
independent undertakings of rail service and fulfillment of public 11310
purposes and the financing thereof and to improve or enhance the 11311
possibilities of qualifying subdivisions, local or regional 11312
transportation authorities, and other persons obtaining funds, to 11313
the extent possible, at reduced interest costs, for the orderly 11314
financing of rail service projects and fulfillment of public 11315
purposes. 11316

(D) The general assembly hereby finds and declares further 11317

that it is in the public interest, in order to implement and aid 11318
in the discharge of these responsibilities, that a state 11319
instrumentality, having been created as a public body corporate 11320
with full powers to borrow money and issue its bonds, notes, and 11321
other obligations to the end that funds obtained thereby may be 11322
used or made available to franchisees to provide capital 11323
facilities for rail service by the ~~commission~~ division or for the 11324
purposes of making loans to qualifying subdivisions, local or 11325
regional transportation authorities, private corporations or 11326
organizations, and other persons for rail service projects, that 11327
such state instrumentality be granted all powers necessary or 11328
appropriate to accomplish and carry out these essential public 11329
purposes and responsibilities of the state in a manner to make it 11330
possible to sell bonds and borrow funds at as low an interest rate 11331
as the instrumentality finds and determines to be feasible. 11332

(E) The general assembly further finds and declares that in 11333
accomplishing these purposes, the ~~commission~~ division, created and 11334
established by ~~this chapter~~ sections 5501.57 to 5501.661 of the 11335
Revised Code, will be acting in all respects for the benefit of 11336
the people of the state to serve the public purposes of improving 11337
and otherwise promoting their health, education, welfare, safety, 11338
and prosperity, and that the ~~commission~~ division may act on behalf 11339
of the state and its people in serving the essential public 11340
purposes described in this section for the benefit of the general 11341
public of the state. 11342

Sec. ~~4981.13~~ 5501.642. To accomplish the public policies and 11343
purposes and to meet the responsibility of the state as set forth 11344
in ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code, 11345
the ~~Ohio rail development commission~~ division of freight may 11346
directly undertake and implement and make loans to qualifying 11347
subdivisions, local or regional transportation authorities, and 11348
other persons for the acquisition, renovation, repair, refunding, 11349

or construction of rail service projects by such qualifying 11350
subdivisions and local or regional transportation authorities, and 11351
may issue bonds, payable solely from revenues, to pay the cost of, 11352
or finance, in whole or in part, rail service projects of the 11353
~~commission~~ division or loans to any person, qualifying 11354
subdivision, or local or regional transportation authority. A 11355
project shall not be undertaken unless it has been determined by 11356
the ~~commission~~ division, based upon information provided to it by 11357
the qualifying subdivision, local or regional transportation 11358
authority, or other person or agency charged or empowered by law 11359
with the responsibility of reporting, to be consistent with any 11360
applicable requirements of law. Any ~~resolution of~~ determination by 11361
the ~~commission~~ division providing for making a loan for any 11362
permitted loan purpose or execution of any participation agreement 11363
pursuant to ~~this chapter~~ sections 5501.57 to 5501.661 of the 11364
Revised Code shall include a finding by the ~~commission~~ division 11365
that such determinations have been made. A participation agreement 11366
may be entered into between the ~~commission~~ division and each 11367
qualifying subdivision, local or regional transportation 11368
authority, or other person to which a loan is made or from which 11369
bonds are purchased for the acquisition, renovation, repair, or 11370
construction of a rail service project, which participation 11371
agreement shall include, without limitation, all of the following 11372
provisions: 11373

(A) The cost of such project, the amount of the loan or bond 11374
purchase, the terms of repayment of such loan or bond purchase and 11375
the security therefor; 11376

(B) The specific purposes for which the proceeds of the loan 11377
or bond purchase shall be expended, the procedures as to the 11378
disbursements of loan or bond purchase proceeds, and the duties 11379
and obligations imposed upon the qualifying subdivision, local or 11380
regional transportation authority, or other person in regard to 11381

the construction, renovation, repair, refunding, or acquisition of 11382
the project; 11383

(C) The agreement of the qualifying subdivision, local or 11384
regional transportation authority, or other person to raise the 11385
funds ~~of~~ or provide sufficient credit or guarantee for repayment, 11386
through levy, pursuant to an election, contract, lease, fee 11387
charges, or otherwise; 11388

(D) The agreement of the qualifying subdivision, local or 11389
regional authority, or other person to provide the opinion of its 11390
counsel that the obligations of the qualifying subdivision, local 11391
or regional transportation authority, or other person comply with 11392
all applicable laws, rules, and regulations issued by the 11393
~~commission~~ division or other state, federal, or local bodies in 11394
regard to the construction, repair, renovation, funding, 11395
refunding, or acquisition of the project. 11396

Sec. ~~4981.131~~ 5501.643. (A) The power and authority provided 11397
~~by this chapter~~ under sections 5501.57 to 5501.661 of the Revised 11398
Code to qualifying subdivisions and local or regional 11399
transportation authorities to borrow for permitted loan purposes 11400
is in addition and supplemental to, not in derogation of, any 11401
other power or authority provided by law for the same or similar 11402
purposes, and ~~this chapter provides~~ sections 5501.57 to 5501.661 11403
of the Revised Code provide to qualifying subdivisions or local or 11404
regional transportation authorities alternative, not exclusive, 11405
means of accomplishing those purposes. 11406

(B) Chapter 133. of the Revised Code shall not apply to 11407
issuance of bonds by the ~~Ohio rail development commission~~ division 11408
of freight or to the authorizing, obtaining, or incurring of any 11409
general obligation loan or special revenue loan or to its entering 11410
into any participation agreement or delivering any such other 11411
instrument to the ~~commission~~ division in connection therewith, by 11412

any qualifying subdivision or local or regional transportation 11413
authority, except to the extent, if any, that provisions of 11414
Chapter 133. of the Revised Code are expressly made applicable 11415
thereto by ~~this chapter~~ sections 5501.57 to 5501.661 of the 11416
Revised Code or by the bond proceedings applicable to the bonds 11417
from the proceeds of which such loan was made. 11418

(C) For purposes of division (A) of section 5705.41 of the 11419
Revised Code, the authorization by a qualifying subdivision or 11420
local or regional transportation authority of a loan from the 11421
~~commission~~ division pursuant to section ~~4981.12~~ 5501.641 of the 11422
Revised Code shall be deemed to be the authorization of a bond 11423
issue, and the purpose for which such loan was obtained shall be 11424
deemed to be the purpose for which such bonds were issued. For 11425
purposes of division (D) of section 5705.41 of the Revised Code, 11426
the proceeds to be derived from a loan authorized by a qualifying 11427
subdivision or local or regional transportation authority to be 11428
obtained pursuant to section ~~4981.12~~ 5501.641 of the Revised Code 11429
shall be deemed to be proceeds to be derived from authorized 11430
bonds. 11431

(D) Sections ~~4981.01 to 4981.26~~ 5501.57 to 5501.661 of the 11432
Revised Code shall be liberally construed to effect the purposes 11433
described in section 1.11 of the Revised Code. 11434

Sec. ~~4981.15~~ 5501.644. (A) The ~~Ohio rail development~~ 11435
~~commission~~ division of freight, from time to time, may issue bonds 11436
in such principal amounts as the ~~commission~~ division finds 11437
necessary to finance one or more rail service projects. Sections 11438
9.98 to 9.983 of the Revised Code are hereby made applicable in 11439
their entirety to any bonds authorized to be issued under ~~this~~ 11440
~~chapter~~ sections 5501.57 to 5501.661 of the Revised Code except as 11441
otherwise provided herein. 11442

(B) The ~~commission~~ division, from time to time, may issue 11443

renewal bonds, issue bonds to pay such obligations and, whenever 11444
it considers refunding expedient, refund any bonds by the issuance 11445
of bonds by the authority granted by ~~this chapter~~ sections 5501.57 11446
to 5501.661 of the Revised Code. Except as may otherwise be 11447
expressly provided in ~~this chapter~~ sections 5501.57 to 5501.661 of 11448
the Revised Code or by the ~~commission~~ division, every issue of its 11449
bonds or notes is an obligation of the ~~commission~~ division payable 11450
out of the revenues and reserves created for such purposes by the 11451
~~commission~~ division, which are expressly pledged for such payment, 11452
without preference or priority of the first bonds issued, subject 11453
only to any agreements with the holders of particular bonds or 11454
notes pledging any particular revenues. Such pledge shall be valid 11455
and binding from the time the pledge is made and the revenues so 11456
pledged and thereafter received by the ~~commission~~ division 11457
immediately shall be subject to the lien of such pledge without 11458
any physical delivery thereof or further act and the lien of any 11459
such pledge shall be valid and binding as against all parties 11460
having claims of any kind, in tort, contract, or otherwise, 11461
against the ~~commission~~ division irrespective of whether such 11462
parties have notice thereof. 11463

(C) All such bonds shall have and are hereby declared to have 11464
all the qualities of negotiable instruments. The bonds shall ~~be~~ 11465
~~authorized by resolution of the commission,~~ shall bear such date 11466
and shall mature at such time, in case of any such note or any 11467
renewal thereof not exceeding five years from the date of issue of 11468
such original note, and in the case of any such bond not exceeding 11469
fifty years from the date of issue, as such resolution may 11470
provide. The bonds and notes shall bear interest at such rate or 11471
rates, including variable rates, be in such denominations, be in 11472
such form, either coupon or registered, carry such registration 11473
privileges, be payable in such medium of payment, in such place, 11474
and be subject to such terms of redemption as otherwise set forth 11475
in ~~this chapter~~ sections 5501.57 to 5501.661 of the Revised Code 11476

as the ~~commission~~ division may authorize. The bonds of the 11477
~~commission~~ division may be sold by the ~~commission~~ division at 11478
public or private sale, at or not less than the price the 11479
~~commission~~ division determines. The bonds shall be executed by a 11480
~~voting member of the commission, selected by the commission and~~ 11481
~~approved by the speaker of the house of representatives and the~~ 11482
~~president of the senate, who may use a facsimile signature. The~~ 11483
~~official seal of the commission, or a facsimile, shall be affixed~~ 11484
~~thereto or printed thereon and attested, manually, or by facsimile~~ 11485
~~signature, by the secretary treasurer of the commission the~~ 11486
director of transportation. Coupons, if any, attached thereto 11487
shall bear the signature or facsimile signature of the ~~chairperson~~ 11488
~~of the commission~~ director. In case any officer whose signature, 11489
or a facsimile of whose signature appears on any bonds, notes, or 11490
coupons ceases to be such officer before delivery of such bonds or 11491
notes, such signature or facsimile is nevertheless sufficient for 11492
all purposes the same as if the officer had remained in office 11493
until such delivery. ~~In case the seal of the commission changes~~ 11494
~~after a facsimile is imprinted on such bonds or notes, such~~ 11495
~~facsimile continues to be sufficient for all purposes.~~ 11496

(D) Any ~~resolution authorizing~~ determination by the director 11497
to authorize any bonds or any ~~issue thereof~~ bond issuance may 11498
contain provisions, subject to such agreements with bondholders or 11499
noteholders as may then exist, which provisions shall be a part of 11500
the contract with the holders thereof, as to pledging all or any 11501
part of the revenues of the ~~commission~~ division to secure the 11502
payment of the bonds of any issue thereof; the issue and 11503
disposition of revenues of the ~~commission~~ division; the setting 11504
aside of reserve funds, sinking funds, or replacement and 11505
improvement funds and the regulation and disposition thereof; the 11506
crediting of the proceeds of the sale of bonds to and among the 11507
funds referred to and provided for in the ~~resolution authorizing~~ 11508
determination by the director to authorize the issuance of the 11509

bonds; providing for the pledge or use of the rail development 11510
fund created by section ~~4981.09~~ 5501.66 of the Revised Code; the 11511
use, lease, sale, or other disposition of any assets of the 11512
~~commission~~ division; limitations on the purpose to which the 11513
proceeds of the sale of bonds may be applied; the agreement of the 11514
~~commission~~ division to do all things necessary for the 11515
authorization, issuance, and sale of such bonds which may be 11516
issued in such amounts as may be necessary for the timely 11517
retirement of such bonds; limitation on the issuance of additional 11518
bonds which may be issued and secured; the refunding of 11519
outstanding bonds; the procedure, if any, by which the terms of 11520
any contract with bondholders or noteholders may be amended or 11521
abrogated; the amount of bonds the holders of which must consent 11522
may be given; limitations on the amount of moneys to be expended 11523
by the ~~commission~~ division for operating, administrative, or other 11524
expenses of the ~~commission~~ division securing any bonds by a trust 11525
agreement; and any other matter, of like or different character, 11526
which in any way affects the security or protection of the bonds. 11527

(E) In connection with each such issuance of bonds, the 11528
~~commission~~ division shall establish in its name an improvement 11529
fund or funds in the name of the rail service project or projects 11530
for which the permitted loan or expenditure is to be made. The 11531
proceeds of each issue of bonds, except for any portion thereof 11532
required under the bond proceedings to be deposited in a bond 11533
service fund, bond service reserve fund, or other special fund 11534
established pursuant to the bond proceedings for such issue of 11535
bonds, shall be deposited in the designated fund, and together 11536
with any investment income thereof, shall be held in trust and 11537
applied solely to permitted bond purposes and in accordance with 11538
such bond proceedings. 11539

(F) The right of holders of bonds issued by the ~~commission~~ 11540
division to payment of debt service on such bonds shall be limited 11541

to the pledged receipts and special funds pledged thereto pursuant 11542
to the bond proceedings and any moneys available for such payment 11543
under any credit facility issued with respect to such bonds. The 11544
holders of such bonds shall have no right to have moneys raised by 11545
ad valorem taxation obligated or pledged, and moneys raised by ad 11546
valorem taxation shall not be obligated or pledged for the payment 11547
of debt service on bonds issued by the ~~commission~~ division, except 11548
to the extent, if any, that the general assembly or legislative 11549
authority of qualifying subdivisions and local or regional 11550
transportation authorities that borrows moneys derived from the 11551
proceeds of such bonds pledge any moneys they raise by ad valorem 11552
taxation to the repayment of such borrowings and the moneys so 11553
raised and paid to the ~~commission~~ division are obligated or 11554
pledged to the payment of debt service on the bonds pursuant to 11555
the bond proceedings. 11556

(G) The bond proceedings adopted by the ~~commission~~ director 11557
authorizing the issuance of bonds shall provide for the general 11558
purpose thereof and shall specify, ~~or shall authorize one or more~~ 11559
~~officers of the board of directors to determine~~, subject to 11560
limitations set forth in the bond proceedings: the aggregate 11561
principal amount of the bonds; the form and manner of execution 11562
and authentication of the bonds; the principal maturity or 11563
maturities; whether the bonds are to bear interest at a fixed rate 11564
or rates or under a floating rate interest structure; if a fixed 11565
rate or fixed rates of interest are to be borne by the bonds, the 11566
interest rate or rates: if the bonds are to bear interest under a 11567
floating rate interest structure, the manner in which the floating 11568
rate is to be determined for each interest-rate period, the length 11569
of each interest-rate period, and the extent to which and manner 11570
in which the interest-rate period may be changed from time to 11571
time; the put arrangement or arrangements, if any, to be available 11572
to holders of the bonds; and the paying agents, remarketing 11573
agents, indexing agents, or other agents, if any, to be engaged in 11574

connection with the issuance of the bonds. The bond proceedings, 11575
either expressly or by reference to other bond proceedings thereby 11576
approved or otherwise applicable, also shall specify: the pledged 11577
receipts and the special fund or funds to be pledged to secure the 11578
payment of the debt service on the bonds; whether the pledged 11579
receipts are pledged on a basis prior or subordinate to other 11580
expenses, claims, or payments and whether other bonds have been or 11581
may be issued by the ~~commission~~ division secured by the pledged 11582
receipts on a basis prior to or on a parity with the bonds; the 11583
credit facility or facilities, if any, to be obtained with respect 11584
to the bonds; and the rights and remedies that may be exercised by 11585
the holders of the bonds or by a trustee on their behalf upon the 11586
occurrence of an event constituting an event of default under the 11587
bond proceedings, which rights and remedies shall include, except 11588
to the extent restricted by the bond proceedings, any rights and 11589
remedies available under the laws of the state for the enforcement 11590
of the payments required under and any other agreements made in, 11591
the bond proceedings. The bond proceedings, either expressly or by 11592
reference to other bond proceedings thereby approved or otherwise 11593
applicable, also may provide for: the mandatory or optional 11594
redemption of the bonds prior to their stated maturity; 11595
limitations on the issuance of additional bonds by the ~~commission~~ 11596
division; the investment of moneys in the improvement fund and any 11597
special funds, without regard to Chapter 131. or 135. of the 11598
Revised Code, but subject to any provisions of ~~Chapter 4981.~~ 11599
sections 5501.57 to 5501.661 of the Revised Code, and the bond 11600
proceedings with respect thereto; a maximum rate of interest that 11601
bonds with a floating rate interest structure may bear, without 11602
regard to section 9.95 of the Revised Code; any restrictions not 11603
inconsistent with ~~this chapter~~ sections 5501.57 to 5501.661 of the 11604
Revised Code on the amount and terms of and security for the 11605
repayment for loans made to qualifying subdivisions, local or 11606
regional transportation authorities, or other persons from the 11607

improvement fund; and any other term, condition, or provision of 11608
or with respect to the bonds which may be included in the bond 11609
proceedings. 11610

(H) The revenues and any special funds pledged to the payment 11611
of debt service on bonds pursuant to the bond proceedings for such 11612
bonds and thereafter received by the ~~commission~~ division or by an 11613
agent on behalf of the ~~commission~~ division are immediately subject 11614
to the lien of such pledge without any physical delivery thereof 11615
or further act. The lien of any such pledge is valid and binding 11616
against all parties having claims of any kind against the 11617
~~commission~~ division or against any person, qualifying subdivision, 11618
or local or regional transportation authority or municipal 11619
corporation that is an absolute obligor with respect to such 11620
bonds, irrespective of whether such parties have notice thereof, 11621
and shall create a perfected security interest for all purposes of 11622
Chapter 1309. of the Revised Code, without the necessity for 11623
separation or delivery of funds or for the filing or recording of 11624
the bond proceedings by which such pledge is created, or any 11625
certificate, statement, or other document with respect thereto; 11626
and the pledge of such pledged receipts and special funds is 11627
effective and the moneys therefrom and thereof may be applied to 11628
the purposes for which pledged without necessity for any act of 11629
appropriation. Every pledge, and every covenant and agreement made 11630
in the bond proceedings with respect thereto, may therein be 11631
extended to the benefit of the owners and holders of the bonds 11632
authorized to be issued under this section and to any trustee or 11633
paying agent for such owners and holders for further security of 11634
the payment of the debt service on such bonds. 11635

(I) ~~Each duty of the commission and of its members,~~ 11636
~~directors, or officers and each duty of any other governmental~~ 11637
~~agency and its officials, members, or employees undertaken~~ 11638
~~pursuant to the bond proceedings or in any participation agreement~~ 11639

~~is hereby established as a duty of the commission or of such 11640
qualifying subdivision or local or regional transportation 11641
authority or governmental agency and of each such member, officer, 11642
official, or employee having authority to perform such duty, 11643
specifically enjoined by law resulting from an office, trust, or 11644
station within the meaning of section 2731.01 of the Revised Code. 11645
The persons who are at the time the members, directors, officers, 11646
or employees of the commission are not liable in their personal 11647
capacities on any bonds issued by the commission or under any of 11648
the bond proceedings with respect thereto. 11649~~

~~(J)~~ Bonds issued under this section are lawful investments of 11650
banks, savings and loan associations, deposit guarantee 11651
associations, trust companies, trustees, fiduciaries, insurance 11652
companies, including domestic for life and domestic not for life, 11653
trustees or other officers having charge of sinking and bond 11654
retirement funds or other funds of the state and of political 11655
subdivisions and taxing districts of the state, the commissioners 11656
of the sinking fund of the state, the industrial commission, the 11657
state teachers retirement system, the public employees retirement 11658
system, the school employees retirement system, and the Ohio 11659
police and fire pension fund, notwithstanding any other provisions 11660
of the Revised Code or rules adopted by any state agency with 11661
respect to investments by them, and are also acceptable as 11662
security for the deposit of public moneys. For the purpose of 11663
causing bonds issued by the ~~commission~~ division to be eligible for 11664
investment of interim moneys of the state or any subdivision of 11665
the state under section 135.14 of the Revised Code, but solely for 11666
that purpose, bonds issued by the ~~commission~~ division shall be 11667
deemed to be bonds or other obligations of this state for purposes 11668
of division (B)(4) of section 135.14 of the Revised Code. 11669

~~(K)~~(J) The bonds issued by the ~~commission~~ division, the 11670
transfer thereof, and the income therefrom, including any profit 11671

made on the sale thereof, shall at all times be free from taxation 11672
within the state. 11673

~~(L)~~(K) Any bonds which recite that they are issued pursuant 11674
to this section, which comply on their face with such section, 11675
which are issued for one or more permitted bond purposes, and for 11676
which the ~~commission~~ division has been paid in full, shall in any 11677
action or proceeding involving their validity be conclusively 11678
deemed to have been issued, sold, executed, and delivered in 11679
conformity with law and shall be incontestable unless such action 11680
or proceeding is begun prior to the delivery of such bonds to the 11681
original purchaser or purchasers thereof. 11682

~~(M)~~(L) In the event that the sum of all reserves pledged to 11683
the payment of such bonds shall be less than the minimum reserve 11684
requirements established in any ~~resolution or resolutions~~ 11685
~~authorizing~~ determination by the director to authorize the 11686
issuance of such bonds, the ~~chairperson of the commission~~ director 11687
shall certify, on or before the first day of December of each 11688
year, the amount of such deficiency to the governor for inclusion, 11689
if the governor shall so elect, of the amount of such deficiency 11690
in the budget to be submitted to the next session of the general 11691
assembly for appropriation to the commission to be pledged for 11692
payment of such bonds or notes. The general assembly shall not be 11693
required to make any appropriations so requested, and the amount 11694
of such deficiencies ~~do~~ does not constitute a debt or liability of 11695
the state. 11696

~~(N)~~(M) All property of the ~~commission~~ division is exempt from 11697
levy and sale by virtue of an execution and no execution or other 11698
judicial process may issue against the property. A judgment 11699
against the ~~commission~~ division may not be a charge or lien upon 11700
its property. However, nothing in this section applies to or 11701
limits the rights of the holder of bonds or notes to pursue a 11702
remedy for the enforcement of a pledge or lien given by the bank 11703

on its revenues or other money. 11704

~~(O)~~(N) No action to contest the validity of any bonds of the 11705
~~commission division~~ to be sold at public sale may be brought after 11706
the fifteenth day following the first publication of notice of the 11707
sale of the bonds. No action to contest the validity of any bond 11708
sale under ~~this chapter~~ sections 5501.57 to 5501.661 of the 11709
Revised Code may be brought after the fifth day following the bond 11710
sale. 11711

~~(P)~~(O) If bonds are sold at private sale, the ~~commission~~ 11712
division may publish notice of the execution of the contract of 11713
sale of the bonds one time in a newspaper published and of general 11714
circulation in the city of Columbus. If notice is published as 11715
permitted in this division, no action to contest the validity of 11716
such bonds or notes sold at private sale may be brought after the 11717
fifteenth day following the publication of notice of the execution 11718
of the contract of sale pertaining to the bonds. 11719

~~(O)~~(P) If an action challenging the bonds of the commission 11720
is not brought within the time prescribed by division ~~(O)~~(N) or 11721
~~(P)~~(O) of this section, whichever is applicable, all bonds of the 11722
~~commission division~~ shall be conclusively presumed to be fully 11723
authorized and issued under the laws of the state, and a person or 11724
a qualified entity is estopped from questioning their 11725
authorization, sale, issuance, execution, or delivery by the 11726
~~commission division~~. 11727

~~(R)~~(O) Insofar as the provisions of this section are 11728
inconsistent with the provisions of any other law, general, 11729
special, or local, the provisions of ~~this chapter~~ sections 5501.57 11730
to 5501.661 of the Revised Code shall be controlling. 11731

Sec. 4981.16 5501.645. The ~~Ohio rail development commission~~ 11732
division of freight may make the following determinations in 11733
connection with any issuance of its bonds: 11734

(A) The number, location, and other characteristics of projects, including to the extent reasonably possible, assurance that the projects to be financed by bonds will create or preserve jobs and employment opportunities or improve the economic welfare of the people of the state;

(B) Eligibility requirements, including requirements for credit worthiness, for projects for which loans are made from proceeds of the bonds. In determining eligibility requirements the issuer shall take into consideration all of the following factors:

(1) The length of time any borrower has been engaged in rail service;

(2) The net income or net worth of any borrower;

(3) The availability or feasibility of alternative financing methods for any borrower;

(C) The type and amount of collateral, security, or credit enhancement to be provided to assure repayment of loans or of bonds;

(D) The amounts and types of insurance coverage required on projects and loans;

(E) Any other matters relating to the exercise of the powers or duties of the issuer under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the Revised Code.

Sec. ~~4981.17~~ 5501.646. (A) In the discretion of the ~~Ohio rail development commission~~ division of freight, the bonds may be secured by a trust agreement or indenture of mortgage between the issuer and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without this state but authorized to exercise trust powers within this state.

(B) Any such trust agreement or indenture of mortgage may contain the resolution or ordinance authorizing the issuance of

the bonds and other provisions that are customary or appropriate 11765
in an agreement or indenture of such type, including, but not 11766
limited to: 11767

(1) A pledge of the rentals, revenues, and other income, 11768
charges, and moneys out of which the principal of and interest on 11769
the bonds shall be payable and a mortgage of all or any part of 11770
the pledged facilities, including any enlargements of and 11771
additions to such pledged facilities thereafter made; 11772

(2) Maintenance of each pledge, trust agreement, and 11773
indenture of mortgage made for the security of any of the bonds 11774
until the issuer has fully paid the principal of and interest on 11775
the bonds, or provision therefor has been made, for the security 11776
of which the pledge has been made and the trust agreement or 11777
indenture of mortgage has been given; 11778

(3) In the event of default in any payments required to be 11779
made by the bond proceedings or any other agreement of the issuer 11780
made as a part of the contract under which the bonds were issued, 11781
enforcement of such payments or agreement by mandamus, the 11782
appointment of a receiver in equity, or if a mortgage has been 11783
given, the foreclosure of such mortgage or any combination of the 11784
foregoing; 11785

(4) The rights and remedies of the bondholders and of the 11786
trustee and provisions for protecting and enforcing them, 11787
including limitations on rights of individual bondholders; 11788

(5) Such other provisions as the trustee, the original 11789
purchaser of the bonds, and the issuer agree upon. 11790

Sec. ~~4981.18~~ 5501.647. (A) Any holder of bonds issued 11791
pursuant to sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the 11792
Revised Code or a trustee under a trust agreement or indenture of 11793
mortgage entered into pursuant to section ~~4981.17~~ 5501.646 of the 11794

Revised Code, except to the extent that their rights are 11795
restricted by the bond proceedings or by the terms of the bonds, 11796
may by any suitable form of legal proceedings, protect and enforce 11797
any rights under the laws of this state or granted by the bond 11798
proceedings. Such rights include the right to compel the 11799
performance of all duties of the ~~Ohio rail development commission~~ 11800
division of freight required by sections ~~4981.11 to 4981.26~~ 11801
5501.57 to 5501.661 of the Revised Code or the bond proceedings; 11802
to enjoin unlawful activities; and in the event of default with 11803
respect to the payment of any principal of and interest on any 11804
bond or in the performance of any covenant or agreement on the 11805
part of the issuer in the resolution, ordinance, trust agreement, 11806
or indenture, to apply to a court having jurisdiction of the cause 11807
to appoint a receiver to administer and operate the pledged 11808
facilities, the rentals, revenues, and other income, charges, and 11809
moneys of which are pledged to the payment of principal of and 11810
interest on such bonds or which are the subject of the covenant or 11811
agreement, with full power to pay, and to provide for payment of, 11812
principal of and interest on such bonds, and with such powers, 11813
subject to the direction of the court, as are accorded receivers 11814
in general equity cases, excluding any power to pledge additional 11815
rentals, revenues, or other income, charges, or moneys of the 11816
issuer, including those derived from taxation, to the payment of 11817
such principal and interest; and to foreclose the mortgage on the 11818
pledged facilities in the same manner as for real estate of 11819
private corporations. 11820

(B) No law heretofore or hereafter enacted providing for a 11821
moratorium, postponement, or restraint upon the rights or remedies 11822
of a mortgagee or secured party to enforce a security interest, 11823
whether by foreclosure, collection or taking possession, judicial 11824
or other sale or disposition, or by any other means, shall apply 11825
to a security interest in all or any part of pledged facilities or 11826
in any way restrict, preclude, or otherwise impair the rights or 11827

remedies of the holders of bonds issued under sections ~~4981.11 to~~ 11828
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code or of any insurer, 11829
guarantor, or provider of a letter of credit or other credit 11830
facility or security enhancement arrangement pertaining to loans 11831
made or bonds issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 11832
5501.661 of the Revised Code. The provisions of this division may 11833
be included as a covenant in any agreement with the holders of 11834
bonds or any insurer, guarantor, or provider of a letter of credit 11835
or other credit facility or security enhancement arrangement 11836
pertaining to loans made or bonds issued under sections ~~4981.11 to~~ 11837
~~4981.26~~ 5501.57 to 5501.661 of the Revised Code. 11838

Sec. ~~4981.19~~ 5501.648. All bonds issued under sections 11839
~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of the Revised Code are 11840
lawful investments of banks, societies for savings, savings and 11841
loan associations, deposit guarantee associations, trust 11842
companies, trustees, fiduciaries, insurance companies, including 11843
domestic for life and domestic not for life, trustees or other 11844
officers having charge of sinking and bond retirement or other 11845
special funds of political subdivisions and taxing districts of 11846
this state, the commissioners of the sinking fund of the state, 11847
the administrator of workers' compensation, the state teachers 11848
retirement system, the public employees retirement system, the 11849
school employees retirement system, and the Ohio police and fire 11850
pension fund, notwithstanding any other provision of the Revised 11851
Code or rules adopted pursuant thereto by any governmental agency 11852
of the state with respect to investments by them, and are 11853
acceptable as security for the deposit of public moneys. 11854

Sec. ~~4981.22~~ 5501.649. The ~~Ohio rail development commission~~ 11855
division of freight may issue refunding bonds to refund any bonds 11856
it previously issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 11857
5501.661 of the Revised Code, for any of the following purposes: 11858

(A) Refunding bonds which have matured or are about to mature 11859
when the rentals, revenues, and other income, charges, and moneys 11860
pledged for the payment of such bonds are insufficient to pay 11861
bonds which have matured or are about to mature or to make 11862
payments to other funds required by the bond proceedings; 11863

(B) Refunding any bonds as an incident to providing funds for 11864
reconstructing, enlarging, improving, or providing additional 11865
furnishings or equipment for the pledged facilities as to bonds 11866
originally issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 11867
5501.661 of the Revised Code; 11868

(C) Refunding all of the outstanding bonds of any issue, both 11869
matured and unmatured, when the rentals, revenues, or other 11870
income, charges, or moneys pledged for the payment of such bonds 11871
are insufficient to pay bonds which have matured or are about to 11872
mature or to make payments to other funds required by the bond 11873
proceedings, if such outstanding bonds can be retired by call, at 11874
maturity, or with the consent of the holders thereof, whether from 11875
the proceeds of the sale of the refunding bonds or by exchange for 11876
the refunding bonds, provided that the principal amount of 11877
refunding bonds shall not exceed in amount the aggregate of the 11878
par value of the bonds to be retired, any redemption premium, past 11879
due and future interest to the date of maturity or proposed 11880
redemption that cannot otherwise be paid, and funds, if any, to 11881
reconstruct, enlarge, improve, furnish, or equip, or any 11882
combination thereof, the pledged facilities as to bonds originally 11883
issued under sections ~~4981.11 to 4981.26~~ 5501.57 to 5501.661 of 11884
the Revised Code; 11885

(D) Refunding any bonds of the issuer previously issued when 11886
the refunding bonds will bear interest at a lower rate than the 11887
bonds to be refunded, or when the interest cost of the refunding 11888
bonds computed to absolute maturity will be less than the interest 11889
cost of the bonds to be refunded, or when the average life of the 11890

refunding bonds will be greater than the remaining average life of 11891
the bonds to be refunded. 11892

Refunding bonds issued pursuant to this section shall mature 11893
not later than thirty years from date of issue. Except as provided 11894
in this section, the terms of the issuance and sale of refunding 11895
bonds shall be as provided in sections ~~4981.11 to 4981.26~~ 5501.57 11896
to 5501.661 of the Revised Code for an original issue of bonds. 11897

Sec. ~~4981.28~~ 5501.65. (A) The general assembly hereby finds 11898
and declares that it is in the public interest for private 11899
corporations or organizations to participate in the providing of 11900
rail service through the financing, design, construction, 11901
reconstruction, operation, and maintenance by private persons of 11902
all or part of a rail system, whether as system owners, or lessees 11903
from the ~~Ohio rail development commission, or agents for the~~ 11904
~~commission~~ division of freight. 11905

(B) To the extent that any provisions of sections ~~4981.28 to~~ 11906
~~4981.34~~ 5501.65 to 5501.661 of the Revised Code conflict with any 11907
state or local statute, regulation, or ordinance, the provisions 11908
of sections ~~4981.28 to 4981.34~~ 5501.65 to 5501.661 of the Revised 11909
Code are controlling. 11910

Sec. ~~4981.29~~ 5501.651. (A) In addition to the powers 11911
contained in section ~~4981.14~~ 5501.582 of the Revised Code, the 11912
~~Ohio rail development commission~~ division of freight may do all of 11913
the following: 11914

(1) Notwithstanding division (A) of section ~~4981.04~~ 5501.60 11915
of the Revised Code, adopt a plan for private participation in the 11916
financing, design, construction, and operation of all or part of a 11917
rail system; 11918

(2) Grant franchises for terms of up to fifty years and enter 11919
into franchise agreements with private corporations or 11920

organizations in connection therewith. A franchise may be awarded 11921
for the entire rail system or for a designated portion of the 11922
system, such as a corridor. 11923

(3) Use, close, relocate, or alter the grade of existing 11924
streets or highways or facilities of public utilities, and 11925
otherwise ensure compatibility of operation of public facilities 11926
with a franchise, whether in connection with the exercise of the 11927
~~commission's~~ division's power to appropriate property or 11928
otherwise; 11929

(4) Consult with and receive services from other state 11930
agencies and political subdivisions in connection with the 11931
planning, financing, construction, and operation of the rail 11932
system; 11933

(5) In accordance with Chapter 163. of the Revised Code, ~~and~~ 11934
~~subject to the approval of the director of transportation,~~ 11935
appropriate at a franchisee's expense real property that it may 11936
transfer to the franchisee, if the franchisee previously has made 11937
reasonable efforts to obtain the property in question through 11938
good-faith negotiations; 11939

(6) Make proceeds of bonds issued pursuant to section ~~4981.15~~ 11940
5501.644 of the Revised Code available for financing of all or 11941
part of a privately operated rail system, and serve as the issuer 11942
of bonds to fund loans it may make to private corporations and 11943
organizations under sections ~~4981.01 to 4981.26~~ 5501.57 to 11944
5501.661 of the Revised Code; 11945

(7) Preserve and defend the confidentiality of trade secrets 11946
and proprietary information received from private corporations or 11947
organizations; 11948

(8) Enter into any indemnification agreements that are 11949
necessary to reimburse a franchisee for any injuries or losses 11950
suffered by any person and for which the franchisee is liable and 11951

must pay money damages, if the injuries or losses are of such a nature that, if the ~~commission~~ division were the responsible party instead of the franchisee, the ~~commission~~ division would not be liable for the injuries or losses due to any immunity it enjoys under the laws of this state.

(B) The ~~commission~~ division shall not regulate the rates or fares charged by a franchisee or the return on investment received by a franchisee, provided the rates are not discriminatory and overall return is not unreasonable. The ~~commission~~ division shall not regulate operations of a franchisee so long as the franchisee operates in accordance with all applicable safety standards.

Sec. ~~4981.30~~ 5501.652. (A) The ~~Ohio rail development~~ commission division of freight, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend and rescind, rules governing the process whereby a private corporation or organization may apply to the ~~commission~~ division for a franchise for all or part of a rail system. The rules also shall establish the financial and technical criteria upon which a franchise is awarded. The criteria may include all of the following:

(1) The qualifications of each applicant, including the familiarity of the applicant with the transportation needs and resources of the state and the applicant's prior involvement and experience with respect to the development of rail service in this state;

(2) The level of transport services offered;

(3) The technology proposed;

(4) The timetable for construction;

(5) The construction, operation, and management plans;

(6) The financial plan and the applicant's financial ability to provide reliable service;

(7) Whether the proposed rail system will meet all applicable state and federal safety requirements;	11982 11983
(8) Any legislative changes that may be necessary in order to implement the applicant's proposal;	11984 11985
(9) Any plans and studies prepared for the commission <u>division</u> ;	11986 11987
(10) The projected ability of each applicant's proposed revenue sources to meet projected capital and operating funding requirements.	11988 11989 11990
(B) The commission <u>division</u> may solicit letters of intent from private corporations or organizations interested in applying for a franchise, and may require that a nonrefundable fee be submitted with the letter of intent. Any such fee may be applied against costs the commission <u>division</u> incurs in evaluating applications and for subsequent administration of a franchise.	11991 11992 11993 11994 11995 11996
(C) The commission <u>division</u> may request proposals to be delivered for a franchise to construct, operate, and maintain the rail system or a portion thereof.	11997 11998 11999
(D) All applications for a franchise shall address the items contained in divisions (A)(1) to (11) of section 4981.04 <u>5501.60</u> of the Revised Code.	12000 12001 12002
(E) The commission <u>division</u> shall notify all prospective bidders for a franchise that any private corporation or organization that is awarded a franchise with respect to the 3-C corridor shall be obligated to reimburse the commission <u>division</u> for amounts payable by the commission <u>division</u> , up to a maximum of one million five hundred thousand dollars, arising out of commitments of the commission <u>division</u> in connection with the preparation of the plan under section 4981.04 <u>5501.60</u> of the Revised Code, and out of other pre-existing contractual arrangements of the commission <u>division</u> with respect to the 3-C	12003 12004 12005 12006 12007 12008 12009 12010 12011 12012

corridor. 12013

(F) The ~~commission~~ division may award a franchise for the 12014
rail system or a portion of the system to the applicant the 12015
~~commission~~ division determines is best qualified, in accordance 12016
with standards for evaluation of applicants established by rule 12017
and previously announced. 12018

Sec. ~~4981.31~~ 5501.653. (A) The award by the ~~Ohio rail~~ 12019
~~development commission~~ division of freight of a franchise for all 12020
or part of a rail system shall be the sole license required for a 12021
franchisee to exercise all specified franchise powers and enjoy 12022
all specified franchise rights. The franchise shall be for a term 12023
of not less than thirty-five, but not more than fifty years from 12024
the date of commencement of actual service operations. With the 12025
approval of the general assembly, the ~~commission~~ division may 12026
extend a franchise beyond the time period specified in the 12027
original franchise award, on terms mutually agreeable to the 12028
franchisee and the ~~commission~~ division. If the ~~commission~~ division 12029
does not grant an extension, any portion of the rail system owned 12030
by the franchisee shall revert to the state upon expiration of the 12031
franchise. 12032

(B) In the absence of a material default by a franchisee 12033
under the franchise agreement, any termination by the ~~commission~~ 12034
division of a franchise prior to the expiration of its stated 12035
terms shall be deemed to be either an impairment of contract by 12036
the state or the equivalent of the commencement of an 12037
appropriation action by the state, as the franchisee may elect, 12038
and shall entitle the franchisee to full compensation for its 12039
loss, including reimbursement of all costs incurred in the 12040
development of the franchise. Any terms of the franchise agreement 12041
designed to protect the reasonable expectations of persons 12042
providing financing for the portion of the system comprising the 12043

franchise shall not be affected by any proposed franchise 12044
termination, and any termination based upon an alleged material 12045
default in performance by the franchisee is subject to the hearing 12046
and appeal provisions of Chapter 119. of the Revised Code. 12047

(C) The franchise agreement may authorize the franchisee to 12048
plan, design, finance, construct, operate, and maintain its 12049
designated portion of the rail system and any ancillary system 12050
facilities. 12051

(D) The franchise agreement shall require the franchisee to 12052
construct, operate, and maintain the rail system in accordance 12053
with the franchise agreement. All minimum technical standards for 12054
the design, construction, and operation of the portion of the 12055
system comprising the franchise shall be included in the franchise 12056
agreement or incorporated by reference. The conditions of the 12057
franchise agreement relating to the actual operation of the 12058
trains, including train speed, capacity, construction and 12059
maintenance standards, environmental enhancement and protection, 12060
safety, and noise levels, supersede any conflicting rule, 12061
ordinance, resolution, standard, or charter provision of any 12062
agency or political subdivision of the state. 12063

(E) Provision may be included in the franchise agreement for 12064
a development and construction schedule, subject to extension for 12065
events beyond the control of the franchisee and changes in 12066
applicable state and federal law. 12067

(F) The franchise agreement shall obligate the ~~commission~~ 12068
division, upon request of the franchisee, to assist in obtaining 12069
permits and licenses necessary for the construction and operation 12070
of the rail system and ancillary facilities. 12071

(G) If a franchisee develops and either transfers its portion 12072
of the rail system to the ~~commission~~ division and then leases that 12073
portion from the ~~commission~~ division, or leases its portion to the 12074

~~commission~~ division and continues to operate that portion of the 12075
rail system, the state shall indemnify the franchisee against 12076
claims that, if made against the ~~commission~~ division or the state, 12077
would be subject to a defense of sovereign immunity. 12078

(H) In the franchise agreement, the ~~commission~~ division may 12079
furnish the franchisee with reasonable assurances that the state 12080
will not take any action that would have the effect of depriving 12081
the franchisee of the anticipated economic benefits of franchise 12082
operation, including the award of franchises subsequent to the 12083
award of the 3-C corridor franchise which have such effect, and 12084
that the ~~commission~~ division will take such reasonable actions to 12085
dissuade other agencies of the state from taking actions that 12086
might have an adverse economic or regulatory impact on the 12087
franchisee. 12088

(I) If more than one franchise is awarded, the franchisees 12089
shall bear all costs necessary for the interconnection of their 12090
respective franchises, which costs shall be allocated equitably by 12091
the ~~commission~~ division. 12092

(J) After a franchise is awarded, the terms under which it is 12093
awarded may be modified only by written agreement of the parties, 12094
after observation of notice and comment procedures initially 12095
agreed to by the ~~commission~~ division and the franchisee. 12096

(K) The ~~commission~~ division shall cooperate with the 12097
environmental protection agency in the franchise procurement 12098
review and award process. In consultation with the agency, the 12099
~~commission~~ division shall adopt or amend reasonable procedural 12100
rules in order to simplify and expedite the process by which the 12101
franchisee applies for and obtains required state permits. 12102

(L) The ~~commission~~ division shall assist franchisees in 12103
meeting environmental requirements, including, if requested by a 12104
franchisee, serving as the lead agency in connection with 12105

environmental impact analysis requirements. 12106

Sec. ~~4981.32~~ 5501.654. (A) A franchise agreement shall 12107
authorize the franchisee to do all of the following: 12108

(1) Acquire and dispose of real and personal property and 12109
request the ~~Ohio rail development commission~~ division of freight 12110
to appropriate real property for sale to the franchisee in 12111
accordance with division (A)(5) of section ~~4981.29~~ 5501.651 of the 12112
Revised Code; 12113

(2) Plan, design, finance, construct, reconstruct, improve, 12114
operate, and maintain its portion of the rail system and any 12115
ancillary system facilities; 12116

(3) Set and charge rates and fares for the use of its portion 12117
of the rail system, and retain all revenues in excess of debt 12118
service and operating expenses up to an agreed return on 12119
investment; 12120

(4) Subject to applicable permit requirements, construct and 12121
operate the rail system over or under canals, navigable 12122
watercourses, and existing transportation and public utility 12123
rights-of-way; 12124

(5) Classify users according to reasonable categories for the 12125
assessment of fares, including peak and off-peak time periods; 12126

(6) Make and enforce reasonable regulations regarding usage 12127
and safety of that portion of the rail system comprising its 12128
franchise; 12129

(7) Engage in any other business in addition to that of 12130
operator of its portion of the rail system, including the purchase 12131
and sale of real estate and ownership and operation of ancillary 12132
system facilities; 12133

(8) Establish and fund accounts, including reasonable 12134
reserves for contingencies, maintenance, and replacement, in order 12135

to ensure the availability of funds to meet future obligations of the franchisee; 12136
12137

(9) Take all other actions it determines necessary and appropriate in the operation of the franchise, so long as those actions comply with the franchise agreement and with applicable state and federal statutes, rules, and regulations. 12138
12139
12140
12141

(B) The franchisee shall do all of the following: 12142

(1) Use best efforts to arrange financing for the construction and operation of that portion of the rail system that comprises its franchise, and pledge assets and revenue as may be necessary to secure repayment of obligations; 12143
12144
12145
12146

(2) Maintain and file with the ~~commission~~ division a schedule of rates and fares, and file and maintain a statement that those rates and fares apply uniformly to all users of the rail system within reasonable categories; 12147
12148
12149
12150

(3) Construct, maintain, and insure the rail system in accordance with standards agreed with the ~~commission~~ division, and permit access for inspection by the ~~commission~~ division. Construction may be performed in stages pursuant to a schedule or program approved by the ~~commission~~ division. 12151
12152
12153
12154
12155

(4) Enlarge or expand its portion of the rail system from time to time, as reflected in initial plans for the franchise and as appropriate to meet market requirements; 12156
12157
12158

(5) Operate the rail system in accordance with applicable legal requirements and any additional reasonable operating and safety standards the ~~commission~~ division approves, or as otherwise may be required by applicable state or federal requirements; 12159
12160
12161
12162

(6) Contract with state, county, or municipal law enforcement agencies, or enter into other arrangements acceptable to the ~~commission~~ division, to provide law enforcement on and around the 12163
12164
12165

franchisee's portion of the rail system. 12166

(C) Any instrument by which real property is acquired 12167
pursuant to this section shall identify the agency of the state 12168
that has the use and benefit of the real property as specified in 12169
section 5301.012 of the Revised Code. 12170

Sec. ~~4981.33~~ 5501.655. (A) The ~~Ohio rail development~~ 12171
~~commission~~ division of freight shall review all plans and 12172
specifications of a franchisee for its portion of a rail system to 12173
ensure that the plans and specifications conform to ~~commission~~ 12174
division standards, and shall inspect and approve the construction 12175
of all portions of the rail system. The ~~commission~~ division shall 12176
assume responsibility for and indemnify any franchisee for 12177
third-party claims arising out of franchisee design and 12178
construction activities performed without fault that have been 12179
reviewed and approved by the ~~commission~~ division. 12180

(B) The ~~commission~~ division shall monitor maintenance 12181
practices of a franchisee or its operator to secure and maintain 12182
safety and efficiency in the operation of those portions of the 12183
rail system operated by the franchisee. 12184

(C) All rules adopted by the ~~commission~~ division affecting 12185
the rail system or franchises shall be adopted in accordance with 12186
Chapter 119. of the Revised Code. 12187

(D) The ~~commission~~ division shall not regulate rates and 12188
fares a franchisee charges for its portion of the rail system. 12189

(E) The ~~commission~~ division may require a franchisee to 12190
furnish to the ~~commission~~ division data sufficient to enable it to 12191
verify the franchisee's compliance with all terms of its franchise 12192
agreement. 12193

(F) Except for rules adopted by the ~~commission~~ division or 12194
the franchisee pursuant to sections ~~4981.28 to 4981.34~~ 5501.65 to 12195

5501.661 of the Revised Code, the laws of this state relating to 12196
rail carriers apply to all portions of the rail system, and the 12197
powers of arrest of law enforcement officers on and around any 12198
portion of the rail system are the same there as elsewhere in the 12199
state. 12200

Sec. ~~4981.34~~ 5501.656. (A) On behalf of a franchisee and 12201
pursuant to section ~~4981.15~~ 5501.644 of the Revised Code, the ~~Ohio~~ 12202
~~rail development commission~~ division of freight may issue bonds 12203
for loans to finance development and construction of a 12204
franchisee's portion of a rail system. Any bonds issued pursuant 12205
to this section do not, and shall state that they do not, 12206
represent or constitute a debt or pledge of the faith and credit 12207
of the state, nor do such bonds grant to the bondholders or 12208
noteholders any right to have the general assembly levy any taxes 12209
or appropriate any funds for the payment of the principal or 12210
interest thereon. Such bonds shall be payable solely from the loan 12211
repayments the ~~commission~~ division receives from the franchisee to 12212
which the loan was made. The loan repayments shall be made from 12213
revenues that the franchisee receives from the operation of its 12214
portion of the rail system and that shall be pledged to repay the 12215
~~commission~~ division, or from such other credit sources as the 12216
franchisee may arrange. 12217

(B) The portion of the rail system awarded to a franchisee, 12218
any elements thereof, or the land upon which a franchise is 12219
situated may be owned by the franchisee or owned by the ~~commission~~ 12220
division and leased to the franchisee for the term of the 12221
franchise. 12222

(C) The rail system may be financed partially by the 12223
~~commission~~ division and partially by franchisees. With respect to 12224
that portion of the rail system financed by the ~~commission~~ 12225
division, the ~~commission~~ division may utilize all of the bonding 12226

and financial authority contained in sections ~~4981.01 to 4981.26~~ 12227
~~5501.57 to 5501.661~~ of the Revised Code and also may seek to 12228
obtain state funding or federal financing on behalf of the rail 12229
system. ~~Commission~~ Division financing, credit support, and 12230
financial assistance may not be commingled with private financing 12231
obtained by the franchisee, and any moneys of the ~~commission~~ 12232
division to be expended by the ~~commission~~ division to finance a 12233
portion of a rail system shall be kept in accounts that are 12234
separate and apart from and not a part of the accounts in which 12235
are kept any moneys to be expended by a franchisee to finance its 12236
portion of a rail system. 12237

(D) The franchisee may arrange financing and refinancing of 12238
the system through any combination of debt, equity, and public 12239
sources available to it that it determines in its sole discretion. 12240
A franchisee shall not be precluded from utilizing any type of 12241
public or private assistance available to it in connection with 12242
the development of its franchise. A franchisee shall furnish the 12243
~~commission~~ division all relevant and necessary information with 12244
respect to financing terms to enable the ~~commission~~ division to 12245
exercise its oversight responsibilities with respect to the 12246
franchisee's reasonable return on its investment. 12247

(E) When requested by a franchisee, the ~~commission~~ division 12248
shall seek from the office of budget and management an allotment 12249
of proceeds from the issuance of private activity bonds. The 12250
~~commission~~ division shall distribute those proceeds to franchisees 12251
in such proportions and amounts as it determines in its 12252
discretion. 12253

(F)(1) The ~~commission~~ division may levy and collect special 12254
assessments upon all parcels of real property, other than real 12255
property owned by a railroad corporation, in the immediate 12256
vicinity of any rail system station or terminal of the ~~commission~~ 12257
division or a franchisee, including, without limitation, parcels 12258

that abut, are adjacent or contiguous to, or otherwise increase in 12259
value due to the existence of, the station or terminal. An 12260
assessment levied under this division shall be for the purpose of 12261
enabling the ~~commission~~ division to collect a portion of the 12262
increase in the true value in money of any such parcel of property 12263
subsequent to the commencement of operation of a rail system 12264
station or terminal. All assessments shall be applied, directly or 12265
indirectly, to the development and financing of the portion of the 12266
rail system of which the station or terminal is a part. 12267

(2) Upon written request of the ~~commission~~ division, the 12268
county auditor of a county in which a rail system station or 12269
terminal commences operation shall assess each parcel of real 12270
property that is located in the immediate vicinity of the station 12271
or terminal and that the ~~commission~~ division has reasonable cause 12272
to believe has increased in true value in money because of the 12273
existence of the station or terminal. The county auditor shall 12274
utilize appropriate assessment techniques specified in rules 12275
adopted by the tax commissioner pursuant to Chapter 5713. of the 12276
Revised Code to determine the increase in true value, if any, of 12277
the real property. Any increase shall be measured by comparing the 12278
true value of the real property in the year in which the 12279
~~commission adopted the resolution designating~~ division designated 12280
the location of the station or terminal, as reflected on the tax 12281
list for that year, with the highest true value of the real 12282
property as of the month in which rail system operations commenced 12283
at the station or terminal. The county auditor shall then 12284
determine what percentage of the true value increase, if any, is 12285
directly attributable to the existence of and commencement of 12286
operations at the station or terminal. The county auditor shall 12287
convert the percentage increase to an amount certain, and certify 12288
the results of the assessments to the ~~commission~~ division. Within 12289
thirty days after receipt of the certified results, the ~~commission~~ 12290
division shall reimburse the county auditor for the actual cost to 12291

the auditor of making the assessments. 12292

(3) In no case shall any special assessment levied by the 12293
~~commission~~ division upon a parcel of real property exceed twenty 12294
per cent of the increase in the true value of the property that 12295
the county auditor certifies to the ~~commission~~ division as being 12296
directly attributable to the existence of and commencement of 12297
operations at the station or terminal. A special assessment shall 12298
constitute a lien against the property and shall be added to the 12299
tax list and duplicate for collection. Payments on the special 12300
assessment shall be made semiannually at the same time as real 12301
property taxes are required to be paid, but upon written request 12302
of the owner of the real property assessed, the county auditor may 12303
permit the owner to pay the assessment in equal installments over 12304
a period of not longer than ten years. 12305

(4) An owner of real property upon which a special assessment 12306
is levied under this section may file a petition in the court of 12307
common pleas of the county in which the real property is located 12308
challenging any aspect of the assessment, including the fact of 12309
the special assessment itself or the amount. The filing of such a 12310
petition shall stay the collection of any part of the special 12311
assessment, and collection shall not commence until a decision on 12312
the merits is rendered by the court. 12313

(G) Nothing in this section shall be construed as limiting 12314
the power of the ~~commission~~ division to issue bonds pursuant to 12315
section ~~4981.15~~ 5501.644 of the Revised Code for the purposes 12316
stated in that section. 12317

Sec. ~~4981.09~~ 5501.66. There is hereby created in the state 12318
treasury the rail development fund. The fund shall consist of such 12319
moneys as may be provided by law, including moneys received from 12320
the sale, transfer, or lease of any rail property pursuant to 12321
section ~~4981.08~~ 5501.612 of the Revised Code. Moneys in the fund 12322

shall be used for the purpose of acquiring, rehabilitating, or 12323
developing rail property or service, or for participation in the 12324
acquisition of rail property with the federal government, 12325
municipal corporations, townships, counties, or other governmental 12326
agencies. For the purpose of acquiring such rail property, the 12327
~~Ohio rail development commission~~ division of freight may obtain 12328
acquisition loans from the federal government or from any other 12329
source. 12330

The fund shall also be used to promote, plan, design, 12331
construct, operate, and maintain passenger and freight rail 12332
transportation systems, and may be used to pay the administrative 12333
costs of the ~~Ohio rail development commission~~ division of freight 12334
associated with conducting any authorized rail program, and for 12335
any purpose authorized by sections ~~4981.03~~ and 5501.56 and 12336
5501.581 of the Revised Code. The fund shall not be used to 12337
provide loan guarantees. 12338

Sec. ~~4981.091~~ 5501.661. There is hereby created in the state 12339
treasury the federal rail fund. The fund shall consist of money 12340
received pursuant to section ~~4981.08~~ 5501.612 of the Revised Code 12341
and such other money as may be provided by law. The fund shall be 12342
used to acquire, rehabilitate, or develop rail property or 12343
service; to participate in the acquisition of rail property with 12344
the federal government, municipal corporations, townships, 12345
counties, or other governmental agencies; and to promote, plan, 12346
design, construct, operate, and maintain passenger and freight 12347
rail transportation systems. The fund also may be used to pay the 12348
administrative costs of the ~~Ohio rail development commission~~ 12349
division of freight associated with conducting any authorized rail 12350
program, and for any purpose authorized by sections ~~4981.03~~ and 12351
5501.56 and 5501.581 of the Revised Code. The fund shall not be 12352
used to provide loan guarantees. Investment earnings on moneys 12353
credited to the fund shall be retained by the fund. 12354

In acquiring rail property, the ~~Ohio rail development~~ 12355
~~commission~~ division of freight may obtain acquisition loans from 12356
the federal government or from any other source. 12357

Sec. 5502.03. (A) There is hereby created in the department 12358
of public safety a division of homeland security. 12359

(B) The division shall do all of the following: 12360

(1) Coordinate all homeland security activities of all state 12361
agencies and be the liaison between state agencies and local 12362
entities for the purposes of communicating homeland security 12363
funding and policy initiatives; 12364

(2) Collect, analyze, maintain, and disseminate information 12365
to support local, state, and federal law enforcement agencies, 12366
other government agencies, and private organizations in detecting, 12367
deterring, preventing, preparing for, responding to, and 12368
recovering from threatened or actual terrorist events. This 12369
information is not a public record pursuant to section 149.43 of 12370
the Revised Code. 12371

(3) Coordinate efforts of state and local governments and 12372
private organizations to enhance the security and protection of 12373
critical infrastructure, including casino facilities, and key 12374
assets in this state; 12375

(4) Develop and coordinate policies, protocols, and 12376
strategies that may be used to prevent, detect, prepare for, 12377
respond to, and recover from terrorist acts or threats; 12378

(5) Develop, update, and coordinate the implementation of an 12379
Ohio homeland security strategic plan that will guide state and 12380
local governments in the achievement of homeland security in this 12381
state. 12382

(C) The director of public safety shall appoint an executive 12383
director, who shall be head of the division of homeland security 12384

and who regularly shall advise the governor and the director on 12385
matters pertaining to homeland security. The executive director 12386
shall serve at the pleasure of the director of public safety. To 12387
carry out the duties assigned under this section, the executive 12388
director, subject to the direction and control of the director of 12389
public safety, may appoint and maintain necessary staff and may 12390
enter into any necessary agreements. 12391

(D) Except as otherwise provided by law, nothing in this 12392
section shall be construed to give the director of public safety 12393
or the executive director of the division of homeland security 12394
authority over the incident management structure or 12395
responsibilities of local emergency response personnel. 12396

~~(E) There is hereby created in the state treasury the 12397
homeland security fund. The fund shall consist of sixty cents of 12398
each fee collected under sections 4501.34, 4503.26, 4506.08, and 12399
4509.05 of the Revised Code as specified in those sections, plus 12400
on and after October 1, 2009, sixty cents of each fee collected 12401
under sections 4505.14 and 4519.63 of the Revised Code as 12402
specified in those sections. The fund shall be used to pay the 12403
expenses of administering the law relative to the powers and 12404
duties of the executive director of the division of homeland 12405
security, except that the director of budget and management may 12406
transfer excess money from the homeland security fund to the state 12407
highway safety fund if the director of public safety determines 12408
that the amount of money in the homeland security fund exceeds the 12409
amount required to cover such costs incurred by the division of 12410
homeland security and requests the director of budget and 12411
management to make the transfer. 12412~~

Sec. 5502.39. There is hereby created in the state treasury 12413
the emergency management agency service and reimbursement fund. 12414
The fund shall consist of ~~one dollar and twenty five cents of each~~ 12415

~~fee collected under sections 4501.34, 4503.26, 4506.08, and 12416~~
~~4509.05 of the Revised Code as specified in those sections, plus 12417~~
~~on and after October 1, 2009, one dollar and twenty five cents of 12418~~
~~each fee collected under sections 4505.14 and 4519.63 of the 12419~~
~~Revised Code as specified in those sections, and the money 12420~~
collected under sections 5502.21 to 5502.38 of the Revised Code. 12421
All money in the fund shall be used to pay the costs of 12422
administering programs of the emergency management agency, ~~except 12423~~
~~that the director of budget and management may transfer excess 12424~~
~~money from the emergency management agency service and 12425~~
~~reimbursement fund to the state highway safety fund if the 12426~~
~~director of public safety determines that the amount of money in 12427~~
~~the emergency management agency service and reimbursement fund 12428~~
~~exceeds the amount required to cover such costs incurred by the 12429~~
~~emergency management agency and requests the director of budget 12430~~
and management to make the transfer. 12431

Sec. 5502.67. There is hereby created in the state treasury 12432
the justice program services fund. The fund shall consist of the 12433
court costs designated for the fund pursuant to section 2949.094 12434
of the Revised Code, ~~twenty five cents of each fee collected under 12435~~
~~sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised 12436~~
~~Code as specified in those sections, plus on and after October 1, 12437~~
~~2009, twenty five cents of each fee collected under sections 12438~~
~~4505.14 and 4519.63 of the Revised Code as specified in those 12439~~
~~sections, and all money collected by the division of criminal 12440~~
justice services for nonfederal purposes, including subscription 12441
fees for participating in the Ohio incident-based reporting system 12442
under division (C) of section 5502.62 of the Revised Code, unless 12443
otherwise designated by law. The justice program services fund 12444
shall be used to pay costs of administering the operations of the 12445
division of criminal justice services, ~~except that the director of 12446~~

~~budget and management may transfer excess money from the justice 12447
program services fund to the state highway safety fund if the 12448
director of public safety determines that the amount of money in 12449
the justice program services fund exceeds the amount required to 12450
cover such costs incurred by the office of criminal justice 12451
services and requests the director of budget and management to 12452
make the transfer. 12453~~

Sec. 5512.05. In performing its duty to develop the project 12454
selection process, and list of projects, the transportation review 12455
advisory council ~~shall~~ may conduct ~~no more than six~~ public 12456
hearings ~~per year~~ at various locations around the state. At the 12457
hearings, the council shall accept public comment related to the 12458
project selection process, and on the merits of major new 12459
transportation projects. Members of the council shall attend the 12460
hearings in person. 12461

Sec. 5512.07. (A) There is hereby created the transportation 12462
review advisory council. No member of the general assembly shall 12463
be a member of the council. The council shall consist of nine 12464
members, one of whom is the director of transportation. Six 12465
members shall be appointed by the governor with the advice and 12466
consent of the senate. One member shall be appointed by the 12467
speaker of the house of representatives and one member shall be 12468
appointed by the president of the senate. In making their 12469
appointments, the governor, the speaker of the house of 12470
representatives, and the president of the senate shall consult 12471
with each other so that of the total number of eight appointed 12472
members, at least two are affiliated with the major political 12473
party not represented by the governor. In making the governor's 12474
appointments, the governor shall appoint persons who reside in 12475
different geographic areas of the state. Within ninety days after 12476
June 30, 1997, the governor, speaker, and president shall make the 12477

initial appointments to the council. 12478

Appointed members shall have no conflict of interest with the 12479
position. For purposes of this section, "conflict of interest" 12480
means taking any action that violates any provision of Chapter 12481
102. or 2921. of the Revised Code. 12482

Each of the members the governor appoints shall have 12483
experience ~~either~~ in the area of transportation ~~or in that of,~~ 12484
business or economic development, or rail economic development. 12485

One such member shall be selected from a list of five names 12486
provided by the Ohio public expenditure council. 12487

(B) Of the governor's initial appointments made to the 12488
council, one shall be for a term ending one year after June 30, 12489
1997, one shall be for a term ending two years after June 30, 12490
1997, one shall be for a term ending four years after June 30, 12491
1997, and one shall be for a term ending five years after June 30, 12492
1997. Within ninety days after September 16, 1998, the governor 12493
shall make two appointments to the council. Of these appointments, 12494
one shall be for a term ending June 30, 2001, and one shall be for 12495
a term ending June 30, 2002. The speaker's and president's initial 12496
appointments made to the council shall be for a term ending three 12497
years after June 30, 1997. Thereafter, all terms of office, 12498
including the terms for those persons who are appointed to succeed 12499
the persons whose appointments are made within ninety days after 12500
September 16, 1998, shall be for five years, with each term ending 12501
on the same day of the same month as did the term that it 12502
succeeds. Each member shall hold office from the date of 12503
appointment until the end of the term for which the member was 12504
appointed. Members may be reappointed. Vacancies shall be filled 12505
in the manner provided for original appointments. Any member 12506
appointed to fill another member's unexpired term shall hold 12507
office for the remainder of that unexpired term. A member shall 12508
continue in office subsequent to the expiration of the member's 12509

term until the member's successor takes office. 12510

(C) The director of transportation is the chairperson of the 12511
council. 12512

Sec. 5516.15. Any fees or fines collected under this chapter 12513
shall be deposited into the state treasury to the credit of the 12514
highway operating fund created in section 5735.291 of the Revised 12515
Code to be used by the director of transportation solely for 12516
purposes of enforcing and administering the requirements 12517
established under this chapter. 12518

Sec. 5519.01. If the director of transportation is unable to 12519
purchase property for any purpose related to highways, roads, or 12520
bridges authorized by Chapters 5501., 5503., 5511., 5513., 5515., 12521
5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 5529., 12522
5531., 5533., and 5535. of the Revised Code, or, ~~if the Ohio rail 12523~~
~~development commission is unable to purchase property for any 12524~~
purpose necessary for the implementation of rail service under 12525
~~Chapter 4981. sections 5501.57 to 5501.661~~ of the Revised Code, 12526
the director shall issue, ~~or the commission shall enter on the 12527~~
~~records of the commission,~~ a finding that it is necessary, for the 12528
public convenience and welfare, to appropriate such property as 12529
the director ~~or commission~~ considers needed for such purposes. The 12530
finding shall contain a definite, accurate, and detailed 12531
description of the property, and the name and place of residence, 12532
if known or with reasonable diligence ascertainable, of the owner 12533
of the property appropriated. ~~The commission shall submit to the 12534~~
~~director a copy of its record finding that the appropriation of 12535~~
~~property is necessary. The commission shall not proceed with the 12536~~
~~appropriation unless it is first approved by the director. 12537~~

The director ~~or commission~~, in such finding, shall fix what 12538
the director ~~or commission~~ considers to be the value of such 12539

property appropriated, together with damages to the residue, and 12540
deposit the value thereof, together with the damages, with the 12541
probate court or the court of common pleas of the county within 12542
which the property, or a part thereof, is situated. The power to 12543
appropriate property for any purpose authorized by such chapters 12544
shall be exercised in the manner provided in sections 163.01 to 12545
163.22 of the Revised Code. 12546

Any instrument by which real property is acquired pursuant to 12547
this section shall identify the agency of the state that has the 12548
use and benefit of the real property as specified in section 12549
5301.012 of the Revised Code. 12550

Sec. 5528.31. Notes as used in section 5528.30 and this 12551
section of the Revised Code includes notes issued in anticipation 12552
of the issuance of bonds, which notes may be renewed from time to 12553
time, and which renewal notes and bonds issued to fund other 12554
obligations, shall not be counted against the aggregate principal 12555
amount of highway obligations which may be issued in any calendar 12556
year or which may be outstanding at any one time under authority 12557
of Section 2i of Article VIII, Ohio Constitution. 12558

If notes are issued in anticipation of bonds, the 12559
commissioners of the sinking fund shall issue bonds to retire such 12560
notes at their maturity unless the commissioners have provided for 12561
such retirement from the proceeds of renewal notes issued in 12562
anticipation of bonds, ~~or moneys to be available on the maturity~~ 12563
~~date in the highway obligations bond retirement fund created by~~ 12564
~~section 5528.32 of the Revised Code, or both. So long as any notes~~ 12565
~~are outstanding and while any bonds are outstanding there shall be~~ 12566
~~paid annually into the highway obligations bond retirement fund~~ 12567
~~from the excises, taxes, and fees authorized for payment of~~ 12568
~~highway obligations at least two and one half per cent of the~~ 12569
~~total amount of such notes or bonds and such amounts paid with~~ 12570

~~respect to such notes or bonds in anticipation of which such notes 12571
have been issued shall be used only for the payment of principal 12572
of such notes or of bonds in anticipation of which such notes have 12573
been issued, and such amounts paid with respect to bonds for which 12574
anticipatory notes have not been issued shall be used only for the 12575
payment of principal of bonds, but provided that such annual 12576
payments shall be fixed so that the total amount thereof shall be 12577
sufficient to provide for the retirement of such notes or bonds 12578
within a period of thirty years from the date the debt was 12579
originally contracted. For the purpose only of determining the 12580
amounts and times of such payments into such bond retirement fund 12581
while such notes or bonds are outstanding the commissioners of the 12582
sinking fund in its resolution authorizing the issuance of such 12583
notes or bonds shall set forth a schedule of annual payments and 12584
the annual payment dates the first of which shall be no later than 12585
eighteen months after the date of issuance of such notes or bonds, 12586
and the annual payments shall be fixed in such schedule so that 12587
each annual payment is at least two and one half per cent of the 12588
total amount of such bonds or notes and so that the the total 12589
amount of such annual payments shall be sufficient to provide for 12590
the retirement of such notes or bonds within a period of thirty 12591
years from the date the debt was originally contracted. 12592~~

Sec. 5528.40. Upon the payment in full of all interest, 12593
principal, and charges for the retirement of all highway 12594
obligations issued pursuant to Section 2i of Article VIII, Ohio 12595
Constitution, and sections 5528.30 and 5528.31 of the Revised 12596
Code, the commissioners of the sinking fund shall make a 12597
certification of such fact to the clerk of the senate, the clerk 12598
of the house of representatives, and the treasurer of state. 12599

~~Upon receipt of such certification the treasurer of state 12600
shall transfer all moneys then remaining to the credit of the 12601
highway obligations bond retirement fund, created by section 12602~~

~~5528.32 of the Revised Code, to the highway operating fund.~~ 12603

Sec. 5531.08. (A) In order to expedite a highway project 12604
involving the expenditure of federal and state funds and to 12605
utilize all privileges provided by the "Intermodal Surface 12606
Transportation Efficiency Act of 1991," 105 Stat. 1914, 49 12607
U.S.C.A. 101, the director of transportation may designate a 12608
project team for the purposes of certifying design review and 12609
performing field and office inspections and cost estimates, on 12610
behalf of the federal highway administration. 12611

(B)(1) Upon a written determination by the director that it 12612
would be in the best interests of the traveling public, the 12613
director, upon the written request of a county, township, or 12614
municipal corporation, may utilize moneys in the highway operating 12615
fund created by section 5735.291 of the Revised Code to pay that 12616
portion of the construction cost of a highway project which the 12617
county, township, or municipal corporation normally would be 12618
required to pay. 12619

(2) The director shall not utilize moneys in the highway 12620
operating fund for a highway project in the manner described in 12621
division (B)(1) of this section unless all of the following apply: 12622

(a) The preliminary engineering design of the project is 12623
complete, all necessary rights-of-way have been obtained, and all 12624
federal, state, and local environmental studies and permits have 12625
been performed or obtained; 12626

(b) The director of transportation has submitted the proposed 12627
project to the director of development for an evaluation of the 12628
potential economic benefit to the area. The county, township, or 12629
municipal corporation certifies to the director of development 12630
that the project will create not less than five permanent living 12631
wage jobs. This requirement shall be fulfilled during the 12632
three-year period following the completion date of the project, 12633

and the county, township, or municipal corporation may define the 12634
geographic area within which the jobs will be created. 12635

(c) The quotient resulting from the division of the total 12636
amount of moneys utilized to cover the portion of the construction 12637
cost of the highway project that a county, township, or municipal 12638
corporation would normally be required to pay, divided by the 12639
number of permanent living wage jobs certified to the director of 12640
development by the county, township, or municipal corporation 12641
pursuant to division (B)(2)(b) of this section is less than or 12642
equal to ten thousand dollars. 12643

(C) Upon a written determination by the director of 12644
transportation that it would be in the best interests of the 12645
traveling public, the director, upon the written request of a 12646
county, township, or municipal corporation, may declare a waiver 12647
of that portion of the ~~construction~~ cost of a highway project 12648
which the county, township, or municipal corporation normally 12649
would be required to pay. 12650

~~The director shall not declare a waiver described in this 12651
division for a highway project unless, prior to the declaration, 12652
the preliminary engineering design of the project is complete, all 12653
necessary rights of way have been obtained, and all federal, 12654
state, and local environmental studies and permits have been 12655
performed or obtained. 12656~~

(D) The director of development shall do all of the 12657
following: 12658

(1) Review all requests submitted by a county, township, or 12659
municipal corporation to the director of transportation pursuant 12660
to division (B) of this section for the expenditure of moneys from 12661
the highway operating fund; 12662

(2) Submit ~~its~~ findings and recommendations to the director 12663
of transportation upon completion of the review process; 12664

(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
transportation service and metropolitan planning organizations.
These funds may be used for such purposes as alleviating traffic
congestion or improving air quality in nonattainment areas of the
state as defined by the "Clean Air Act of 1990," 104 Stat. 2399,
42 U.S.C.A. 7401. The funds also may be used to acquire or
construct park-and-ride facilities, to purchase traffic devices to
improve vehicular flow, and for other travel demand management
activities that meet the mandates of the Clean Air Act in
nonattainment areas of the state.

(F) As used in this section, "living wage job" means an
employment position paying an annual average gross wage amount per
full-time person of not less than twenty thousand dollars per
year.

Sec. 5531.30. (A)(1) The director of transportation may enter
into agreements and cooperate with the United States department of
transportation, or any other appropriate federal agency as
provided in 23 U.S.C. 325 to 327 and as authorized under the
"Moving Ahead for Progress in the 21st Century Act (MAP-21)," 126
Stat. 405 (2012); the "Safe, Accountable, Flexible, Efficient
Transportation Equity Act: A Legacy for Users (SAFETEA-LU)," 119

Stat. 1144 (2005); and the "National Environmental Policy Act of 12696
1969," 83 Stat. 852 (1970). Pursuant to such an agreement the 12697
director may assume certain responsibilities of the secretary of 12698
the United States department of transportation, and take any other 12699
actions required by any such agreement or by such federal laws. 12700

(2) The director may adopt any rules necessary to implement 12701
an agreement pursuant to division (A) of this section and carry 12702
out any duties imposed under such an agreement. 12703

(3) The director may make expenditures of money in connection 12704
with an agreement authorized under division (A)(1) of this section 12705
from any funds of the department of transportation that are 12706
available to the director. 12707

(B) Notwithstanding Chapter 2743. of the Revised Code, this 12708
state hereby waives its immunity from civil liability, including 12709
the immunity from suit in a federal court under the eleventh 12710
amendment to the United States Constitution, and consents to the 12711
jurisdiction of the federal courts over its civil liability with 12712
regard to the compliance, discharge, or enforcement of the 12713
responsibilities assumed under division (A) of this section in 12714
accordance with the same procedural and substantive requirements 12715
applicable to a suit against a federal agency. Division (B) of 12716
this section applies only to actions that are authorized under 12717
division (A) of this section and does not create liability that 12718
exceeds the liability created under 23 U.S.C. 325 to 327. 12719

Sec. 5533.261. That portion of the road known as interstate 12720
route six hundred seventy, running in an easterly and westerly 12721
direction, through the municipal corporation of Columbus in 12722
Franklin county, between fourth street and interstate route 12723
seventy, shall be known as the "Dana G. 'Buck' Rinehart Memorial 12724
Highway." 12725

The director of transportation may erect suitable markers 12726
along the highway indicating its name. 12727

~~Sec. 5534.04. That portion of the road known as interstate~~ 12728
~~route seventy six, commencing at the intersection of that road and~~ 12729
~~interstate route eighty and proceeding in a southeasterly~~ 12730
~~direction to the intersection of that road and state route eleven~~ 12731
~~in Mahoning county~~ In addition to any other name prescribed in the 12732
Revised Code or otherwise, that portion of the road known as 12733
interstate route number eighty, commencing at the interchange of 12734
that interstate route and interstate route number seventy-six and 12735
proceeding in an easterly direction to the interchange of 12736
interstate route eighty and interstate route number six hundred 12737
eighty, within Mahoning county only, shall be known as the "Marine 12738
Sergeant James Prommersberger and Army Second Lieutenant Charles 12739
W. Brown Memorial Highway." 12740

The director of transportation may erect suitable markers 12741
along the highway indicating its name. 12742

~~Sec. 5537.16. (A) The~~ Subject to division (C) of this 12743
section, the Ohio turnpike and infrastructure commission may adopt 12744
such bylaws and rules as it considers advisable for the control 12745
and regulation of traffic on any turnpike project, for the 12746
protection and preservation of property under its jurisdiction and 12747
control, for the maintenance and preservation of good order within 12748
the property under its control, and for the purpose of 12749
establishing owner or operator liability for failure to comply 12750
with toll collection rules. The rules of the commission with 12751
respect to the speed, use of special engine brakes, axle loads, 12752
vehicle loads, and vehicle dimensions of vehicles on turnpike 12753
projects, including the issuance of a special permit by the 12754
commission to allow the operation on any turnpike project of a 12755
motor vehicle transporting two or fewer steel coils, shall apply 12756

notwithstanding sections 4511.21 to 4511.24, 4513.34, and Chapter 12757
5577. of the Revised Code. Such bylaws and rules shall be 12758
published in a newspaper of general circulation in Franklin 12759
county, and in such other manner as the commission prescribes. 12760

(B) Such rules shall provide that public police officers 12761
shall be afforded ready access, while in the performance of their 12762
official duty, to all property under the jurisdiction of the 12763
commission and without the payment of tolls. 12764

(C)(1) It is prima facie lawful for operators of any motor 12765
vehicle to operate the vehicle at a speed not exceeding 12766
seventy-five miles per hour at all times on all rural portions of 12767
a turnpike project. 12768

(2) No person shall operate a motor vehicle at a speed 12769
exceeding seventy-five miles per hour upon a turnpike project as 12770
provided in division (C)(1) of this section. 12771

(3)(a) If the commission determines that the speed limit of 12772
seventy-five miles per hour at a location on a rural portion of a 12773
turnpike project established in division (C)(1) of this section is 12774
greater than is reasonable and safe under the conditions found to 12775
exist at the location, the commission by rule may establish a 12776
reasonable and safe prima facie speed limit of less than 12777
seventy-five miles per hour at that location. The commission shall 12778
erect signs at the location giving notice of the altered speed 12779
limit. 12780

(b) No person shall operate a motor vehicle at a speed 12781
exceeding a speed limit established by the commission pursuant to 12782
division (C)(3)(a) of this section. 12783

(4) As used in division (C)(1) of this section, "rural" has 12784
the same meaning as in division (N) of section 4511.21 of the 12785
Revised Code. 12786

(D) No person shall violate any such bylaws or rules of the 12787

commission. 12788

~~(D)~~(E)(1) All fines collected for the violation of applicable 12789
laws of the state and the bylaws and rules of the commission or 12790
moneys arising from bonds forfeited for such violation shall be 12791
disposed of in accordance with section 5503.04 of the Revised 12792
Code. 12793

(2) All fees or charges assessed by the commission against an 12794
owner or operator of a vehicle as a civil violation for failure to 12795
comply with toll collection or toll evasion rules shall be 12796
revenues of the commission. 12797

Sec. 5537.35. (A) The Ohio turnpike commission shall display 12798
the following flags at each ~~rest area~~ service facility that is 12799
along the turnpike: 12800

(1) The flag of the United States; 12801

(2) The flag of Ohio; 12802

(3) The flag that depicts the profile of a prisoner of war 12803
against the background of a prisoner of war camp watchtower, 12804
commonly known as the POW/MIA flag. 12805

(B) In purchasing flags to comply with division (A) of this 12806
section, the turnpike commission shall, to the maximum extent 12807
possible, conform to the preference requirements of sections 12808
125.09 and 125.11 of the Revised Code and all rules adopted under 12809
those sections to ensure the purchase and use of products made in 12810
Ohio and the United States. 12811

Sec. 5537.99. (A) Except as provided in division (B) of this 12812
section, whoever violates division (C)(2), (3)(b), or (D) of 12813
section 5537.16 of the Revised Code is guilty of a minor 12814
misdemeanor on a first offense; on each subsequent offense such 12815
person is guilty of a misdemeanor of the fourth degree. 12816

(B)(1) Whoever violates division ~~(C)~~(D) of section 5537.16 of 12817
the Revised Code when the violation is a civil violation for 12818
failure to comply with toll collection rules is subject to a fee 12819
or charge established by the commission by rule. 12820

(2) Whoever violates division ~~(C)~~(D) of section 5537.16 of 12821
the Revised Code in regard to allowable axle or vehicle loads 12822
shall be fined in accordance with division (A) of section 5577.99 12823
of the Revised Code. 12824

Sec. 5543.22. Notwithstanding sections 153.65 to 153.71 of 12825
the Revised Code, a county engineer may combine the design and 12826
construction elements of a bridge, highway, or safety project into 12827
a single contract, but only if the cost of the project as bid does 12828
not exceed ~~one~~ five million ~~five hundred thousand~~ dollars. 12829

When required to use competitive bidding, the county engineer 12830
shall award a design-build contract in accordance with sections 12831
307.86 to 307.92 of the Revised Code. In lieu of the requirement 12832
for plans, the county engineer shall prepare and distribute a 12833
scope of work document upon which bidders shall base their bids. 12834

A county engineer may request the director of transportation 12835
to review and comment on the scope of work document or the 12836
construction plans for conformance with state and federal 12837
requirements. If so requested, the director shall review and 12838
comment on the document or plans. 12839

Sec. 5577.044. (A) Notwithstanding sections 5577.02 and 12840
5577.04 of the Revised Code, a vehicle fueled solely by compressed 12841
natural gas or liquid natural gas may exceed by not more than two 12842
thousand pounds the gross vehicle weight provisions of sections 12843
5577.01 to 5577.09 of the Revised Code or the axle load limits of 12844
those sections. 12845

(B) If a vehicle described in division (A) of this section 12846

exceeds the weight provisions of sections 5577.01 to 5577.09 of 12847
the Revised Code by more than the allowance provided for in 12848
division (A) of this section, both of the following apply: 12849

(1) The applicable penalty prescribed in section 5577.99 of 12850
the Revised Code; 12851

(2) The civil liability imposed by section 5577.12 of the 12852
Revised Code. 12853

(C) Division (A) of this section does not apply to the 12854
operation of a vehicle on either of the following: 12855

(1) A highway that is part of the interstate system; 12856

(2) A highway, road, or bridge that is subject to reduced 12857
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 12858
5577.09, or 5591.42 of the Revised Code. 12859

Sec. 5705.19. This section does not apply to school 12860
districts, county school financing districts, or lake facilities 12861
authorities. 12862

The taxing authority of any subdivision at any time and in 12863
any year, by vote of two-thirds of all the members of the taxing 12864
authority, may declare by resolution and certify the resolution to 12865
the board of elections not less than ninety days before the 12866
election upon which it will be voted that the amount of taxes that 12867
may be raised within the ten-mill limitation will be insufficient 12868
to provide for the necessary requirements of the subdivision and 12869
that it is necessary to levy a tax in excess of that limitation 12870
for any of the following purposes: 12871

(A) For current expenses of the subdivision, except that the 12872
total levy for current expenses of a detention facility district 12873
or district organized under section 2151.65 of the Revised Code 12874
shall not exceed two mills and that the total levy for current 12875
expenses of a combined district organized under sections 2151.65 12876

and 2152.41 of the Revised Code shall not exceed four mills;	12877
(B) For the payment of debt charges on certain described	12878
bonds, notes, or certificates of indebtedness of the subdivision	12879
issued subsequent to January 1, 1925;	12880
(C) For the debt charges on all bonds, notes, and	12881
certificates of indebtedness issued and authorized to be issued	12882
prior to January 1, 1925;	12883
(D) For a public library of, or supported by, the subdivision	12884
under whatever law organized or authorized to be supported;	12885
(E) For a municipal university, not to exceed two mills over	12886
the limitation of one mill prescribed in section 3349.13 of the	12887
Revised Code;	12888
(F) For the construction or acquisition of any specific	12889
permanent improvement or class of improvements that the taxing	12890
authority of the subdivision may include in a single bond issue;	12891
(G) For the general construction, reconstruction,	12892
resurfacing, and repair of streets, roads, and bridges in	12893
municipal corporations, counties, or townships;	12894
(H) For parks and recreational purposes;	12895
(I) For the purpose of providing and maintaining fire	12896
apparatus, appliances, buildings, or sites therefor, or sources of	12897
water supply and materials therefor, or the establishment and	12898
maintenance of lines of fire alarm telegraph, or the payment of	12899
firefighting companies or permanent, part-time, or volunteer	12900
firefighting, emergency medical service, administrative, or	12901
communications personnel to operate the same, including the	12902
payment of any employer contributions required for such personnel	12903
under section 145.48 or 742.34 of the Revised Code, or the	12904
purchase of ambulance equipment, or the provision of ambulance,	12905
paramedic, or other emergency medical services operated by a fire	12906

department or firefighting company;	12907
(J) For the purpose of providing and maintaining motor	12908
vehicles, communications, other equipment, buildings, and sites	12909
for such buildings used directly in the operation of a police	12910
department, or the payment of salaries of permanent or part-time	12911
police, communications, or administrative personnel to operate the	12912
same, including the payment of any employer contributions required	12913
for such personnel under section 145.48 or 742.33 of the Revised	12914
Code, or the payment of the costs incurred by townships as a	12915
result of contracts made with other political subdivisions in	12916
order to obtain police protection, or the provision of ambulance	12917
or emergency medical services operated by a police department;	12918
(K) For the maintenance and operation of a county home or	12919
detention facility;	12920
(L) For community mental retardation and developmental	12921
disabilities programs and services pursuant to Chapter 5126. of	12922
the Revised Code, except that the procedure for such levies shall	12923
be as provided in section 5705.222 of the Revised Code;	12924
(M) For regional planning;	12925
(N) For a county's share of the cost of maintaining and	12926
operating schools, district detention facilities, forestry camps,	12927
or other facilities, or any combination thereof, established under	12928
section 2151.65 or 2152.41 of the Revised Code or both of those	12929
sections;	12930
(O) For providing for flood defense, providing and	12931
maintaining a flood wall or pumps, and other purposes to prevent	12932
floods;	12933
(P) For maintaining and operating sewage disposal plants and	12934
facilities;	12935
(Q) For the purpose of purchasing, acquiring, constructing,	12936

enlarging, improving, equipping, repairing, maintaining, or	12937
operating, or any combination of the foregoing, a county transit	12938
system pursuant to sections 306.01 to 306.13 of the Revised Code,	12939
or of making any payment to a board of county commissioners	12940
operating a transit system or a county transit board pursuant to	12941
section 306.06 of the Revised Code;	12942
(R) For the subdivision's share of the cost of acquiring or	12943
constructing any schools, forestry camps, detention facilities, or	12944
other facilities, or any combination thereof, under section	12945
2151.65 or 2152.41 of the Revised Code or both of those sections;	12946
(S) For the prevention, control, and abatement of air	12947
pollution;	12948
(T) For maintaining and operating cemeteries;	12949
(U) For providing ambulance service, emergency medical	12950
service, or both;	12951
(V) For providing for the collection and disposal of garbage	12952
or refuse, including yard waste;	12953
(W) For the payment of the police officer employers'	12954
contribution or the firefighter employers' contribution required	12955
under sections 742.33 and 742.34 of the Revised Code;	12956
(X) For the construction and maintenance of a drainage	12957
improvement pursuant to section 6131.52 of the Revised Code;	12958
(Y) For providing or maintaining senior citizens services or	12959
facilities as authorized by section 307.694, 307.85, 505.70, or	12960
505.706 or division (EE) of section 717.01 of the Revised Code;	12961
(Z) For the provision and maintenance of zoological park	12962
services and facilities as authorized under section 307.76 of the	12963
Revised Code;	12964
(AA) For the maintenance and operation of a free public	12965
museum of art, science, or history;	12966

(BB) For the establishment and operation of a 9-1-1 system,	12967
as defined in section 128.01 of the Revised Code;	12968
(CC) For the purpose of acquiring, rehabilitating, or	12969
developing rail property or rail service. As used in this	12970
division, "rail property" and "rail service" have the same	12971
meanings as in section 4981.01 <u>5501.57</u> of the Revised Code. This	12972
division applies only to a county, township, or municipal	12973
corporation.	12974
(DD) For the purpose of acquiring property for, constructing,	12975
operating, and maintaining community centers as provided for in	12976
section 755.16 of the Revised Code;	12977
(EE) For the creation and operation of an office or joint	12978
office of economic development, for any economic development	12979
purpose of the office, and to otherwise provide for the	12980
establishment and operation of a program of economic development	12981
pursuant to sections 307.07 and 307.64 of the Revised Code, or to	12982
the extent that the expenses of a county land reutilization	12983
corporation organized under Chapter 1724. of the Revised Code are	12984
found by the board of county commissioners to constitute the	12985
promotion of economic development, for the payment of such	12986
operations and expenses;	12987
(FF) For the purpose of acquiring, establishing,	12988
constructing, improving, equipping, maintaining, or operating, or	12989
any combination of the foregoing, a township airport, landing	12990
field, or other air navigation facility pursuant to section 505.15	12991
of the Revised Code;	12992
(GG) For the payment of costs incurred by a township as a	12993
result of a contract made with a county pursuant to section	12994
505.263 of the Revised Code in order to pay all or any part of the	12995
cost of constructing, maintaining, repairing, or operating a water	12996
supply improvement;	12997

(HH) For a board of township trustees to acquire, other than 12998
by appropriation, an ownership interest in land, water, or 12999
wetlands, or to restore or maintain land, water, or wetlands in 13000
which the board has an ownership interest, not for purposes of 13001
recreation, but for the purposes of protecting and preserving the 13002
natural, scenic, open, or wooded condition of the land, water, or 13003
wetlands against modification or encroachment resulting from 13004
occupation, development, or other use, which may be styled as 13005
protecting or preserving "greenspace" in the resolution, notice of 13006
election, or ballot form. Except as otherwise provided in this 13007
division, land is not acquired for purposes of recreation, even if 13008
the land is used for recreational purposes, so long as no 13009
building, structure, or fixture used for recreational purposes is 13010
permanently attached or affixed to the land. Except as otherwise 13011
provided in this division, land that previously has been acquired 13012
in a township for these greenspace purposes may subsequently be 13013
used for recreational purposes if the board of township trustees 13014
adopts a resolution approving that use and no building, structure, 13015
or fixture used for recreational purposes is permanently attached 13016
or affixed to the land. The authorization to use greenspace land 13017
for recreational use does not apply to land located in a township 13018
that had a population, at the time it passed its first greenspace 13019
levy, of more than thirty-eight thousand within a county that had 13020
a population, at that time, of at least eight hundred sixty 13021
thousand. 13022

(II) For the support by a county of a crime victim assistance 13023
program that is provided and maintained by a county agency or a 13024
private, nonprofit corporation or association under section 307.62 13025
of the Revised Code; 13026

(JJ) For any or all of the purposes set forth in divisions 13027
(I) and (J) of this section. This division applies only to a 13028
township. 13029

(KK) For a countywide public safety communications system	13030
under section 307.63 of the Revised Code. This division applies	13031
only to counties.	13032
(LL) For the support by a county of criminal justice services	13033
under section 307.45 of the Revised Code;	13034
(MM) For the purpose of maintaining and operating a jail or	13035
other detention facility as defined in section 2921.01 of the	13036
Revised Code;	13037
(NN) For purchasing, maintaining, or improving, or any	13038
combination of the foregoing, real estate on which to hold, and	13039
the operating expenses of, agricultural fairs operated by a county	13040
agricultural society or independent agricultural society under	13041
Chapter 1711. of the Revised Code. This division applies only to a	13042
county.	13043
(OO) For constructing, rehabilitating, repairing, or	13044
maintaining sidewalks, walkways, trails, bicycle pathways, or	13045
similar improvements, or acquiring ownership interests in land	13046
necessary for the foregoing improvements;	13047
(PP) For both of the purposes set forth in divisions (G) and	13048
(OO) of this section.	13049
(QQ) For both of the purposes set forth in divisions (H) and	13050
(HH) of this section. This division applies only to a township.	13051
(RR) For the legislative authority of a municipal	13052
corporation, board of county commissioners of a county, or board	13053
of township trustees of a township to acquire agricultural	13054
easements, as defined in section 5301.67 of the Revised Code, and	13055
to supervise and enforce the easements.	13056
(SS) For both of the purposes set forth in divisions (BB) and	13057
(KK) of this section. This division applies only to a county.	13058
(TT) For the maintenance and operation of a facility that is	13059

organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code. 13060
13061

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized; 13062
13063
13064
13065
13066

(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 1515. of the Revised Code; 13067
13068
13069

(WW) For the OSU extension fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county. 13070
13071
13072
13073

(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of persons within, from, or to the municipal corporation; 13074
13075
13076
13077
13078

(YY) For any combination of the purposes specified in divisions (NN), (VV), and (WW) of this section. This division applies only to a county. 13079
13080
13081

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted. 13082
13083
13084
13085
13086
13087
13088

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in 13089
13090

rate, and the number of years during which the increase in rate 13091
shall be in effect, which may or may not include a levy upon the 13092
duplicate of the current year. The number of years may be any 13093
number not exceeding five, except as follows: 13094

(1) When the additional rate is for the payment of debt 13095
charges, the increased rate shall be for the life of the 13096
indebtedness. 13097

(2) When the additional rate is for any of the following, the 13098
increased rate shall be for a continuing period of time: 13099

(a) For the current expenses for a detention facility 13100
district, a district organized under section 2151.65 of the 13101
Revised Code, or a combined district organized under sections 13102
2151.65 and 2152.41 of the Revised Code; 13103

(b) For providing a county's share of the cost of maintaining 13104
and operating schools, district detention facilities, forestry 13105
camps, or other facilities, or any combination thereof, 13106
established under section 2151.65 or 2152.41 of the Revised Code 13107
or under both of those sections. 13108

(3) When the additional rate is for either of the following, 13109
the increased rate may be for a continuing period of time: 13110

(a) For the purposes set forth in division (I), (J), (U), or 13111
(KK) of this section; 13112

(b) For the maintenance and operation of a joint recreation 13113
district. 13114

(4) When the increase is for the purpose or purposes set 13115
forth in division (D), (G), (H), (Z), (CC), or (PP) of this 13116
section, the tax levy may be for any specified number of years or 13117
for a continuing period of time, as set forth in the resolution. 13118

A levy for one of the purposes set forth in division (G), 13119
(I), (J), or (U) of this section may be reduced pursuant to 13120

section 5705.261 or 5705.31 of the Revised Code. A levy for one of 13121
the purposes set forth in division (G), (I), (J), or (U) of this 13122
section may also be terminated or permanently reduced by the 13123
taxing authority if it adopts a resolution stating that the 13124
continuance of the levy is unnecessary and the levy shall be 13125
terminated or that the millage is excessive and the levy shall be 13126
decreased by a designated amount. 13127

A resolution of a detention facility district, a district 13128
organized under section 2151.65 of the Revised Code, or a combined 13129
district organized under both sections 2151.65 and 2152.41 of the 13130
Revised Code may include both current expenses and other purposes, 13131
provided that the resolution shall apportion the annual rate of 13132
levy between the current expenses and the other purpose or 13133
purposes. The apportionment need not be the same for each year of 13134
the levy, but the respective portions of the rate actually levied 13135
each year for the current expenses and the other purpose or 13136
purposes shall be limited by the apportionment. 13137

Whenever a board of county commissioners, acting either as 13138
the taxing authority of its county or as the taxing authority of a 13139
sewer district or subdistrict created under Chapter 6117. of the 13140
Revised Code, by resolution declares it necessary to levy a tax in 13141
excess of the ten-mill limitation for the purpose of constructing, 13142
improving, or extending sewage disposal plants or sewage systems, 13143
the tax may be in effect for any number of years not exceeding 13144
twenty, and the proceeds of the tax, notwithstanding the general 13145
provisions of this section, may be used to pay debt charges on any 13146
obligations issued and outstanding on behalf of the subdivision 13147
for the purposes enumerated in this paragraph, provided that any 13148
such obligations have been specifically described in the 13149
resolution. 13150

A resolution adopted by the legislative authority of a 13151
municipal corporation that is for the purpose in division (XX) of 13152

this section may be combined with the purpose provided in section 13153
306.55 of the Revised Code, by vote of two-thirds of all members 13154
of the legislative authority. The legislative authority may 13155
certify the resolution to the board of elections as a combined 13156
question. The question appearing on the ballot shall be as 13157
provided in section 5705.252 of the Revised Code. 13158

The resolution shall go into immediate effect upon its 13159
passage, and no publication of the resolution is necessary other 13160
than that provided for in the notice of election. 13161

When the electors of a subdivision or, in the case of a 13162
qualifying library levy for the support of a library association 13163
or private corporation, the electors of the association library 13164
district, have approved a tax levy under this section, the taxing 13165
authority of the subdivision may anticipate a fraction of the 13166
proceeds of the levy and issue anticipation notes in accordance 13167
with section 5705.191 or 5705.193 of the Revised Code. 13168

Sec. 5728.08. Except as provided in section 5728.03 of the 13169
Revised Code and except as otherwise provided in division (A) of 13170
section 5728.06 of the Revised Code, whoever is liable for the 13171
payment of the tax levied by section 5728.06 of the Revised Code, 13172
on or before the last day of each January, April, July, and 13173
October, shall file with the tax commissioner, on forms prescribed 13174
by the commissioner, a fuel use tax return and make payment of the 13175
full amount of the tax due for the operation of each commercial 13176
car and commercial tractor for the preceding three calendar 13177
months. 13178

The commissioner shall immediately forward to the treasurer 13179
of state all money received from the tax levied by section 5728.06 13180
of the Revised Code. 13181

The treasurer of state shall place to the credit of the tax 13182
refund fund created by section 5703.052 of the Revised Code, out 13183

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~~ 13217
~~payments of interest, principal, and charges for the retirement of~~ 13218
~~bonds and other obligations issued pursuant to Section 2i of~~ 13219
~~Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31~~ 13220
~~of the Revised Code due and payable during the current calendar~~ 13221
~~year and during the following calendar year. From the date of the~~ 13222
~~receipt of the certification required by section 5528.38 of the~~ 13223
~~Revised Code by the treasurer of state until the thirty first day~~ 13224
~~of December of the calendar year in which the certification is~~ 13225
~~made, all~~ All moneys received in the state treasury from taxes 13226
levied under section 5728.06 of the Revised Code and fees assessed 13227
under section 5728.03 of the Revised Code that are not required to 13228
be placed to the credit of the tax refund fund as provided by this 13229
section shall be credited to the highway operating fund created by 13230
section 5735.291 of the Revised Code, except as provided by the 13231
following paragraph of this section. 13232

From the date of the receipt by the treasurer of state of 13233
~~certifications~~ certification from the commissioners of the sinking 13234
fund, as required by ~~sections~~ section 5528.18 and ~~5528.39~~ of the 13235
Revised Code, certifying that the moneys to the credit of the 13236
highway improvement bond retirement fund are sufficient to meet in 13237
full all payments of interest, principal, and charges for the 13238
retirement of all bonds and other obligations that may be issued 13239
pursuant to Section 2g of Article VIII, Ohio Constitution, and 13240
sections 5528.10 and 5528.11 of the Revised Code, ~~and to the~~ 13241
~~credit of the highway obligations bond retirement fund are~~ 13242
~~sufficient to meet in full all payments of interest, principal,~~ 13243
~~and charges for the retirement of all obligations issued pursuant~~ 13244
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 13245
~~5528.30 and 5528.31 of the Revised Code, all moneys received in~~ 13246
the state treasury from the taxes levied under section 5728.06 and 13247
fees assessed under section 5728.03 of the Revised Code that are 13248
not required to be placed to the credit of the tax refund fund as 13249

provided by this section, shall be deposited to the credit of the 13250
highway operating fund. 13251

Sec. 5735.23. (A) Out of receipts from the tax levied by 13252
section 5735.05 of the Revised Code, the treasurer of state shall 13253
place to the credit of the tax refund fund established by section 13254
5703.052 of the Revised Code amounts equal to the refunds 13255
certified by the tax commissioner pursuant to sections 5735.13, 13256
5735.14, 5735.141, and 5735.142 of the Revised Code. The treasurer 13257
of state shall then transfer the amount required by section 13258
5735.051 of the Revised Code to the waterways safety fund, the 13259
amount required by section 4907.472 of the Revised Code to the 13260
grade crossing protection fund, and the amount required by section 13261
5735.053 of the Revised Code to the motor fuel tax administration 13262
fund. 13263

(B) Except as provided in division (D) of this section, each 13264
month the balance of the receipts from the tax levied by section 13265
5735.05 of the Revised Code shall be credited, ~~after receipt by~~ 13266
~~the treasurer of state of certification from the commissioners of~~ 13267
~~the sinking fund, as required by section 5528.35 of the Revised~~ 13268
~~Code, that there are sufficient moneys to the credit of the~~ 13269
~~highway obligations bond retirement fund to meet in full all~~ 13270
~~payments of interest, principal, and charges for the retirement of~~ 13271
~~highway obligations issued pursuant to Section 2i of Article VIII,~~ 13272
~~Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised~~ 13273
~~Code due and payable during the current calendar year, as follows:~~ 13274

(1) To the state and local government highway distribution 13275
fund, which is hereby created in the state treasury, an amount 13276
that is the same percentage of the balance to be credited as that 13277
portion of the tax per gallon determined under division (B)(2)(a) 13278
of section 5735.06 of the Revised Code is of the total tax per 13279
gallon determined under divisions (B)(2)(a) and (b) of that 13280

section.	13281
(2) After making the distribution to the state and local government highway distribution fund, the remainder shall be credited as follows:	13282 13283 13284
(a) Thirty per cent to the gasoline excise tax fund for distribution pursuant to division (A)(1) of section 5735.27 of the Revised Code;	13285 13286 13287
(b) Twenty-five per cent to the gasoline excise tax fund for distribution pursuant to division (A)(3) of section 5735.27 of the Revised Code;	13288 13289 13290
(c) Except as provided in division (D) of this section, forty-five per cent to the highway operating fund for distribution pursuant to division (B)(1) of section 5735.27 of the Revised Code.	13291 13292 13293 13294
(C) From the balance in the state and local government highway distribution fund on the last day of each month there shall be paid the following amounts:	13295 13296 13297
(1) To the local transportation improvement program fund created by section 164.14 of the Revised Code, an amount equal to a fraction of the balance in the state and local government highway distribution fund, the numerator of which fraction is one and the denominator of which fraction is that portion of the tax per gallon determined under division (B)(2)(a) of section 5735.06 of the Revised Code;	13298 13299 13300 13301 13302 13303 13304
(2) An amount equal to five cents multiplied by the number of gallons of motor fuel sold at stations operated by the Ohio turnpike and infrastructure commission, such gallonage to be certified by the commission to the treasurer of state not later than the last day of the month following. The funds paid to the commission pursuant to this section shall be expended for the construction, reconstruction, maintenance, and repair of turnpike	13305 13306 13307 13308 13309 13310 13311

projects, except that the funds may not be expended for the 13312
construction of new interchanges. The funds also may be expended 13313
for the construction, reconstruction, maintenance, and repair of 13314
those portions of connecting public roads that serve existing 13315
interchanges and are determined by the commission and the director 13316
of transportation to be necessary for the safe merging of traffic 13317
between the turnpike and those public roads. 13318

The remainder of the balance shall be distributed as follows 13319
on the fifteenth day of the following month: 13320

(a) Ten and seven-tenths per cent shall be paid to municipal 13321
corporations for distribution pursuant to division (A)(1) of 13322
section 5735.27 of the Revised Code and may be used for any 13323
purpose for which payments received under that division may be 13324
used. Through July 15, 2005, the sum of two hundred forty-eight 13325
thousand six hundred twenty-five dollars shall be monthly 13326
subtracted from the amount so computed and credited to the highway 13327
operating fund. Beginning August 15, 2005, the sum of seven 13328
hundred forty-five thousand eight hundred seventy-five dollars 13329
shall be monthly subtracted from the amount so computed and 13330
credited to the highway operating fund. 13331

(b) Five per cent shall be paid to townships for distribution 13332
pursuant to division (A)(5) of section 5735.27 of the Revised Code 13333
and may be used for any purpose for which payments received under 13334
that division may be used. Through July 15, 2005, the sum of 13335
eighty-seven thousand seven hundred fifty dollars shall be monthly 13336
subtracted from the amount so computed and credited to the highway 13337
operating fund. Beginning August 15, 2005, the sum of two hundred 13338
sixty-three thousand two hundred fifty dollars shall be monthly 13339
subtracted from the amount so computed and credited to the highway 13340
operating fund. 13341

(c) Nine and three-tenths per cent shall be paid to counties 13342
for distribution pursuant to division (A)(3) of section 5735.27 of 13343

the Revised Code and may be used for any purpose for which 13344
payments received under that division may be used. Through July 13345
15, 2005, the sum of two hundred forty-eight thousand six hundred 13346
twenty-five dollars shall be monthly subtracted from the amount so 13347
computed and credited to the highway operating fund. Beginning 13348
August 15, 2005, the sum of seven hundred forty-five thousand 13349
eight hundred seventy-five dollars shall be monthly subtracted 13350
from the amount so computed and credited to the highway operating 13351
fund. 13352

(d) Except as provided in division (D) of this section, the 13353
balance shall be transferred to the highway operating fund and 13354
used for the purposes set forth in division (B)(1) of section 13355
5735.27 of the Revised Code. 13356

(D) Monthly from September to February of each fiscal year, 13357
an amount equal to one-sixth of the amount certified in July of 13358
that year by the treasurer of state pursuant to division (Q) of 13359
section 151.01 of the Revised Code shall, from amounts required to 13360
be credited or transferred to the highway operating fund pursuant 13361
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 13362
transferred to the highway capital improvement bond service fund 13363
created in section 151.06 of the Revised Code. If, in any of those 13364
months, the amount available to be credited or transferred to the 13365
bond service fund is less than one-sixth of the amount so 13366
certified, the shortfall shall be added to the amount due the next 13367
succeeding month. Any amount still due at the end of the six-month 13368
period shall be credited or transferred as the money becomes 13369
available, until such time as the office of budget and management 13370
receives certification from the treasurer of state or the 13371
treasurer of state's designee that sufficient money has been 13372
credited or transferred to the bond service fund to meet in full 13373
all payments of debt service and financing costs due during the 13374
fiscal year from that fund. 13375

Sec. 5735.26. The treasurer of state shall place to the 13376
credit of the tax refund fund created by section 5703.052 of the 13377
Revised Code, out of receipts from the tax levied by section 13378
5735.25 of the Revised Code, amounts equal to the refunds 13379
certified by the tax commissioner pursuant to sections 5735.142 13380
and 5735.25 of the Revised Code, which shall be paid from such 13381
fund. The treasurer of state shall then transfer the amount 13382
required by section 5735.051 of the Revised Code to the waterways 13383
safety fund and the amount required by section 5735.053 of the 13384
Revised Code to the motor fuel tax administration fund. 13385

The balance of taxes collected under section 5735.25 of the 13386
Revised Code shall be credited as follows, after the credits to 13387
the tax refund fund and the transfers to the waterways safety fund 13388
and motor fuel tax administration fund, and after receipt by the 13389
treasurer of state of ~~certifications~~ certification from the 13390
commissioners of the sinking fund certifying, as required by 13391
~~sections~~ section 5528.15 and ~~5528.35~~ of the Revised Code, there 13392
are sufficient moneys to the credit of the highway improvement 13393
bond retirement fund to meet in full all payments of interest, 13394
principal, and charges for the retirement of bonds and other 13395
obligations issued pursuant to Section 2g of Article VIII, Ohio 13396
Constitution, and sections 5528.10 and 5528.11 of the Revised Code 13397
due and payable during the current calendar year, ~~and that there~~ 13398
~~are sufficient moneys to the credit of the highway obligations~~ 13399
~~bond retirement fund to meet in full all payments of interest,~~ 13400
~~principal, and charges for the retirement of highway obligations~~ 13401
~~issued pursuant to Section 2i of Article VIII, Ohio Constitution,~~ 13402
~~and sections 5528.30 and 5528.31 of the Revised Code due and~~ 13403
~~payable during the current calendar year:~~ 13404

(A) Sixty-seven and one-half per cent to the highway 13405
operating fund for distribution pursuant to division (B)(2) of 13406
section 5735.27 of the Revised Code; 13407

(B) Seven and one-half per cent to the gasoline excise tax 13408
fund for distribution pursuant to division (A)(2) of such section; 13409

(C) Seven and one-half per cent to the gasoline excise tax 13410
fund for distribution pursuant to division (A)(4) of such section; 13411

(D) Seventeen and one-half per cent to the gasoline excise 13412
tax fund for distribution pursuant to division (A)(5) of such 13413
section. 13414

Sec. 5735.291. (A) The treasurer of state shall place to the 13415
credit of the tax refund fund created by section 5703.052 of the 13416
Revised Code, out of receipts from the tax levied by section 13417
5735.29 of the Revised Code, amounts equal to the refunds 13418
certified by the tax commissioner pursuant to sections 5735.142 13419
and 5735.29 of the Revised Code. The refunds provided for by 13420
sections 5735.142 and 5735.29 of the Revised Code shall be paid 13421
from such fund. The treasurer of state shall then transfer the 13422
amount required by section 5735.051 of the Revised Code to the 13423
waterways safety fund and the amount required by section 5735.053 13424
of the Revised Code to the motor fuel tax administration fund. 13425

The specified portion of the balance of taxes collected under 13426
section 5735.29 of the Revised Code, after the credits to the tax 13427
refund fund and the transfers to the waterways safety fund and the 13428
motor fuel tax administration fund, shall be credited to the 13429
gasoline excise tax fund. Subject to division (B) of this section, 13430
forty-two and eighty-six hundredths per cent of the specified 13431
portion shall be distributed among the municipal corporations 13432
within the state in accordance with division (A)(2) of section 13433
5735.27 of the Revised Code, thirty-seven and fourteen hundredths 13434
per cent of the specified portion shall be distributed among the 13435
counties within the state in accordance with division (A)(3) of 13436
section 5735.27 of the Revised Code, and twenty per cent of the 13437
specified portion shall be combined with twenty per cent of any 13438

amounts transferred from the highway operating fund to the 13439
gasoline excise tax fund through biennial appropriations acts of 13440
the general assembly pursuant to the planned phase-in of a new 13441
source of funding for the state highway patrol, and shall be 13442
distributed among the townships within the state in accordance 13443
with division (A)(5)(b) of section 5735.27 of the Revised Code. 13444
Subject to division (B) of this section, the remainder of the tax 13445
levied by section 5735.29 of the Revised Code after receipt by the 13446
treasurer of state of certifications from the commissioners of the 13447
sinking fund certifying, as required by ~~sections~~ section 5528.15 13448
~~and 5528.35~~ of the Revised Code, that there are sufficient moneys 13449
to the credit of the highway improvement bond retirement fund 13450
created by section 5528.12 of the Revised Code to meet in full all 13451
payments of interest, principal, and charges for the retirement of 13452
bonds and other obligations issued pursuant to Section 2g of 13453
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 13454
of the Revised Code due and payable during the current calendar 13455
year, ~~and that there are sufficient moneys to the credit of the~~ 13456
~~highway obligations bond retirement fund created by section~~ 13457
~~5528.32 of the Revised Code to meet in full all payments of~~ 13458
~~interest, principal, and charges for the retirement of highway~~ 13459
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 13460
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 13461
~~due and payable during the current calendar year,~~ shall be 13462
credited to the highway operating fund, which is hereby created in 13463
the state treasury and shall be used solely for the purposes 13464
enumerated in ~~section~~ sections 5516.15 and 5735.29 of the Revised 13465
Code. All investment earnings of the fund shall be credited to the 13466
fund. 13467

(B)(1) Effective August 15, 2003, prior to the distribution 13468
from the gasoline excise tax fund to municipal corporations of the 13469
forty-two and eighty-six hundredths per cent of the specified 13470
portion as provided in division (A) of this section, the 13471

department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(2) Effective August 15, 2003, prior to the distribution from the gasoline excise tax fund to counties of the thirty-seven and fourteen hundredths per cent of the specified portion as provided in division (A) of this section, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(3) Effective August 15, 2003, prior to crediting any revenue resulting from the tax levied by section 5735.29 of the Revised Code to the highway operating fund, the department of taxation shall deduct thirty-three and one-third per cent of the amount specified in division (A)(5)(c) of section 5735.27 of the Revised Code and use it for distribution to townships pursuant to division (A)(5)(b) of that section.

(C) As used in this section, "specified portion" means all of the following:

(1) Until August 15, 2003, none of the taxes collected under section 5735.29 of the Revised Code;

(2) Effective August 15, 2003, one-eighth of the balance of taxes collected under section 5735.29 of the Revised Code, after the credits to the tax refund fund and the transfers to the waterways safety fund and the motor fuel tax administration fund;

(3) Effective August 15, 2004, one-sixth of the balance of taxes described in division (C)(2) of this section;

(4) Effective August 15, 2005, three-sixteenths of the balance of taxes described in division (C)(2) of this section.

Sec. 5735.30. (A) For the purpose of providing funds to pay 13503
the state's share of the cost of constructing and reconstructing 13504
highways and eliminating railway grade crossings on the major 13505
thoroughfares of the state highway system and urban extensions 13506
thereof, to pay that portion of the construction cost of a highway 13507
project which a county, township, or municipal corporation 13508
normally would be required to pay, but which the director of 13509
transportation, pursuant to division (B) of section 5531.08 of the 13510
Revised Code, determines instead will be paid from moneys in the 13511
highway operating fund, to pay the interest, principal, and 13512
charges on bonds and other obligations issued pursuant to Section 13513
2g of Article VIII, Ohio Constitution, and sections 5528.10 and 13514
5528.11 of the Revised Code, to pay the interest, principal, and 13515
charges on highway obligations issued pursuant to Section 2i of 13516
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 13517
of the Revised Code, to provide revenues for the purposes of 13518
sections 1547.71 to 1547.78 of the Revised Code, and to pay the 13519
expenses of the department of taxation incident to the 13520
administration of the motor fuel laws, a motor fuel excise tax is 13521
hereby imposed on all motor fuel dealers upon their receipt of 13522
motor fuel within the state, at the rate of one cent on each 13523
gallon so received, to be reported, computed, paid, collected, 13524
administered, enforced, refunded, and subject to the same 13525
exemptions and penalties as provided in this chapter of the 13526
Revised Code. 13527

The tax imposed by this section shall be in addition to the 13528
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 13529
Revised Code. 13530

(B) The treasurer of state shall place to the credit of the 13531
tax refund fund created by section 5703.052 of the Revised Code, 13532
out of receipts from the tax levied by this section, amounts equal 13533
to the refunds certified by the tax commissioner pursuant to this 13534

section. The refund provided for by division (A) of this section 13535
shall be paid from such fund. The treasurer shall then transfer 13536
the amount required by section 5735.051 of the Revised Code to the 13537
waterways safety fund and the amount required by section 5735.053 13538
of the Revised Code to the motor fuel tax administration fund. The 13539
balance of taxes for which the liability has become fixed prior to 13540
July 1, 1955, under this section, after the credit to the tax 13541
refund fund, shall be credited to the highway operating fund. 13542

(C)(1) The moneys derived from the tax levied by this 13543
section, after the credit and transfers required by division (B) 13544
of this section, ~~shall,~~ during each calendar year, shall be 13545
credited to the highway improvement bond retirement fund created 13546
by section 5528.12 of the Revised Code, until the commissioners of 13547
the sinking fund certify to the treasurer of state, as required by 13548
section 5528.17 of the Revised Code, that there are sufficient 13549
moneys to the credit of the highway improvement bond retirement 13550
fund to meet in full all payments of interest, principal, and 13551
charges for the retirement of bonds and other obligations issued 13552
pursuant to Section 2g of Article VIII, Ohio Constitution, and 13553
sections 5528.10 and 5528.11 of the Revised Code due and payable 13554
during the current calendar year and during the next succeeding 13555
calendar year. ~~From the date of the receipt of the certification~~ 13556
~~required by section 5528.17 of the Revised Code by the treasurer~~ 13557
~~of state until the thirty first day of December of the calendar~~ 13558
~~year in which such certification is made, all moneys received in~~ 13559
~~the state treasury from the tax levied by this section, after the~~ 13560
~~credit and transfers required by division (B) of this section,~~ 13561
~~shall be credited to the highway obligations bond retirement fund~~ 13562
~~created by section 5528.32 of the Revised Code, until the~~ 13563
~~commissioners of the sinking fund certify to the treasurer of~~ 13564
~~state, as required by section 5528.38 of the Revised Code, that~~ 13565
~~there are sufficient moneys to the credit of the highway~~ 13566
~~obligations bond retirement fund to meet in full all payments of~~ 13567

~~interest, principal, and charges for the retirement of obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year and during the next succeeding calendar year.~~

(2) ~~From the date of the receipt of the certification required by section 5528.38 of the Revised Code by the treasurer of state until the thirty first day of December of the calendar year in which such certification is made, all All moneys received in the state treasury from the tax levied by this section, after the credit and transfers required by division (B) of this section, shall be credited to the highway operating fund, except as provided in division (C)(3) of this section.~~

(3) From the date of the receipt by the treasurer of state of ~~certifications~~ certification from the commissioners of the sinking fund, as required by ~~sections~~ section 5528.18 ~~and 5528.39~~ of the Revised Code, certifying that the moneys to the credit of the highway improvement bond retirement fund are sufficient to meet in full all payments of interest, principal, and charges for the retirement of all bonds and other obligations which may be issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code, ~~and to the credit of the highway obligations bond retirement fund are sufficient to meet in full all payments of interest, principal, and charges for the retirement of all obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code,~~ the moneys derived from the tax levied by this section, after the credit and transfers required by division (B) of this section, shall be credited to the highway operating fund.

Sec. 5739.02. For the purpose of providing revenue with which

to meet the needs of the state, for the use of the general revenue 13599
fund of the state, for the purpose of securing a thorough and 13600
efficient system of common schools throughout the state, for the 13601
purpose of affording revenues, in addition to those from general 13602
property taxes, permitted under constitutional limitations, and 13603
from other sources, for the support of local governmental 13604
functions, and for the purpose of reimbursing the state for the 13605
expense of administering this chapter, an excise tax is hereby 13606
levied on each retail sale made in this state. 13607

(A)(1) The tax shall be collected as provided in section 13608
5739.025 of the Revised Code. The rate of the tax shall be five 13609
and three-fourths per cent. The tax applies and is collectible 13610
when the sale is made, regardless of the time when the price is 13611
paid or delivered. 13612

(2) In the case of the lease or rental, with a fixed term of 13613
more than thirty days or an indefinite term with a minimum period 13614
of more than thirty days, of any motor vehicles designed by the 13615
manufacturer to carry a load of not more than one ton, watercraft, 13616
outboard motor, or aircraft, or of any tangible personal property, 13617
other than motor vehicles designed by the manufacturer to carry a 13618
load of more than one ton, to be used by the lessee or renter 13619
primarily for business purposes, the tax shall be collected by the 13620
vendor at the time the lease or rental is consummated and shall be 13621
calculated by the vendor on the basis of the total amount to be 13622
paid by the lessee or renter under the lease agreement. If the 13623
total amount of the consideration for the lease or rental includes 13624
amounts that are not calculated at the time the lease or rental is 13625
executed, the tax shall be calculated and collected by the vendor 13626
at the time such amounts are billed to the lessee or renter. In 13627
the case of an open-end lease or rental, the tax shall be 13628
calculated by the vendor on the basis of the total amount to be 13629
paid during the initial fixed term of the lease or rental, and for 13630

each subsequent renewal period as it comes due. As used in this 13631
division, "motor vehicle" has the same meaning as in section 13632
4501.01 of the Revised Code, and "watercraft" includes an outdrive 13633
unit attached to the watercraft. 13634

A lease with a renewal clause and a termination penalty or 13635
similar provision that applies if the renewal clause is not 13636
exercised is presumed to be a sham transaction. In such a case, 13637
the tax shall be calculated and paid on the basis of the entire 13638
length of the lease period, including any renewal periods, until 13639
the termination penalty or similar provision no longer applies. 13640
The taxpayer shall bear the burden, by a preponderance of the 13641
evidence, that the transaction or series of transactions is not a 13642
sham transaction. 13643

(3) Except as provided in division (A)(2) of this section, in 13644
the case of a sale, the price of which consists in whole or in 13645
part of the lease or rental of tangible personal property, the tax 13646
shall be measured by the installments of that lease or rental. 13647

(4) In the case of a sale of a physical fitness facility 13648
service or recreation and sports club service, the price of which 13649
consists in whole or in part of a membership for the receipt of 13650
the benefit of the service, the tax applicable to the sale shall 13651
be measured by the installments thereof. 13652

(B) The tax does not apply to the following: 13653

(1) Sales to the state or any of its political subdivisions, 13654
or to any other state or its political subdivisions if the laws of 13655
that state exempt from taxation sales made to this state and its 13656
political subdivisions; 13657

(2) Sales of food for human consumption off the premises 13658
where sold; 13659

(3) Sales of food sold to students only in a cafeteria, 13660
dormitory, fraternity, or sorority maintained in a private, 13661

public, or parochial school, college, or university;	13662
(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;	13663 13664
(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;	13665 13666 13667 13668
(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	13669 13670 13671 13672 13673 13674 13675 13676 13677 13678
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;	13679 13680 13681 13682 13683 13684
(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;	13685 13686 13687 13688 13689 13690 13691
(9)(a) Sales of services or tangible personal property, other	13692

than motor vehicles, mobile homes, and manufactured homes, by 13693
churches, organizations exempt from taxation under section 13694
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 13695
organizations operated exclusively for charitable purposes as 13696
defined in division (B)(12) of this section, provided that the 13697
number of days on which such tangible personal property or 13698
services, other than items never subject to the tax, are sold does 13699
not exceed six in any calendar year, except as otherwise provided 13700
in division (B)(9)(b) of this section. If the number of days on 13701
which such sales are made exceeds six in any calendar year, the 13702
church or organization shall be considered to be engaged in 13703
business and all subsequent sales by it shall be subject to the 13704
tax. In counting the number of days, all sales by groups within a 13705
church or within an organization shall be considered to be sales 13706
of that church or organization. 13707

(b) The limitation on the number of days on which tax-exempt 13708
sales may be made by a church or organization under division 13709
(B)(9)(a) of this section does not apply to sales made by student 13710
clubs and other groups of students of a primary or secondary 13711
school, or a parent-teacher association, booster group, or similar 13712
organization that raises money to support or fund curricular or 13713
extracurricular activities of a primary or secondary school. 13714

(c) Divisions (B)(9)(a) and (b) of this section do not apply 13715
to sales by a noncommercial educational radio or television 13716
broadcasting station. 13717

(10) Sales not within the taxing power of this state under 13718
the Constitution or laws of the United States or the Constitution 13719
of this state; 13720

(11) Except for transactions that are sales under division 13721
(B)(3)(r) of section 5739.01 of the Revised Code, the 13722
transportation of persons or property, unless the transportation 13723
is by a private investigation and security service; 13724

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music,

dramatics, and the arts; or the promotion of education by an 13758
organization engaged in carrying on research in, or the 13759
dissemination of, scientific and technological knowledge and 13760
information primarily for the public. 13761

Nothing in this division shall be deemed to exempt sales to 13762
any organization for use in the operation or carrying on of a 13763
trade or business, or sales to a home for the aged for use in the 13764
operation of independent living facilities as defined in division 13765
(A) of section 5709.12 of the Revised Code. 13766

(13) Building and construction materials and services sold to 13767
construction contractors for incorporation into a structure or 13768
improvement to real property under a construction contract with 13769
this state or a political subdivision of this state, or with the 13770
United States government or any of its agencies; building and 13771
construction materials and services sold to construction 13772
contractors for incorporation into a structure or improvement to 13773
real property that are accepted for ownership by this state or any 13774
of its political subdivisions, or by the United States government 13775
or any of its agencies at the time of completion of the structures 13776
or improvements; building and construction materials sold to 13777
construction contractors for incorporation into a horticulture 13778
structure or livestock structure for a person engaged in the 13779
business of horticulture or producing livestock; building 13780
materials and services sold to a construction contractor for 13781
incorporation into a house of public worship or religious 13782
education, or a building used exclusively for charitable purposes 13783
under a construction contract with an organization whose purpose 13784
is as described in division (B)(12) of this section; building 13785
materials and services sold to a construction contractor for 13786
incorporation into a building under a construction contract with 13787
an organization exempt from taxation under section 501(c)(3) of 13788
the Internal Revenue Code of 1986 when the building is to be used 13789

exclusively for the organization's exempt purposes; building and 13790
construction materials sold for incorporation into the original 13791
construction of a sports facility under section 307.696 of the 13792
Revised Code; building and construction materials and services 13793
sold to a construction contractor for incorporation into real 13794
property outside this state if such materials and services, when 13795
sold to a construction contractor in the state in which the real 13796
property is located for incorporation into real property in that 13797
state, would be exempt from a tax on sales levied by that state; 13798
building and construction materials for incorporation into a 13799
transportation facility pursuant to a public-private agreement 13800
entered into under sections 5501.70 to 5501.83 of the Revised 13801
Code; and, until one calendar year after the construction of a 13802
convention center that qualifies for property tax exemption under 13803
section 5709.084 of the Revised Code is completed, building and 13804
construction materials and services sold to a construction 13805
contractor for incorporation into the real property comprising 13806
that convention center; 13807

(14) Sales of ships or vessels or rail rolling stock used or 13808
to be used principally in interstate or foreign commerce, and 13809
repairs, alterations, fuel, and lubricants for such ships or 13810
vessels or rail rolling stock; 13811

(15) Sales to persons primarily engaged in any of the 13812
activities mentioned in division (B)(42)(a), (g), or (h) of this 13813
section, to persons engaged in making retail sales, or to persons 13814
who purchase for sale from a manufacturer tangible personal 13815
property that was produced by the manufacturer in accordance with 13816
specific designs provided by the purchaser, of packages, including 13817
material, labels, and parts for packages, and of machinery, 13818
equipment, and material for use primarily in packaging tangible 13819
personal property produced for sale, including any machinery, 13820
equipment, and supplies used to make labels or packages, to 13821

prepare packages or products for labeling, or to label packages or 13822
products, by or on the order of the person doing the packaging, or 13823
sold at retail. "Packages" includes bags, baskets, cartons, 13824
crates, boxes, cans, bottles, bindings, wrappings, and other 13825
similar devices and containers, but does not include motor 13826
vehicles or bulk tanks, trailers, or similar devices attached to 13827
motor vehicles. "Packaging" means placing in a package. Division 13828
(B)(15) of this section does not apply to persons engaged in 13829
highway transportation for hire. 13830

(16) Sales of food to persons using supplemental nutrition 13831
assistance program benefits to purchase the food. As used in this 13832
division, "food" has the same meaning as in 7 U.S.C. 2012 and 13833
federal regulations adopted pursuant to the Food and Nutrition Act 13834
of 2008. 13835

(17) Sales to persons engaged in farming, agriculture, 13836
horticulture, or floriculture, of tangible personal property for 13837
use or consumption primarily in the production by farming, 13838
agriculture, horticulture, or floriculture of other tangible 13839
personal property for use or consumption primarily in the 13840
production of tangible personal property for sale by farming, 13841
agriculture, horticulture, or floriculture; or material and parts 13842
for incorporation into any such tangible personal property for use 13843
or consumption in production; and of tangible personal property 13844
for such use or consumption in the conditioning or holding of 13845
products produced by and for such use, consumption, or sale by 13846
persons engaged in farming, agriculture, horticulture, or 13847
floriculture, except where such property is incorporated into real 13848
property; 13849

(18) Sales of drugs for a human being that may be dispensed 13850
only pursuant to a prescription; insulin as recognized in the 13851
official United States pharmacopoeia; urine and blood testing 13852
materials when used by diabetics or persons with hypoglycemia to 13853

test for glucose or acetone; hypodermic syringes and needles when 13854
used by diabetics for insulin injections; epoetin alfa when 13855
purchased for use in the treatment of persons with medical 13856
disease; hospital beds when purchased by hospitals, nursing homes, 13857
or other medical facilities; and medical oxygen and medical 13858
oxygen-dispensing equipment when purchased by hospitals, nursing 13859
homes, or other medical facilities; 13860

(19) Sales of prosthetic devices, durable medical equipment 13861
for home use, or mobility enhancing equipment, when made pursuant 13862
to a prescription and when such devices or equipment are for use 13863
by a human being. 13864

(20) Sales of emergency and fire protection vehicles and 13865
equipment to nonprofit organizations for use solely in providing 13866
fire protection and emergency services, including trauma care and 13867
emergency medical services, for political subdivisions of the 13868
state; 13869

(21) Sales of tangible personal property manufactured in this 13870
state, if sold by the manufacturer in this state to a retailer for 13871
use in the retail business of the retailer outside of this state 13872
and if possession is taken from the manufacturer by the purchaser 13873
within this state for the sole purpose of immediately removing the 13874
same from this state in a vehicle owned by the purchaser; 13875

(22) Sales of services provided by the state or any of its 13876
political subdivisions, agencies, instrumentalities, institutions, 13877
or authorities, or by governmental entities of the state or any of 13878
its political subdivisions, agencies, instrumentalities, 13879
institutions, or authorities; 13880

(23) Sales of motor vehicles to nonresidents of this state 13881
under the circumstances described in division (B) of section 13882
5739.029 of the Revised Code; 13883

(24) Sales to persons engaged in the preparation of eggs for 13884

sale of tangible personal property used or consumed directly in 13885
such preparation, including such tangible personal property used 13886
for cleaning, sanitizing, preserving, grading, sorting, and 13887
classifying by size; packages, including material and parts for 13888
packages, and machinery, equipment, and material for use in 13889
packaging eggs for sale; and handling and transportation equipment 13890
and parts therefor, except motor vehicles licensed to operate on 13891
public highways, used in intraplant or interplant transfers or 13892
shipment of eggs in the process of preparation for sale, when the 13893
plant or plants within or between which such transfers or 13894
shipments occur are operated by the same person. "Packages" 13895
includes containers, cases, baskets, flats, fillers, filler flats, 13896
cartons, closure materials, labels, and labeling materials, and 13897
"packaging" means placing therein. 13898

(25)(a) Sales of water to a consumer for residential use; 13899

(b) Sales of water by a nonprofit corporation engaged 13900
exclusively in the treatment, distribution, and sale of water to 13901
consumers, if such water is delivered to consumers through pipes 13902
or tubing. 13903

(26) Fees charged for inspection or reinspection of motor 13904
vehicles under section 3704.14 of the Revised Code; 13905

(27) Sales to persons licensed to conduct a food service 13906
operation pursuant to section 3717.43 of the Revised Code, of 13907
tangible personal property primarily used directly for the 13908
following: 13909

(a) To prepare food for human consumption for sale; 13910

(b) To preserve food that has been or will be prepared for 13911
human consumption for sale by the food service operator, not 13912
including tangible personal property used to display food for 13913
selection by the consumer; 13914

(c) To clean tangible personal property used to prepare or 13915

serve food for human consumption for sale.	13916
(28) Sales of animals by nonprofit animal adoption services	13917
or county humane societies;	13918
(29) Sales of services to a corporation described in division	13919
(A) of section 5709.72 of the Revised Code, and sales of tangible	13920
personal property that qualifies for exemption from taxation under	13921
section 5709.72 of the Revised Code;	13922
(30) Sales and installation of agricultural land tile, as	13923
defined in division (B)(5)(a) of section 5739.01 of the Revised	13924
Code;	13925
(31) Sales and erection or installation of portable grain	13926
bins, as defined in division (B)(5)(b) of section 5739.01 of the	13927
Revised Code;	13928
(32) The sale, lease, repair, and maintenance of, parts for,	13929
or items attached to or incorporated in, motor vehicles that are	13930
primarily used for transporting tangible personal property	13931
belonging to others by a person engaged in highway transportation	13932
for hire, except for packages and packaging used for the	13933
transportation of tangible personal property;	13934
(33) Sales to the state headquarters of any veterans'	13935
organization in this state that is either incorporated and issued	13936
a charter by the congress of the United States or is recognized by	13937
the United States veterans administration, for use by the	13938
headquarters;	13939
(34) Sales to a telecommunications service vendor, mobile	13940
telecommunications service vendor, or satellite broadcasting	13941
service vendor of tangible personal property and services used	13942
directly and primarily in transmitting, receiving, switching, or	13943
recording any interactive, one- or two-way electromagnetic	13944
communications, including voice, image, data, and information,	13945
through the use of any medium, including, but not limited to,	13946

poles, wires, cables, switching equipment, computers, and record 13947
storage devices and media, and component parts for the tangible 13948
personal property. The exemption provided in this division shall 13949
be in lieu of all other exemptions under division (B)(42)(a) or 13950
(n) of this section to which the vendor may otherwise be entitled, 13951
based upon the use of the thing purchased in providing the 13952
telecommunications, mobile telecommunications, or satellite 13953
broadcasting service. 13954

(35)(a) Sales where the purpose of the consumer is to use or 13955
consume the things transferred in making retail sales and 13956
consisting of newspaper inserts, catalogues, coupons, flyers, gift 13957
certificates, or other advertising material that prices and 13958
describes tangible personal property offered for retail sale. 13959

(b) Sales to direct marketing vendors of preliminary 13960
materials such as photographs, artwork, and typesetting that will 13961
be used in printing advertising material; and of printed matter 13962
that offers free merchandise or chances to win sweepstake prizes 13963
and that is mailed to potential customers with advertising 13964
material described in division (B)(35)(a) of this section; 13965

(c) Sales of equipment such as telephones, computers, 13966
facsimile machines, and similar tangible personal property 13967
primarily used to accept orders for direct marketing retail sales. 13968

(d) Sales of automatic food vending machines that preserve 13969
food with a shelf life of forty-five days or less by refrigeration 13970
and dispense it to the consumer. 13971

For purposes of division (B)(35) of this section, "direct 13972
marketing" means the method of selling where consumers order 13973
tangible personal property by United States mail, delivery 13974
service, or telecommunication and the vendor delivers or ships the 13975
tangible personal property sold to the consumer from a warehouse, 13976
catalogue distribution center, or similar fulfillment facility by 13977

means of the United States mail, delivery service, or common carrier.	13978 13979
(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	13980 13981 13982
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	13983 13984 13985 13986 13987
(38) Sales to a professional racing team of any of the following:	13988 13989
(a) Motor racing vehicles;	13990
(b) Repair services for motor racing vehicles;	13991
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	13992 13993 13994 13995 13996 13997 13998 13999
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	14000 14001 14002
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission,	14003 14004 14005 14006 14007

or distribution system and that retains its classification as 14008
tangible personal property after incorporation; fuel or power used 14009
in the production, transmission, or distribution of electricity; 14010
energy conversion equipment as defined in section 5727.01 of the 14011
Revised Code; and tangible personal property and services used in 14012
the repair and maintenance of the production, transmission, or 14013
distribution system, including only those motor vehicles as are 14014
specially designed and equipped for such use. The exemption 14015
provided in this division shall be in lieu of all other exemptions 14016
in division (B)(42)(a) or (n) of this section to which a provider 14017
of electricity may otherwise be entitled based on the use of the 14018
tangible personal property or service purchased in generating, 14019
transmitting, or distributing electricity. 14020

(41) Sales to a person providing services under division 14021
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 14022
personal property and services used directly and primarily in 14023
providing taxable services under that section. 14024

(42) Sales where the purpose of the purchaser is to do any of 14025
the following: 14026

(a) To incorporate the thing transferred as a material or a 14027
part into tangible personal property to be produced for sale by 14028
manufacturing, assembling, processing, or refining; or to use or 14029
consume the thing transferred directly in producing tangible 14030
personal property for sale by mining, including, without 14031
limitation, the extraction from the earth of all substances that 14032
are classed geologically as minerals, production of crude oil and 14033
natural gas, or directly in the rendition of a public utility 14034
service, except that the sales tax levied by this section shall be 14035
collected upon all meals, drinks, and food for human consumption 14036
sold when transporting persons. Persons engaged in rendering 14037
services in the exploration for, and production of, crude oil and 14038
natural gas for others are deemed engaged directly in the 14039

exploration for, and production of, crude oil and natural gas.	14040
This paragraph does not exempt from "retail sale" or "sales at	14041
retail" the sale of tangible personal property that is to be	14042
incorporated into a structure or improvement to real property.	14043
(b) To hold the thing transferred as security for the	14044
performance of an obligation of the vendor;	14045
(c) To resell, hold, use, or consume the thing transferred as	14046
evidence of a contract of insurance;	14047
(d) To use or consume the thing directly in commercial	14048
fishing;	14049
(e) To incorporate the thing transferred as a material or a	14050
part into, or to use or consume the thing transferred directly in	14051
the production of, magazines distributed as controlled circulation	14052
publications;	14053
(f) To use or consume the thing transferred in the production	14054
and preparation in suitable condition for market and sale of	14055
printed, imprinted, overprinted, lithographic, multilithic,	14056
blueprinted, photostatic, or other productions or reproductions of	14057
written or graphic matter;	14058
(g) To use the thing transferred, as described in section	14059
5739.011 of the Revised Code, primarily in a manufacturing	14060
operation to produce tangible personal property for sale;	14061
(h) To use the benefit of a warranty, maintenance or service	14062
contract, or similar agreement, as described in division (B)(7) of	14063
section 5739.01 of the Revised Code, to repair or maintain	14064
tangible personal property, if all of the property that is the	14065
subject of the warranty, contract, or agreement would not be	14066
subject to the tax imposed by this section;	14067
(i) To use the thing transferred as qualified research and	14068
development equipment;	14069

(j) To use or consume the thing transferred primarily in 14070
storing, transporting, mailing, or otherwise handling purchased 14071
sales inventory in a warehouse, distribution center, or similar 14072
facility when the inventory is primarily distributed outside this 14073
state to retail stores of the person who owns or controls the 14074
warehouse, distribution center, or similar facility, to retail 14075
stores of an affiliated group of which that person is a member, or 14076
by means of direct marketing. This division does not apply to 14077
motor vehicles registered for operation on the public highways. As 14078
used in this division, "affiliated group" has the same meaning as 14079
in division (B)(3)(e) of section 5739.01 of the Revised Code and 14080
"direct marketing" has the same meaning as in division (B)(35) of 14081
this section. 14082

(k) To use or consume the thing transferred to fulfill a 14083
contractual obligation incurred by a warrantor pursuant to a 14084
warranty provided as a part of the price of the tangible personal 14085
property sold or by a vendor of a warranty, maintenance or service 14086
contract, or similar agreement the provision of which is defined 14087
as a sale under division (B)(7) of section 5739.01 of the Revised 14088
Code including, in the case of such a contractual obligation 14089
relative to the repair or servicing of a motor vehicle, to provide 14090
temporary transportation to the owner or lessee of the motor 14091
vehicle regardless of whether provision of such temporary 14092
transportation is required by the warranty or contract; 14093

(l) To use or consume the thing transferred in the production 14094
of a newspaper for distribution to the public; 14095

(m) To use tangible personal property to perform a service 14096
listed in division (B)(3) of section 5739.01 of the Revised Code, 14097
if the property is or is to be permanently transferred to the 14098
consumer of the service as an integral part of the performance of 14099
the service; 14100

(n) To use or consume the thing transferred primarily in 14101

producing tangible personal property for sale by farming, 141102
agriculture, horticulture, or floriculture. Persons engaged in 141103
rendering farming, agriculture, horticulture, or floriculture 141104
services for others are deemed engaged primarily in farming, 141105
agriculture, horticulture, or floriculture. This paragraph does 141106
not exempt from "retail sale" or "sales at retail" the sale of 141107
tangible personal property that is to be incorporated into a 141108
structure or improvement to real property. 141109

(o) To use or consume the thing transferred in acquiring, 141110
formatting, editing, storing, and disseminating data or 141111
information by electronic publishing. 141112

As used in division (B)(42) of this section, "thing" includes 141113
all transactions included in divisions (B)(3)(a), (b), and (e) of 141114
section 5739.01 of the Revised Code. 141115

(43) Sales conducted through a coin operated device that 141116
activates vacuum equipment or equipment that dispenses water, 141117
whether or not in combination with soap or other cleaning agents 141118
or wax, to the consumer for the consumer's use on the premises in 141119
washing, cleaning, or waxing a motor vehicle, provided no other 141120
personal property or personal service is provided as part of the 141121
transaction. 141122

(44) Sales of replacement and modification parts for engines, 141123
airframes, instruments, and interiors in, and paint for, aircraft 141124
used primarily in a fractional aircraft ownership program, and 141125
sales of services for the repair, modification, and maintenance of 141126
such aircraft, and machinery, equipment, and supplies primarily 141127
used to provide those services. 141128

(45) Sales of telecommunications service that is used 141129
directly and primarily to perform the functions of a call center. 141130
As used in this division, "call center" means any physical 141131
location where telephone calls are placed or received in high 141132

volume for the purpose of making sales, marketing, customer 141133
service, technical support, or other specialized business 141134
activity, and that employs at least fifty individuals that engage 141135
in call center activities on a full-time basis, or sufficient 141136
individuals to fill fifty full-time equivalent positions. 141137

(46) Sales by a telecommunications service vendor of 900 141138
service to a subscriber. This division does not apply to 141139
information services, as defined in division (FF) of section 141140
5739.01 of the Revised Code. 141141

(47) Sales of value-added non-voice data service. This 141142
division does not apply to any similar service that is not 141143
otherwise a telecommunications service. 141144

(48)(a) Sales of machinery, equipment, and software to a 141145
qualified direct selling entity for use in a warehouse or 141146
distribution center primarily for storing, transporting, or 141147
otherwise handling inventory that is held for sale to independent 141148
salespersons who operate as direct sellers and that is held 141149
primarily for distribution outside this state; 141150

(b) As used in division (B)(48)(a) of this section: 141151

(i) "Direct seller" means a person selling consumer products 141152
to individuals for personal or household use and not from a fixed 141153
retail location, including selling such product at in-home product 141154
demonstrations, parties, and other one-on-one selling. 141155

(ii) "Qualified direct selling entity" means an entity 141156
selling to direct sellers at the time the entity enters into a tax 141157
credit agreement with the tax credit authority pursuant to section 141158
122.17 of the Revised Code, provided that the agreement was 141159
entered into on or after January 1, 2007. Neither contingencies 141160
relevant to the granting of, nor later developments with respect 141161
to, the tax credit shall impair the status of the qualified direct 141162
selling entity under division (B)(48) of this section after 141163

execution of the tax credit agreement by the tax credit authority. 14164

(c) Division (B)(48) of this section is limited to machinery, 14165
equipment, and software first stored, used, or consumed in this 14166
state within the period commencing June 24, 2008, and ending on 14167
the date that is five years after that date. 14168

(49) Sales of materials, parts, equipment, or engines used in 14169
the repair or maintenance of aircraft or avionics systems of such 14170
aircraft, and sales of repair, remodeling, replacement, or 14171
maintenance services in this state performed on aircraft or on an 14172
aircraft's avionics, engine, or component materials or parts. As 14173
used in division (B)(49) of this section, "aircraft" means 14174
aircraft of more than six thousand pounds maximum certified 14175
takeoff weight or used exclusively in general aviation. 14176

(50) Sales of full flight simulators that are used for pilot 14177
or flight-crew training, sales of repair or replacement parts or 14178
components, and sales of repair or maintenance services for such 14179
full flight simulators. "Full flight simulator" means a replica of 14180
a specific type, or make, model, and series of aircraft cockpit. 14181
It includes the assemblage of equipment and computer programs 14182
necessary to represent aircraft operations in ground and flight 14183
conditions, a visual system providing an out-of-the-cockpit view, 14184
and a system that provides cues at least equivalent to those of a 14185
three-degree-of-freedom motion system, and has the full range of 14186
capabilities of the systems installed in the device as described 14187
in appendices A and B of part 60 of chapter 1 of title 14 of the 14188
Code of Federal Regulations. 14189

(51) Any transfer or lease of tangible personal property 14190
between the state and JobsOhio in accordance with section 4313.02 14191
of the Revised Code. 14192

(52)(a) Sales to a qualifying corporation. 14193

(b) As used in division (B)(52) of this section: 14194

(i) "Qualifying corporation" means a nonprofit corporation 14195
organized in this state that leases from an eligible county land, 14196
buildings, structures, fixtures, and improvements to the land that 14197
are part of or used in a public recreational facility used by a 14198
major league professional athletic team or a class A to class AAA 14199
minor league affiliate of a major league professional athletic 14200
team for a significant portion of the team's home schedule, 14201
provided the following apply: 14202

(I) The facility is leased from the eligible county pursuant 14203
to a lease that requires substantially all of the revenue from the 14204
operation of the business or activity conducted by the nonprofit 14205
corporation at the facility in excess of operating costs, capital 14206
expenditures, and reserves to be paid to the eligible county at 14207
least once per calendar year. 14208

(II) Upon dissolution and liquidation of the nonprofit 14209
corporation, all of its net assets are distributable to the board 14210
of commissioners of the eligible county from which the corporation 14211
leases the facility. 14212

(ii) "Eligible county" has the same meaning as in section 14213
307.695 of the Revised Code. 14214

(53) Sales to or by a cable service provider, video service 14215
provider, or radio or television broadcast station regulated by 14216
the federal government of cable service or programming, video 14217
service or programming, audio service or programming, or 14218
electronically transferred digital audiovisual or audio work. As 14219
used in division (B)(53) of this section, "cable service" and 14220
"cable service provider" have the same meanings as in section 14221
1332.01 of the Revised Code, and "video service," "video service 14222
provider," and "video programming" have the same meanings as in 14223
section 1332.21 of the Revised Code. 14224

(C) For the purpose of the proper administration of this 14225

chapter, and to prevent the evasion of the tax, it is presumed 14226
that all sales made in this state are subject to the tax until the 14227
contrary is established. 14228

(D) The levy of this tax on retail sales of recreation and 14229
sports club service shall not prevent a municipal corporation from 14230
levying any tax on recreation and sports club dues or on any 14231
income generated by recreation and sports club dues. 14232

(E) The tax collected by the vendor from the consumer under 14233
this chapter is not part of the price, but is a tax collection for 14234
the benefit of the state, and of counties levying an additional 14235
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 14236
Code and of transit authorities levying an additional sales tax 14237
pursuant to section 5739.023 of the Revised Code. Except for the 14238
discount authorized under section 5739.12 of the Revised Code and 14239
the effects of any rounding pursuant to section 5703.055 of the 14240
Revised Code, no person other than the state or such a county or 14241
transit authority shall derive any benefit from the collection or 14242
payment of the tax levied by this section or section 5739.021, 14243
5739.023, or 5739.026 of the Revised Code. 14244

Section 101.02. That existing sections 122.14, 125.834, 14245
126.06, 126.11, 127.14, 163.06, 163.09, 163.15, 163.21, 164.05, 14246
166.25, 307.202, 505.69, 717.01, 1548.07, 2953.36, 2953.61, 14247
3772.10, 4117.10, 4501.01, 4501.03, 4501.04, 4501.044, 4501.045, 14248
4501.06, 4501.11, 4501.21, 4501.26, 4501.34, 4503.04, 4503.102, 14249
4503.103, 4503.11, 4503.182, 4503.21, 4503.22, 4503.233, 4503.26, 14250
4503.499, 4503.544, 4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 14251
4506.06, 4506.07, 4506.071, 4506.08, 4506.09, 4506.10, 4506.12, 14252
4506.13, 4506.15, 4506.16, 4506.17, 4506.20, 4506.21, 4507.03, 14253
4507.071, 4507.11, 4507.21, 4508.01, 4508.02, 4508.03, 4508.04, 14254
4508.05, 4508.06, 4508.10, 4509.05, 4509.101, 4509.81, 4511.01, 14255
4511.21, 4511.213, 4511.53, 4511.69, 4513.263, 4513.60, 4513.601, 14256

4513.61, 4513.68, 4513.69, 4517.03, 4517.10, 4519.63, 4582.06, 14257
4582.31, 4749.07, 4921.25, 4981.01, 4981.02, 4981.03, 4981.031, 14258
4981.032, 4981.033, 4981.04, 4981.05, 4981.06, 4981.07, 4981.08, 14259
4981.09, 4981.091, 4981.10, 4981.11, 4981.12, 4981.13, 4981.131, 14260
4981.14, 4981.15, 4981.16, 4981.17, 4981.18, 4981.19, 4981.22, 14261
4981.24, 4981.25, 4981.26, 4981.28, 4981.29, 4981.30, 4981.31, 14262
4981.32, 4981.33, 4981.34, 4981.35, 4981.40, 5501.03, 5501.55, 14263
5501.56, 5502.03, 5502.39, 5502.67, 5512.05, 5512.07, 5519.01, 14264
5528.31, 5528.40, 5531.08, 5534.04, 5537.16, 5537.35, 5537.99, 14265
5543.22, 5577.044, 5705.19, 5728.08, 5735.23, 5735.26, 5735.291, 14266
5735.30, and 5739.02 of the Revised Code are hereby repealed. 14267

Section 105.01. That sections 4501.19, 4501.28, 4981.20, 14268
4981.21, 5502.131, 5528.19, 5528.32, 5528.33, 5528.35, 5528.36, 14269
5528.38, and 5528.39 of the Revised Code are hereby repealed. 14270

Section 110.10. That the versions of sections 4501.01 and 14271
4507.11 of the Revised Code that are scheduled to take effect 14272
January 1, 2017, be amended to read as follows: 14273

Sec. 4501.01. As used in this chapter and Chapters 4503., 14274
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 14275
Revised Code, and in the penal laws, except as otherwise provided: 14276

(A) "Vehicles" means everything on wheels or runners, 14277
including motorized bicycles, but does not mean electric personal 14278
assistive mobility devices, vehicles that are operated exclusively 14279
on rails or tracks or from overhead electric trolley wires, and 14280
vehicles that belong to any police department, municipal fire 14281
department, or volunteer fire department, or that are used by such 14282
a department in the discharge of its functions. 14283

(B) "Motor vehicle" means any vehicle, including mobile homes 14284
and recreational vehicles, that is propelled or drawn by power 14285

other than muscular power or power collected from overhead 14286
electric trolley wires. "Motor vehicle" does not include utility 14287
vehicles as defined in division (VV) of this section, under-speed 14288
vehicles as defined in division (XX) of this section, mini-trucks 14289
as defined in division (BBB) of this section, motorized bicycles, 14290
road rollers, traction engines, power shovels, power cranes, and 14291
other equipment used in construction work and not designed for or 14292
employed in general highway transportation, well-drilling 14293
machinery, ditch-digging machinery, farm machinery, and trailers 14294
that are designed and used exclusively to transport a boat between 14295
a place of storage and a marina, or in and around a marina, when 14296
drawn or towed on a public road or highway for a distance of no 14297
more than ten miles and at a speed of twenty-five miles per hour 14298
or less. 14299

(C) "Agricultural tractor" and "traction engine" mean any 14300
self-propelling vehicle that is designed or used for drawing other 14301
vehicles or wheeled machinery, but has no provisions for carrying 14302
loads independently of such other vehicles, and that is used 14303
principally for agricultural purposes. 14304

(D) "Commercial tractor," except as defined in division (C) 14305
of this section, means any motor vehicle that has motive power and 14306
either is designed or used for drawing other motor vehicles, or is 14307
designed or used for drawing another motor vehicle while carrying 14308
a portion of the other motor vehicle or its load, or both. 14309

(E) "Passenger car" means any motor vehicle that is designed 14310
and used for carrying not more than nine persons and includes any 14311
motor vehicle that is designed and used for carrying not more than 14312
fifteen persons in a ridesharing arrangement. 14313

(F) "Collector's vehicle" means any motor vehicle or 14314
agricultural tractor or traction engine that is of special 14315
interest, that has a fair market value of one hundred dollars or 14316
more, whether operable or not, and that is owned, operated, 14317

collected, preserved, restored, maintained, or used essentially as 14318
a collector's item, leisure pursuit, or investment, but not as the 14319
owner's principal means of transportation. "Licensed collector's 14320
vehicle" means a collector's vehicle, other than an agricultural 14321
tractor or traction engine, that displays current, valid license 14322
tags issued under section 4503.45 of the Revised Code, or a 14323
similar type of motor vehicle that displays current, valid license 14324
tags issued under substantially equivalent provisions in the laws 14325
of other states. 14326

(G) "Historical motor vehicle" means any motor vehicle that 14327
is over twenty-five years old and is owned solely as a collector's 14328
item and for participation in club activities, exhibitions, tours, 14329
parades, and similar uses, but that in no event is used for 14330
general transportation. 14331

(H) "Noncommercial motor vehicle" means any motor vehicle, 14332
including a farm truck as defined in section 4503.04 of the 14333
Revised Code, that is designed by the manufacturer to carry a load 14334
of no more than one ton and is used exclusively for purposes other 14335
than engaging in business for profit. 14336

(I) "Bus" means any motor vehicle that has motor power and is 14337
designed and used for carrying more than nine passengers, except 14338
any motor vehicle that is designed and used for carrying not more 14339
than fifteen passengers in a ridesharing arrangement. 14340

(J) "Commercial car" or "truck" means any motor vehicle that 14341
has motor power and is designed and used for carrying merchandise 14342
or freight, or that is used as a commercial tractor. 14343

(K) "Bicycle" means every device, other than a device that is 14344
designed solely for use as a play vehicle by a child, that is 14345
propelled solely by human power upon which a person may ride, and 14346
that has two or more wheels, any of which is more than fourteen 14347
inches in diameter. 14348

(L) "Motorized bicycle" or "moped" means any vehicle that 14349
either has two tandem wheels or one wheel in the front and two 14350
wheels in the rear, that may be pedaled, and that is equipped with 14351
a helper motor of not more than fifty cubic centimeters piston 14352
displacement that produces no more than one brake horsepower and 14353
is capable of propelling the vehicle at a speed of no greater than 14354
twenty miles per hour on a level surface. 14355

(M) "Trailer" means any vehicle without motive power that is 14356
designed or used for carrying property or persons wholly on its 14357
own structure and for being drawn by a motor vehicle, and includes 14358
any such vehicle that is formed by or operated as a combination of 14359
a semitrailer and a vehicle of the dolly type such as that 14360
commonly known as a trailer dolly, a vehicle used to transport 14361
agricultural produce or agricultural production materials between 14362
a local place of storage or supply and the farm when drawn or 14363
towed on a public road or highway at a speed greater than 14364
twenty-five miles per hour, and a vehicle that is designed and 14365
used exclusively to transport a boat between a place of storage 14366
and a marina, or in and around a marina, when drawn or towed on a 14367
public road or highway for a distance of more than ten miles or at 14368
a speed of more than twenty-five miles per hour. "Trailer" does 14369
not include a manufactured home or travel trailer. 14370

(N) "Noncommercial trailer" means any trailer, except a 14371
travel trailer or trailer that is used to transport a boat as 14372
described in division (B) of this section, but, where applicable, 14373
includes a vehicle that is used to transport a boat as described 14374
in division (M) of this section, that has a gross weight of no 14375
more than ten thousand pounds, and that is used exclusively for 14376
purposes other than engaging in business for a profit, such as the 14377
transportation of personal items for personal or recreational 14378
purposes. 14379

(O) "Mobile home" means a building unit or assembly of closed 14380

construction that is fabricated in an off-site facility, is more 14381
than thirty-five body feet in length or, when erected on site, is 14382
three hundred twenty or more square feet, is built on a permanent 14383
chassis, is transportable in one or more sections, and does not 14384
qualify as a manufactured home as defined in division (C)(4) of 14385
section 3781.06 of the Revised Code or as an industrialized unit 14386
as defined in division (C)(3) of section 3781.06 of the Revised 14387
Code. 14388

(P) "Semitrailer" means any vehicle of the trailer type that 14389
does not have motive power and is so designed or used with another 14390
and separate motor vehicle that in operation a part of its own 14391
weight or that of its load, or both, rests upon and is carried by 14392
the other vehicle furnishing the motive power for propelling 14393
itself and the vehicle referred to in this division, and includes, 14394
for the purpose only of registration and taxation under those 14395
chapters, any vehicle of the dolly type, such as a trailer dolly, 14396
that is designed or used for the conversion of a semitrailer into 14397
a trailer. 14398

(Q) "Recreational vehicle" means a vehicular portable 14399
structure that meets all of the following conditions: 14400

(1) It is designed for the sole purpose of recreational 14401
travel. 14402

(2) It is not used for the purpose of engaging in business 14403
for profit. 14404

(3) It is not used for the purpose of engaging in intrastate 14405
commerce. 14406

(4) It is not used for the purpose of commerce as defined in 14407
49 C.F.R. 383.5, as amended. 14408

(5) It is not regulated by the public utilities commission 14409
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 14410

- (6) It is classed as one of the following: 14411
- (a) "Travel trailer" or "house vehicle" means a 14412
nonselved-propelled recreational vehicle that does not exceed an 14413
overall length of forty feet, exclusive of bumper and tongue or 14414
coupling. "Travel trailer" includes a tent-type fold-out camping 14415
trailer as defined in section 4517.01 of the Revised Code. 14416
- (b) "Motor home" means a self-propelled recreational vehicle 14417
that has no fifth wheel and is constructed with permanently 14418
installed facilities for cold storage, cooking and consuming of 14419
food, and for sleeping. 14420
- (c) "Truck camper" means aonselved-propelled recreational 14421
vehicle that does not have wheels for road use and is designed to 14422
be placed upon and attached to a motor vehicle. "Truck camper" 14423
does not include truck covers that consist of walls and a roof, 14424
but do not have floors and facilities enabling them to be used as 14425
a dwelling. 14426
- (d) "Fifth wheel trailer" means a vehicle that is of such 14427
size and weight as to be movable without a special highway permit, 14428
that is constructed with a raised forward section that allows a 14429
bi-level floor plan, and that is designed to be towed by a vehicle 14430
equipped with a fifth-wheel hitch ordinarily installed in the bed 14431
of a truck. 14432
- (e) "Park trailer" means a vehicle that is commonly known as 14433
a park model recreational vehicle, meets the American national 14434
standard institute standard A119.5 (1988) for park trailers, is 14435
built on a single chassis, has a gross trailer area of four 14436
hundred square feet or less when set up, is designed for seasonal 14437
or temporary living quarters, and may be connected to utilities 14438
necessary for the operation of installed features and appliances. 14439
- (R) "Pneumatic tires" means tires of rubber and fabric or 14440
tires of similar material, that are inflated with air. 14441

(S) "Solid tires" means tires of rubber or similar elastic material that are not dependent upon confined air for support of the load. 14442
14443
14444

(T) "Solid tire vehicle" means any vehicle that is equipped with two or more solid tires. 14445
14446

(U) "Farm machinery" means all machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products. 14447
14448
14449
14450
14451
14452
14453
14454

(V) "Owner" includes any person or firm, other than a manufacturer or dealer, that has title to a motor vehicle, except that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" includes in addition manufacturers and dealers. 14455
14456
14457
14458

(W) "Manufacturer" and "dealer" include all persons and firms that are regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles, at an established place of business that is used exclusively for the purpose of manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles. A place of business that is used for manufacturing, selling, displaying, offering for sale, or dealing in motor vehicles shall be deemed to be used exclusively for those purposes even though snowmobiles or all-purpose vehicles are sold or displayed for sale thereat, even though farm machinery is sold or displayed for sale thereat, or even though repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained thereat, or, in any county having a population of less than seventy-five thousand at the last federal census, even though a department in a place of 14459
14460
14461
14462
14463
14464
14465
14466
14467
14468
14469
14470
14471
14472
14473

business is used to dismantle, salvage, or rebuild motor vehicles 14474
by means of used parts, if such departments are operated for the 14475
purpose of furthering and assisting in the business of 14476
manufacturing, selling, displaying, offering for sale, or dealing 14477
in motor vehicles. Places of business or departments in a place of 14478
business used to dismantle, salvage, or rebuild motor vehicles by 14479
means of using used parts are not considered as being maintained 14480
for the purpose of assisting or furthering the manufacturing, 14481
selling, displaying, and offering for sale or dealing in motor 14482
vehicles. 14483

(X) "Operator" includes any person who drives or operates a 14484
motor vehicle upon the public highways. 14485

(Y) "Chauffeur" means any operator who operates a motor 14486
vehicle, other than a taxicab, as an employee for hire; or any 14487
operator whether or not the owner of a motor vehicle, other than a 14488
taxicab, who operates such vehicle for transporting, for gain, 14489
compensation, or profit, either persons or property owned by 14490
another. Any operator of a motor vehicle who is voluntarily 14491
involved in a ridesharing arrangement is not considered an 14492
employee for hire or operating such vehicle for gain, 14493
compensation, or profit. 14494

(Z) "State" includes the territories and federal districts of 14495
the United States, and the provinces of Canada. 14496

(AA) "Public roads and highways" for vehicles includes all 14497
public thoroughfares, bridges, and culverts. 14498

(BB) "Manufacturer's number" means the manufacturer's 14499
original serial number that is affixed to or imprinted upon the 14500
chassis or other part of the motor vehicle. 14501

(CC) "Motor number" means the manufacturer's original number 14502
that is affixed to or imprinted upon the engine or motor of the 14503
vehicle. 14504

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

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

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

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

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

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

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

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

motor vehicle at a fixed charge for the vehicle in accordance with 14536
the carrier's tariff, lawfully on file with the United States 14537
department of transportation, for the purpose of group travel to a 14538
specified destination or for a particular itinerary, either agreed 14539
upon in advance or modified by the chartered group after having 14540
left the place of origin. 14541

(HH) "International registration plan" means a reciprocal 14542
agreement of member jurisdictions that is endorsed by the American 14543
association of motor vehicle administrators, and that promotes and 14544
encourages the fullest possible use of the highway system by 14545
authorizing apportioned registration of fleets of vehicles and 14546
recognizing registration of vehicles apportioned in member 14547
jurisdictions. 14548

(II) "Restricted plate" means a license plate that has a 14549
restriction of time, geographic area, mileage, or commodity, and 14550
includes license plates issued to farm trucks under division (J) 14551
of section 4503.04 of the Revised Code. 14552

(JJ) "Gross vehicle weight," with regard to any commercial 14553
car, trailer, semitrailer, or bus that is taxed at the rates 14554
established under section 4503.042 or 4503.65 of the Revised Code, 14555
means the unladen weight of the vehicle fully equipped plus the 14556
maximum weight of the load to be carried on the vehicle. 14557

(KK) "Combined gross vehicle weight" with regard to any 14558
combination of a commercial car, trailer, and semitrailer, that is 14559
taxed at the rates established under section 4503.042 or 4503.65 14560
of the Revised Code, means the total unladen weight of the 14561
combination of vehicles fully equipped plus the maximum weight of 14562
the load to be carried on that combination of vehicles. 14563

(LL) "Chauffeured limousine" means a motor vehicle that is 14564
designed to carry nine or fewer passengers and is operated for 14565
hire pursuant to a prearranged contract for the transportation of 14566

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

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

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

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

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

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

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

(SS) "Electronic motor vehicle dealer" means a motor vehicle dealer licensed under Chapter 4517. of the Revised Code whom the registrar of motor vehicles determines meets the criteria designated in section 4503.035 of the Revised Code for electronic

motor vehicle dealers and designates as an electronic motor 14598
vehicle dealer under that section. 14599

(TT) "Electric personal assistive mobility device" means a 14600
self-balancing two non-tandem wheeled device that is designed to 14601
transport only one person, has an electric propulsion system of an 14602
average of seven hundred fifty watts, and when ridden on a paved 14603
level surface by an operator who weighs one hundred seventy pounds 14604
has a maximum speed of less than twenty miles per hour. 14605

(UU) "Limited driving privileges" means the privilege to 14606
operate a motor vehicle that a court grants under section 4510.021 14607
of the Revised Code to a person whose driver's or commercial 14608
driver's license or permit or nonresident operating privilege has 14609
been suspended. 14610

(VV) "Utility vehicle" means a self-propelled vehicle 14611
designed with a bed, principally for the purpose of transporting 14612
material or cargo in connection with construction, agricultural, 14613
forestry, grounds maintenance, lawn and garden, materials 14614
handling, or similar activities. 14615

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 14616
vehicle with an attainable speed in one mile on a paved level 14617
surface of more than twenty miles per hour but not more than 14618
twenty-five miles per hour and with a gross vehicle weight rating 14619
less than three thousand pounds. 14620

(XX) "Under-speed vehicle" means a three- or four-wheeled 14621
vehicle, including a vehicle commonly known as a golf cart, with 14622
an attainable speed on a paved level surface of not more than 14623
twenty miles per hour and with a gross vehicle weight rating less 14624
than three thousand pounds. 14625

(YY) "Motor-driven cycle or motor scooter" means any vehicle 14626
designed to travel on not more than three wheels in contact with 14627
the ground, with a seat for the driver and floor pad for the 14628

driver's feet, and is equipped with a motor with a piston 14629
displacement between fifty and one hundred fifty cubic centimeters 14630
piston displacement that produces not more than five brake 14631
horsepower and is capable of propelling the vehicle at a speed 14632
greater than twenty miles per hour on a level surface. 14633

(ZZ) "Motorcycle" means a motor vehicle with motive power 14634
having a seat or saddle for the use of the operator, designed to 14635
travel on not more than three wheels in contact with the ground, 14636
and having no occupant compartment top or occupant compartment top 14637
that can be installed or removed by the user. 14638

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 14639
motive power having a seat or saddle for the use of the operator, 14640
designed to travel on not more than three wheels in contact with 14641
the ground, and having an occupant compartment top or an occupant 14642
compartment top that ~~can be~~ is installed ~~or removed by the user.~~ 14643

(BBB) "Mini-truck" means a vehicle that has four wheels, is 14644
propelled by an electric motor with a rated power of seven 14645
thousand five hundred watts or less or an internal combustion 14646
engine with a piston displacement capacity of six hundred sixty 14647
cubic centimeters or less, has a total dry weight of nine hundred 14648
to two thousand two hundred pounds, contains an enclosed cabin and 14649
a seat for the vehicle operator, resembles a pickup truck or van 14650
with a cargo area or bed located at the rear of the vehicle, and 14651
was not originally manufactured to meet federal motor vehicle 14652
safety standards. 14653

Sec. 4507.11. (A)(1) The registrar of motor vehicles shall 14654
conduct all necessary examinations of applicants for temporary 14655
instruction permits, drivers' licenses, motorcycle operators' 14656
endorsements, or motor-driven cycle or motor scooter endorsements. 14657
The examination shall include a test of the applicant's knowledge 14658
of motor vehicle laws, including the laws ~~on~~ governing stopping 14659

for school buses, a test of the applicant's physical fitness to 14660
drive, and a test of the applicant's ability to understand highway 14661
traffic control devices. The registrar may conduct the examination 14662
~~may be conducted~~ in such a manner that applicants who are 14663
illiterate or limited in their knowledge of the English language 14664
~~may be~~ are tested by methods that would indicate to the examining 14665
officer that the applicant has a reasonable knowledge of motor 14666
vehicle laws and understands highway traffic control devices. ~~An~~ 14667

(2) An applicant for a driver's license shall give an actual 14668
demonstration of the ability to exercise ordinary and reasonable 14669
control in the operation of a motor vehicle by driving ~~the same a~~ 14670
motor vehicle under the supervision of an examining officer; 14671
however, no applicant for a driver's license shall use a low-speed 14672
or under-speed vehicle or a mini-truck for the purpose of 14673
demonstrating ability to exercise ordinary and reasonable control 14674
over a vehicle. ~~Except~~ The demonstration shall consist of a 14675
maneuverability test and a road test. The director of public 14676
safety shall determine the formats of the tests. 14677

(3) Except as provided in division (B) of this section, an 14678
applicant for a motorcycle operator's endorsement or a restricted 14679
license that permits only the operation of a motorcycle shall give 14680
an actual demonstration of the ability to exercise ordinary and 14681
reasonable control in the operation of a motorcycle by driving ~~the~~ 14682
~~same a~~ motorcycle under the supervision of an examining officer+ 14683
~~however.~~ However, no applicant for such an endorsement or 14684
restricted license shall use a motor-driven cycle or motor scooter 14685
for the purpose of demonstrating ability to exercise ordinary and 14686
reasonable control in the operation of a motorcycle. ~~Except~~ 14687

(4) Except as provided in division (B) of this section, an 14688
applicant for a motor-driven cycle or motor scooter operator's 14689
endorsement or a restricted license that permits only the 14690
operation of a motor-driven cycle or motor scooter shall give an 14691

actual demonstration of the ability to exercise ordinary and 14692
reasonable control in the operation of a motor-driven cycle or 14693
motor scooter by driving a motor-driven cycle or motor scooter 14694
under the supervision of an examining officer. ~~Except~~ 14695

(5) ~~Except~~ as provided in section 4507.12 of the Revised 14696
Code, the registrar shall designate the highway patrol, any law 14697
enforcement body, or any other employee of the department of 14698
public safety to supervise and conduct examinations for temporary 14699
instruction permits, drivers' licenses, and motorcycle operators' 14700
endorsements and shall provide the necessary rules and forms to 14701
properly conduct the examinations. The A deputy registrar shall 14702
forward to the registrar the records of the examinations, together 14703
with the application for a temporary instruction permit, driver's 14704
license, or motorcycle operator's endorsement, ~~shall be forwarded~~ 14705
~~to the registrar by the deputy registrar, and, if.~~ If in the 14706
opinion of the registrar the applicant is qualified to operate a 14707
motor vehicle, the registrar shall issue the permit, license, or 14708
endorsement. 14709

(6) The registrar may authorize the highway patrol, other 14710
designated law enforcement body, or other designated employee of 14711
the department of public safety to issue an examiner's driving 14712
permit to an applicant who has passed the required examination, 14713
authorizing that applicant to operate a motor vehicle while the 14714
registrar is completing an investigation relative to that 14715
applicant's qualifications to receive a temporary instruction 14716
permit, driver's license, or motorcycle operator's endorsement. 14717
The applicant shall keep the examiner's driving permit ~~shall be~~ in 14718
the applicant's immediate possession ~~of the applicant~~ while 14719
operating a motor vehicle ~~and shall be.~~ The examiner's driving 14720
permit is effective until final action and notification has been 14721
given by the registrar, but in no event longer than sixty days 14722
from its date of issuance. 14723

(B)(1) An applicant for a motorcycle operator's endorsement 14724
or a restricted license that permits only the operation of a 14725
motorcycle who presents to the registrar of motor vehicles or a 14726
deputy registrar a form approved by the director of public safety 14727
attesting to the applicant's successful completion within the 14728
preceding sixty days of a course of basic instruction provided by 14729
the motorcycle safety and education program approved by the 14730
director pursuant to section 4508.08 of the Revised Code shall not 14731
be required to give an actual demonstration of the ability to 14732
operate a motorcycle by driving a motorcycle under the supervision 14733
of an examining officer, as described in division (A) of this 14734
section. An applicant for a motor-driven cycle or motor scooter 14735
operator's endorsement or a restricted license that permits only 14736
the operation of a motor-driven cycle or motor scooter who 14737
presents to the registrar of motor vehicles or a deputy registrar 14738
a form approved by the director of public safety attesting to the 14739
applicant's successful completion within the preceding sixty days 14740
of a course of basic instruction provided by the motorcycle safety 14741
and education program approved by the director pursuant to section 14742
4508.08 of the Revised Code shall not be required to give an 14743
actual demonstration of the ability to operate a motor-driven 14744
cycle or motor scooter by driving a motor-driven cycle or motor 14745
scooter under the supervision of an examining officer, as 14746
described in division (A) of this section. Upon presentation of 14747
the form described in division (B)(1) of this section and 14748
compliance with all other requirements relating to the issuance of 14749
a motorcycle operator's endorsement or a restricted license that 14750
permits only the operation of a motorcycle, the registrar or 14751
deputy registrar shall issue to the applicant the endorsement or 14752
restricted license, as the case may be. 14753

(2) A person who has not attained eighteen years of age and 14754
presents an application for a motorcycle operator's endorsement or 14755
a restricted license under division (B)(1) of this section also 14756

shall comply with the requirements of section 4507.21 of the Revised Code. 14757
14758

(C) A person who holds a valid motorcycle endorsement or restricted license that permits only the operation of a motorcycle may operate a motor-driven cycle or motor scooter with that endorsement or restricted license. 14759
14760
14761
14762

Section 110.11. That the existing versions of sections 4501.01 and 4507.11 of the Revised Code that are scheduled to take effect January 1, 2017, are hereby repealed. 14763
14764
14765

Section 110.12. Sections 110.10 and 110.11 of this act take effect January 1, 2017. 14766
14767

Section 125.10. Section 5501.491 of the Revised Code is repealed July 1, 2019. 14768
14769

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2016 and the amounts in the second column are for fiscal year 2017. 14770
14771
14772
14773
14774
14775

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 14776
Highway Operating Fund Group 14777
2120 772426 Highway \$ 3,500,000 \$ 3,500,000 14778
Infrastructure Bank -
Federal
2120 772427 Highway \$ 9,825,000 \$ 9,825,000 14779
Infrastructure Bank -
State

2120	772430	Infrastructure Debt Reserve Title 23-49	\$	525,000	\$	525,000	14780
2130	772431	Roadway Infrastructure Bank - State	\$	3,500,000	\$	3,500,000	14781
2130	772433	Infrastructure Debt Reserve - State	\$	650,000	\$	650,000	14782
2130	777477	Aviation Infrastructure Bank - State	\$	2,000,000	\$	2,000,000	14783
7002	770003	Transportation Facilities Lease Rental Bond Payments	\$	10,100,000	\$	12,162,500	14784
7002	771411	Planning and Research - State	\$	20,616,087	\$	23,590,435	14785
7002	771412	Planning and Research - Federal	\$	33,405,195	\$	30,780,847	14786
7002	772421	Highway Construction - State	\$	600,691,058	\$	577,413,383	14787
7002	772422	Highway Construction - Federal	\$	1,006,223,456	\$	1,032,306,620	14788
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000	14789
7002	772437	Major New State Infrastructure Bond Debt Service - State	\$	24,802,700	\$	25,859,100	14790
7002	772438	Major New State Infrastructure Bond Debt Service - Federal	\$	152,033,800	\$	146,534,600	14791
7002	773431	Highway Maintenance - State	\$	506,200,000	\$	519,400,000	14792
7002	775452	Public Transportation	\$	31,232,549	\$	31,232,549	14793

	- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$ 1,500,000 14794
		- Other			
7002	776462	Grade Crossings -	\$	14,098,000	\$ 14,072,000 14795
		Federal			
7002	777472	Airport Improvements	\$	405,000	\$ 405,000 14796
		- Federal			
7002	777475	Aviation	\$	6,620,899	\$ 6,666,416 14797
		Administration			
7002	779491	Administration -	\$	89,292,626	\$ 92,690,582 14798
		State			
TOTAL HOF Highway Operating					14799
Fund Group			\$	2,597,221,370	\$ 2,614,614,032 14800
Dedicated Purpose Fund Group					14801
4N40	776664	Rail Transportation -	\$	2,875,800	\$ 2,875,800 14802
		Other			
5W90	777615	County Airport	\$	620,000	\$ 620,000 14803
		Maintenance			
TOTAL DPF Dedicated Purpose					14804
Fund Group			\$	3,495,800	\$ 3,495,800 14805
Capital Projects Fund Group					14806
7042	772723	Highway Construction	\$	146,330,382	\$ 166,254,827 14807
		- Bonds			
7045	772428	Highway	\$	131,209,431	\$ 206,053,254 14808
		Infrastructure Bank -			
		Bonds			
TOTAL CPF Capital Projects					14809
Fund Group			\$	277,539,813	\$ 372,308,081 14810
TOTAL ALL BUDGET FUND GROUPS			\$	2,878,256,983	\$ 2,990,417,913 14811
Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND					14812
PAYMENTS					14813

The foregoing appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Transportation under the leases and agreements for facilities made under Chapter 154. of the Revised Code. This appropriation is the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

Should the appropriation in appropriation item 770003, Transportation Facilities Lease Rental Bond Payments, exceed the debt service payments in either fiscal year of the biennium ending June 30, 2017, then the balance may be transferred to appropriation item 772421, Highway Construction - State, 773431, Highway Maintenance - State, or 779491, Administration - State, upon the written request of the Director of Transportation and with the approval of the Director of Budget and Management. The transfer shall be reported to the Controlling Board.

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES

(A) Notwithstanding section 5511.06 of the Revised Code, the Director of Transportation shall, in each fiscal year of the biennium ending June 30, 2017, determine portions of the foregoing appropriation item 772421, Highway Construction - State, which shall be used for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state facilities owned or operated by the Department of Natural Resources.

(B) Notwithstanding section 5511.06 of the Revised Code, of the foregoing appropriation item 772421, Highway Construction - State, \$2,228,000 in each fiscal year shall be used for the construction, reconstruction, or maintenance of park drives or

park roads within the boundaries of metropolitan parks. 14845

(C) The Department of Transportation may use the foregoing 14846
appropriation item 772421, Highway Construction - State, to 14847
perform: 14848

(1) Related road work on behalf of the Ohio Expositions 14849
Commission at the state fairgrounds, including reconstruction or 14850
maintenance of public access roads and support features to and 14851
within fairgrounds facilities, as requested by the Commission and 14852
approved by the Director of Transportation; and 14853

(2) Related road work on behalf of the Ohio History 14854
Connection, including reconstruction or maintenance of public 14855
access roads and support features to and within Ohio History 14856
Connection facilities, as requested by the Ohio History Connection 14857
and approved by the Director of Transportation. 14858

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 14859

(A) Of the foregoing appropriation item 772421, Highway 14860
Construction - State, \$3,500,000 in each fiscal year shall be made 14861
available for distribution by the Director of Transportation to 14862
Transportation Improvement Districts that have facilitated funding 14863
for the cost of a project or projects in conjunction with and 14864
through other governmental agencies. 14865

(B) A Transportation Improvement District shall submit 14866
requests for project funding to the Ohio Department of 14867
Transportation not later than the first day of September in each 14868
fiscal year. The Ohio Department of Transportation shall notify 14869
the Transportation Improvement District whether the Department has 14870
approved or disapproved the project funding request within 90 days 14871
after the day the request was submitted by the Transportation 14872
Improvement District. 14873

(C) Any funding provided to a Transportation Improvement 14874

District specified in this section shall not be used for the 14875
purposes of administrative costs or administrative staffing and 14876
must be used to fund a specific project or projects within that 14877
District's area. The total amount of a specific project's cost 14878
shall not be fully funded by the amount of funds provided under 14879
this section. The total amount of funding provided for each 14880
project is limited to 25% of total project costs not to exceed 14881
\$250,000 per fiscal year. Transportation Improvement Districts 14882
that are co-sponsoring a specific project may individually apply 14883
for up to \$250,000 for that project. However, not more than 25% of 14884
a project's total costs per biennium shall be funded through 14885
moneys provided under this section. 14886

(D) Funding provided under this section may be used for 14887
preliminary engineering, detailed design, right-of-way 14888
acquisition, and construction of the specific project and such 14889
other project costs that are defined in section 5540.01 of the 14890
Revised Code and approved by the Director of Transportation. Upon 14891
receipt of a copy of an invoice for work performed on the specific 14892
project, the Director of Transportation shall reimburse a 14893
Transportation Improvement District for the expenditures described 14894
above, subject to the requirements of this section. 14895

(E) Any Transportation Improvement District that is 14896
requesting funds under this section shall register with the 14897
Director of Transportation. The Director of Transportation shall 14898
register a Transportation Improvement District only if the 14899
district has a specific, eligible project and may cancel the 14900
registration of a Transportation Improvement District that is not 14901
eligible to receive funds under this section. The Director shall 14902
not provide funds to any Transportation Improvement District under 14903
this section if the district is not registered. The Director of 14904
Transportation shall not register a Transportation Improvement 14905
District and shall cancel the registration of a currently 14906

registered Transportation Improvement District unless at least one 14907
of the following applies: 14908

(1) The Transportation Improvement District, by a resolution 14909
or resolutions, designated a project or program of projects and 14910
facilitated, including in conjunction with and through other 14911
governmental agencies, funding for costs of a project or program 14912
of projects in an aggregate amount of not less than \$10,000,000 14913
within the eight-year period commencing January 1, 2005. 14914

(2) The Transportation Improvement District, by a resolution 14915
or resolutions, designated a project or program of projects and 14916
facilitated, including in conjunction with and through other 14917
governmental agencies, funding for costs of a project or program 14918
of projects in an aggregate amount of not less than \$15,000,000 14919
from the commencement date of the project or program of projects. 14920

(3) The Transportation Improvement District has designated, 14921
by a resolution or resolutions, a project or program of projects 14922
that has estimated aggregate costs in excess of \$10,000,000 and 14923
the County Engineer of the county in which the Transportation 14924
Improvement District is located has attested by a sworn affidavit 14925
that the costs of the project or program of projects exceeds 14926
\$10,000,000 and that the Transportation Improvement District is 14927
facilitating a portion of funding for that project or program of 14928
projects. 14929

(F) For purposes of this section: 14930

(1) "Project" shall have the same meaning as in division (D) 14931
of section 5540.01 of the Revised Code. 14932

(2) "Governmental agency" shall have the same meaning as in 14933
division (B) of section 5540.01 of the Revised Code. 14934

(3) "Cost" shall have the same meaning as in division (C) of 14935
section 5540.01 of the Revised Code. 14936

Section 203.50. ISSUANCE OF BONDS 14937

The Treasurer of State, upon the request of the Director of 14938
Transportation, is authorized to issue and sell, in accordance 14939
with Section 2m of Article VIII, Ohio Constitution, and Chapter 14940
151. and particularly sections 151.01 and 151.06 of the Revised 14941
Code, obligations, including bonds and notes, in the aggregate 14942
amount of \$313,000,000 in addition to the original issuance of 14943
obligations authorized by prior acts of the General Assembly. 14944

The obligations shall be issued and sold from time to time in 14945
amounts necessary to provide sufficient moneys to the credit of 14946
the Highway Capital Improvement Fund (Fund 7042) created by 14947
section 5528.53 of the Revised Code to pay costs charged to the 14948
fund when due as estimated by the Director of Transportation, 14949
provided, however, that such obligations shall be issued and sold 14950
at such time or times so that not more than \$220,000,000 original 14951
principal amount of obligations, plus the principal amount of 14952
obligations that in prior fiscal years could have been, but were 14953
not, issued within the \$220,000,000 limit, may be issued in any 14954
fiscal year, and not more than \$1,200,000,000 original principal 14955
amount of such obligations are outstanding at any one time. 14956

Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 14957
7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 14958
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 14959
ADMINISTRATION 14960

The Director of Budget and Management may approve requests 14961
from the Director of Transportation for transfer of Highway 14962
Operating Fund (Fund 7002) appropriations for planning and 14963
research (appropriation items 771411 and 771412), highway 14964
construction and debt service (appropriation items 772421, 772422, 14965
772424, 772425, 772437, 772438, and 770003), highway maintenance 14966

(appropriation item 773431), public transportation - federal 14967
(appropriation item 775452), elderly and disabled special 14968
equipment (appropriation item 775459), rail grade crossings 14969
(appropriation item 776462), aviation (appropriation item 777475), 14970
and administration (appropriation item 779491). The Director of 14971
Budget and Management may not make transfers out of debt service 14972
appropriation items unless the Director determines that the 14973
appropriated amounts exceed the actual and projected debt service 14974
requirements. Transfers of appropriations may be made upon the 14975
written request of the Director of Transportation and with the 14976
approval of the Director of Budget and Management. The transfers 14977
shall be reported to the Controlling Board at the next regularly 14978
scheduled meeting of the board. 14979

This transfer authority is intended to provide for emergency 14980
situations and flexibility to meet unforeseen conditions that 14981
could arise during the biennium ending June 30, 2017. It also is 14982
intended to allow the department to optimize the use of available 14983
resources and adjust to circumstances affecting the obligation and 14984
expenditure of federal funds. 14985

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 14986
AVIATION, AND RAIL AND LOCAL TRANSIT 14987

The Director of Budget and Management may approve written 14988
requests from the Director of Transportation for the transfer of 14989
appropriations between appropriation items 772422, Highway 14990
Construction - Federal, 775452, Public Transportation - Federal, 14991
775454, Public Transportation - Other, 775459, Elderly and 14992
Disabled Special Equipment, 776475, Federal Rail Administration, 14993
and 777472, Airport Improvements - Federal. The transfers shall be 14994
reported to the Controlling Board at its next regularly scheduled 14995
meeting. 14996

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 14997
BANK 14998

The Director of Budget and Management may approve requests 14999
from the Director of Transportation for transfer of appropriations 15000
and cash of the Infrastructure Bank funds created in section 15001
5531.09 of the Revised Code, including transfers between fiscal 15002
years 2016 and 2017. The transfers shall be reported to the 15003
Controlling Board at its next regularly scheduled meeting. 15004

The Director of Budget and Management may approve requests 15005
from the Director of Transportation for transfer of appropriations 15006
and cash from the Highway Operating Fund (Fund 7002) to the 15007
Infrastructure Bank funds created in section 5531.09 of the 15008
Revised Code. The Director of Budget and Management may transfer 15009
from the Infrastructure Bank funds to the Highway Operating Fund 15010
up to the amounts originally transferred to the Infrastructure 15011
Bank funds under this section. However, the Director may not make 15012
transfers between modes or transfers between different funding 15013
sources. The transfers shall be reported to the Controlling Board 15014
at its next regularly scheduled meeting. 15015

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 15016

The Director of Budget and Management may approve requests 15017
from the Director of Transportation for transfer of appropriations 15018
and cash of the Ohio Toll Fund and any subaccounts created in 15019
section 5531.14 of the Revised Code, including transfers between 15020
fiscal years 2016 and 2017. The transfers shall be reported to the 15021
Controlling Board at its next regularly scheduled meeting. 15022

INCREASING APPROPRIATIONS: STATE FUNDS 15023

In the event that receipts or unexpended balances credited to 15024
the Highway Operating Fund (Fund 7002) exceed the estimates upon 15025
which the appropriations have been made in this act, upon the 15026
request of the Director of Transportation, the Controlling Board 15027
may increase those appropriations in the manner prescribed in 15028
section 131.35 of the Revised Code. 15029

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 15030

In the event that receipts or unexpended balances credited to 15031
the Highway Operating Fund (Fund 7002) or apportionments or 15032
allocations made available from the federal and local government 15033
exceed the estimates upon which the appropriations have been made 15034
in this act, upon the request of the Director of Transportation, 15035
the Controlling Board may increase those appropriations in the 15036
manner prescribed in section 131.35 of the Revised Code. 15037

REAPPROPRIATIONS 15038

In each fiscal year of the biennium ending June 30, 2017, the 15039
Director of Transportation may request that the Director of Budget 15040
and Management transfer any remaining unencumbered balances of 15041
prior years' appropriations to the Highway Operating Fund (Fund 15042
7002), the Highway Capital Improvement Fund (Fund 7042), and the 15043
Infrastructure Bank funds created in section 5531.09 of the 15044
Revised Code for the same purpose in the following fiscal year. In 15045
the request, the Director of Transportation shall identify the 15046
appropriate fund and appropriation item of the transfer, and the 15047
requested transfer amount. The Director of Budget and Management 15048
may request additional information necessary for evaluating the 15049
transfer request, and the Director of Transportation shall provide 15050
the requested information to the Director of Budget and 15051
Management. Based on the information provided by the Director of 15052
Transportation, the Director of Budget and Management shall 15053
determine the amount to be transferred by fund and appropriation 15054
item, and those amounts are hereby reappropriated. The Director of 15055
Transportation shall report the reappropriations to the 15056
Controlling Board. 15057

Any balances of prior years' unencumbered appropriations to 15058
the Highway Operating Fund (Fund 7002), the Highway Capital 15059
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 15060
created in section 5531.09 of the Revised Code for which the 15061

Director of Transportation requests reappropriations, and for 15062
which reappropriations are approved by the Director of Budget and 15063
Management, are subject to the availability of revenue as 15064
determined by the Director of Transportation. 15065

LIQUIDATION OF UNFORESEEN LIABILITIES 15066

Any appropriation made from the Highway Operating Fund (Fund 15067
7002) not otherwise restricted by law is available to liquidate 15068
unforeseen liabilities arising from contractual agreements of 15069
prior years when the prior year encumbrance is insufficient. 15070

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 15071

The Director of Transportation may remove snow and ice and 15072
maintain, repair, improve, or provide lighting upon interstate 15073
highways that are located within the boundaries of municipal 15074
corporations, in a manner adequate to meet the requirements of 15075
federal law. When agreed in writing by the Director of 15076
Transportation and the legislative authority of a municipal 15077
corporation and notwithstanding sections 125.01 and 125.11 of the 15078
Revised Code, the Department of Transportation may reimburse a 15079
municipal corporation for all or any part of the costs, as 15080
provided by such agreement, incurred by the municipal corporation 15081
in maintaining, repairing, lighting, and removing snow and ice 15082
from the interstate system. 15083

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 15084

The Director of Transportation may use revenues from the 15085
state motor vehicle fuel tax to match approved federal grants 15086
awarded to the Department of Transportation, regional transit 15087
authorities, or eligible public transportation systems, for public 15088
transportation highway purposes, or to support local or state 15089
funded projects for public transportation highway purposes. Public 15090
transportation highway purposes include: the construction or 15091

repair of high-occupancy vehicle traffic lanes, the acquisition or 15092
construction of park-and-ride facilities, the acquisition or 15093
construction of public transportation vehicle loops, the 15094
construction or repair of bridges used by public transportation 15095
vehicles or that are the responsibility of a regional transit 15096
authority or other public transportation system, or other similar 15097
construction that is designated as an eligible public 15098
transportation highway purpose. Motor vehicle fuel tax revenues 15099
may not be used for operating assistance or for the purchase of 15100
vehicles, equipment, or maintenance facilities. 15101

Section 203.90. OHIO BRIDGE PARTNERSHIP PROGRAM 15102

(A) In each fiscal year of the biennium ending June 30, 2017, 15103
the Director of Transportation shall identify moneys to be used 15104
for additional funding of the Ohio Bridge Partnership Program 15105
established in section 5501.491 of the Revised Code. The Director 15106
shall identify not less than \$10,000,000 in the biennium ending 15107
June 30, 2017, under this section. The identified amounts are 15108
hereby appropriated. 15109

(B) Funding identified under Division (A) of this section 15110
shall be supplemental to the amount of \$120,000,000 previously 15111
announced by the Department of Transportation for the Ohio Bridge 15112
Partnership Program in the biennium ending June 30, 2015. 15113

(C) The Director of Transportation may consult with officials 15114
of political subdivisions in assessing critical needs associated 15115
with bridges maintained by local government entities. The Director 15116
shall notify political subdivisions in an appropriate manner of 15117
the availability of the funding identified under Division (A) of 15118
this section. 15119

Section 203.100. The federal payments made to the state for 15120
highway infrastructure or for transit agencies under Title XII of 15121

Division A of the American Recovery and Reinvestment Act of 2009 15122
 shall be deposited to the credit of the Highway Operating Fund 15123
 (Fund 7002), which is created in section 5735.291 of the Revised 15124
 Code. 15125

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 15126

Highway Safety Fund Group 15127

4W40 762321 Operating Expense - \$ 126,201,615 \$ 126,201,615 15128
 BMV

4W40 762636 Financial \$ 4,785,067 \$ 4,785,067 15129
 Responsibility
 Compliance

4W40 762637 Local Immobilization \$ 200,000 \$ 200,000 15130
 Reimbursement

7036 761321 Operating Expense - \$ 7,449,331 \$ 7,449,331 15131
 Information and
 Education

7036 761401 Public Safety \$ 2,435,800 \$ 2,433,200 15132
 Facilities Lease
 Rental Bond Payments

7036 764321 Operating Expense - \$ 270,232,602 \$ 270,232,602 15133
 Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 15134
 Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 15135
 Administration

8370 764602 Turnpike Policing \$ 11,553,959 \$ 11,553,959 15136

83C0 764630 Contraband, \$ 622,894 \$ 622,894 15137
 Forfeiture, and Other

83F0 764657 Law Enforcement \$ 8,500,000 \$ 8,500,000 15138
 Automated Data System

83G0 764633 OMVI \$ 641,927 \$ 641,927 15139

		Enforcement/Education				
83M0	765624	Operating - EMS	\$	3,601,220	\$	3,601,220 15140
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 15141
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354 15142
8400	764617	Security and	\$	9,514,236	\$	9,514,236 15143
		Investigations				
8400	764626	State Fairgrounds	\$	1,084,559	\$	1,084,559 15144
		Police Force				
8410	764603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399 15145
		Highway Patrol				
8460	761625	Motorcycle Safety	\$	3,280,563	\$	3,280,563 15146
		Education				
8490	762627	Automated Title	\$	16,367,293	\$	16,367,293 15147
		Processing Board				
8490	762630	Electronic Liens and	\$	2,900,000	\$	2,900,000 15148
		Titles				
TOTAL	HSF	Highway Safety Fund Group	\$	477,784,872	\$	477,782,272 15149
		Dedicated Purpose Fund Group				15150
5390	762614	Motor Vehicle Dealers	\$	140,000	\$	140,000 15151
		Board				
5B90	766632	Private Investigator	\$	1,400,000	\$	1,400,000 15152
		and Security Guard				
		Provider				
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000 15153
		and Alcohol				
		Monitoring				
TOTAL	DPF	Dedicated Purpose Fund	\$	3,540,000	\$	3,540,000 15154
		Group				
		Fiduciary Fund Group				15155
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000 15156
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000 15157
		Contributions				

TOTAL FID Fiduciary Fund Group	\$	3,600,000	\$	3,600,000	15158
Holding Account Fund Group					15159
R024 762619 Unidentified Motor	\$	1,885,000	\$	1,885,000	15160
Vehicle Receipts					
R052 762623 Security Deposits	\$	350,000	\$	350,000	15161
TOTAL HLD Holding Account Fund	\$	2,235,000	\$	2,235,000	15162
Group					
Federal Fund Group					15163
3DU0 762628 BMV Grants	\$	850,000	\$	850,000	15164
3GR0 764693 Highway Patrol	\$	2,100,000	\$	2,100,000	15165
Justice Contraband					
3GS0 764694 Highway Patrol	\$	21,000	\$	21,000	15166
Treasury Contraband					
3GU0 761610 Information and	\$	300,000	\$	300,000	15167
Education Grant					
3GU0 764608 Fatality Analysis	\$	175,000	\$	175,000	15168
Report System Grant					
3GU0 764610 Highway Safety	\$	2,250,000	\$	2,250,000	15169
Programs Grant					
3GU0 764659 Motor Carrier Safety	\$	5,200,000	\$	5,200,000	15170
Assistance Program					
Grant					
3GU0 765610 Emergency Medical	\$	225,000	\$	225,000	15171
Services Grants					
3GV0 761612 Traffic Safety Action	\$	24,200,000	\$	24,200,000	15172
Plan Grants					
TOTAL FED Federal Fund Group	\$	35,321,000	\$	35,321,000	15173
TOTAL ALL BUDGET FUND GROUPS	\$	522,480,872	\$	522,478,272	15174
MOTOR VEHICLE REGISTRATION					15175
The Director of Public Safety may deposit revenues to meet					15176
the cash needs of the State Bureau of Motor Vehicles Fund (Fund					15177
4W40) established in section 4501.25 of the Revised Code, obtained					15178

under sections 4503.02 and 4504.02 of the Revised Code, less all 15179
other available cash. Revenue deposited pursuant to this paragraph 15180
shall support, in part, appropriations for operating expenses and 15181
defray the cost of manufacturing and distributing license plates 15182
and license plate stickers and enforcing the law relative to the 15183
operation and registration of motor vehicles. Notwithstanding 15184
section 4501.03 of the Revised Code, the revenues shall be paid 15185
into Fund 4W40 before any revenues obtained pursuant to sections 15186
4503.02 and 4504.02 of the Revised Code are paid into any other 15187
fund. The deposit of revenues to meet the aforementioned cash 15188
needs shall be in approximately equal amounts on a monthly basis 15189
or as otherwise approved by the Director of Budget and Management 15190
pursuant to a plan submitted by the Director of Public Safety. 15191

OPERATING EXPENSE - INFORMATION AND EDUCATION 15192

Of the foregoing appropriation item 761321, Operating Expense 15193
- Information and Education, \$450,000 in each year shall be used 15194
to purchase portable driving simulators. 15195

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 15196

The foregoing appropriation item 761401, Public Safety 15197
Facilities Lease Rental Bond Payments, shall be used to meet all 15198
payments during the period July 1, 2015, through June 30, 2017, by 15199
the Department of Public Safety under the leases and agreements 15200
for facilities under Chapters 152. and 154. of the Revised Code. 15201
The appropriations are the source of funds pledged for bond 15202
service charges on related obligations issued under Chapters 152. 15203
and 154. of the Revised Code. 15204

CASH TRANSFERS BETWEEN FUNDS 15205

Upon written request of the Director of Public Safety, the 15206
Director of Budget and Management may transfer cash between the 15207
State Bureau of Motor Vehicles Fund (Fund 4W40) and the State 15208
Highway Safety Fund (Fund 7036). 15209

CASH TRANSFERS - HIGHWAY PATROL	15210
Upon written request of the Director of Public Safety, the	15211
Director of Budget and Management may transfer cash from the State	15212
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0)	15213
or the Highway Safety Salvage and Exchange Highway Patrol Fund	15214
(Fund 8410) to the Security, Investigations and Policing Fund	15215
(Fund 8400).	15216
CASH TRANSFERS TO THE HIGHWAY SAFETY FUND - SHIPLEY UPGRADES	15217
Pursuant to a plan submitted by the Director of Public	15218
Safety, or as otherwise determined by the Director of Budget and	15219
Management, the Director of Budget and Management may make	15220
appropriate cash transfers on a pro-rata basis as approved by the	15221
Director of Budget and Management from other funds used by the	15222
Department of Public Safety, excluding the Public Safety Building	15223
Fund (Fund 7025), to the State Highway Safety Fund (Fund 7036) in	15224
order to reimburse expenditures for capital upgrades to the	15225
Shipley Building.	15226
CASH TRANSFERS - FEDERAL FUNDS	15227
Upon written request of the Director of Public Safety, the	15228
Director of Budget and Management may transfer cash from the	15229
Highway Safety Federal Reimbursement Fund (Fund 8310) to the	15230
Highway Safety Federal Reimbursement Fund (Fund 3GU0).	15231
Upon written request of the Director of Public Safety, the	15232
Director of Budget and Management may transfer cash from the	15233
Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund (Fund	15234
3GV0).	15235
Upon written request of the Director of Public Safety, the	15236
Director of Budget and Management may transfer cash from the	15237
Highway Patrol Justice Contraband Fund (Fund 83J0) to the Highway	15238
Patrol Justice Contraband Fund (Fund 3GR0).	15239

Upon written request of the Director of Public Safety, the 15240
Director of Budget and Management may transfer cash from the 15241
Highway Patrol Treasury Contraband Fund (Fund 83T0) to the Highway 15242
Patrol Treasury Contraband Fund (Fund 3GS0). 15243

CREDITING OF MONEYS RECEIVED 15244

Beginning July 1, 2015, or as soon as possible thereafter, 15245
all moneys received pursuant to section 4501.08 of the Revised 15246
Code may be deposited to the credit of the Highway Safety Federal 15247
Reimbursement Fund (Fund 3GU0) or to the Highway Safety Federal 15248
Reimbursement Fund (Fund 8310), as necessary. 15249

Beginning July 1, 2015, or as soon as possible thereafter, 15250
all moneys received pursuant to section 4501.09 of the Revised 15251
Code may be deposited to the credit of the Traffic Safety Fund 15252
(Fund 3GV0) or to the Traffic Safety Fund (Fund 8320), as 15253
necessary. 15254

Beginning July 1, 2015, or as soon as possible thereafter, 15255
all moneys received pursuant to section 2981.14 of the Revised 15256
Code shall be deposited to the credit of the Highway Patrol 15257
Justice Contraband Fund (Fund 3GR0). 15258

Beginning July 1, 2015, or as soon as possible thereafter, 15259
all moneys received pursuant to section 2981.14 of the Revised 15260
Code shall be deposited to the credit of the Highway Patrol 15261
Treasury Contraband Fund (Fund 3GS0). 15262

COLLECTIVE BARGAINING INCREASES 15263

Notwithstanding division (D) of section 127.14 and division 15264
(B) of section 131.35 of the Revised Code, except for the General 15265
Revenue Fund, the Controlling Board may, upon the request of 15266
either the Director of Budget and Management, or the Department of 15267
Public Safety with the approval of the Director of Budget and 15268
Management, authorize expenditures in excess of appropriations and 15269
transfer appropriations, as necessary, for any fund used by the 15270

Department of Public Safety, to assist in paying the costs of 15271
increases in employee compensation that have occurred pursuant to 15272
collective bargaining agreements under Chapter 4117. of the 15273
Revised Code and, for exempt employees, under section 124.152 of 15274
the Revised Code. Any money approved for expenditure under this 15275
paragraph is hereby appropriated. 15276

CASH BALANCE FUND REVIEW 15277

The Director of Public Safety shall review the cash balances 15278
for each fund in the State Highway Safety Fund Group, and may 15279
submit a request in writing to the Director of Budget and 15280
Management to transfer amounts from any fund in the State Highway 15281
Safety Fund Group to the credit of the State Highway Safety Fund 15282
(Fund 7036) or the State Bureau of Motor Vehicles Fund (Fund 15283
4W40), as appropriate. Upon receipt of such a request, the 15284
Director of Budget and Management may make appropriate transfers 15285
as requested by the Director of Public Safety or as otherwise 15286
determined by the Director of Budget and Management. 15287

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 15288

Dedicated Purpose Fund Group 15289
4W00 195629 Roadwork Development \$ 15,200,000 \$ 15,200,000 15290
TOTAL DPF Dedicated Purpose 15291
Fund Group \$ 15,200,000 \$ 15,200,000 15292
TOTAL ALL BUDGET FUND GROUPS \$ 15,200,000 \$ 15,200,000 15293

ROADWORK DEVELOPMENT FUND 15294

The Roadwork Development Fund shall be used for road 15295
improvements associated with economic development opportunities 15296
that will retain or attract businesses for Ohio. "Road 15297
improvements" are improvements to public roadway facilities 15298
located on, or serving or capable of serving, a project site. 15299

The Department of Transportation, under the direction of the 15300

Development Services Agency, shall provide these funds in 15301
accordance with all guidelines and requirements established for 15302
other Development Services Agency programs, including Controlling 15303
Board review and approval as well as the requirements for usage of 15304
motor vehicle fuel tax revenue prescribed in Section 5a of Article 15305
XII, Ohio Constitution. Should the Development Services Agency 15306
require the assistance of the Department of Transportation to 15307
bring a project to completion, the Department of Transportation 15308
shall use its authority under Title 55 of the Revised Code to 15309
provide such assistance and may enter into contracts on behalf of 15310
the Development Services Agency. In addition, these funds may be 15311
used in conjunction with any other state funds appropriated for 15312
infrastructure improvements. 15313

The Director of Budget and Management, pursuant to a plan 15314
submitted by the Director of Development Services or as otherwise 15315
determined by the Director of Budget and Management, shall set a 15316
cash transfer schedule to meet the cash needs of the Development 15317
Services Agency Roadwork Development Fund (Fund 4W00), less any 15318
other available cash. The Director shall transfer to the Roadwork 15319
Development Fund from the Highway Operating Fund (Fund 7002), 15320
established in section 5735.291 of the Revised Code, such amounts 15321
at such times as determined by the transfer schedule. 15322

Section 209.10. PWC PUBLIC WORKS COMMISSION 15323

Dedicated Purpose Fund Group				15324
7052	150402	Local Transportation	\$ 289,020 \$ 291,269	15325
		Improvement Program -		
		Operating		
7052	150701	Local Transportation	\$ 56,000,000 \$ 58,000,000	15326
		Improvement Program		
TOTAL DPF Dedicated Purpose				15327
Fund Group				15328
			\$ 56,289,020 \$ 58,291,269	

Capital Projects Fund Group					15329
7038 150321 State Capital	\$	899,507	\$	905,807	15330
Improvements Program					
- Operating Expenses					
TOTAL CPF Capital Projects					15331
Fund Group	\$	899,507	\$	905,807	15332
TOTAL ALL BUDGET FUND GROUPS	\$	57,188,527	\$	59,197,076	15333
STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES					15334
The foregoing appropriation item 150321, State Capital					15335
Improvements Program - Operating Expenses, shall be used by the					15336
Ohio Public Works Commission to administer the State Capital					15337
Improvement Program under sections 164.01 to 164.16 of the Revised					15338
Code.					15339
DISTRICT ADMINISTRATION COSTS					15340
The Director of the Public Works Commission is authorized to					15341
create a District Administration Costs Program from proceeds of					15342
the Capital Improvements Fund and Local Transportation Improvement					15343
Program Fund. The program shall be used to provide for the direct					15344
costs of district administration of the nineteen public works					15345
districts. Districts choosing to participate in the program shall					15346
only expend State Capital Improvements Fund moneys for State					15347
Capital Improvements Fund costs and Local Transportation					15348
Improvement Program Fund moneys for Local Transportation					15349
Improvement Program Fund costs. The District Administration Costs					15350
Program account shall not exceed \$1,235,000 per fiscal year. Each					15351
public works district may be eligible for up to \$65,000 per fiscal					15352
year from its district allocation as provided in sections 164.08					15353
and 164.14 of the Revised Code.					15354
The Director, by rule, shall define allowable and					15355
nonallowable costs for the purpose of the District Administration					15356
Costs Program. Nonallowable costs include indirect costs, elected					15357

official salaries and benefits, and project-specific costs. No 15358
district public works committee may participate in the District 15359
Administration Costs Program without the approval of those costs 15360
by the district public works committee under section 164.04 of the 15361
Revised Code. 15362

REAPPROPRIATIONS 15363

All capital appropriations from the Local Transportation 15364
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 15365
129th General Assembly remaining unencumbered as of June 30, 2015, 15366
are reappropriated for use during the period July 1, 2015, through 15367
June 30, 2016, for the same purpose. 15368

Notwithstanding division (B) of section 127.14 of the Revised 15369
Code, all capital appropriations and reappropriations from the 15370
Local Transportation Improvement Program Fund (Fund 7052) in this 15371
act remaining unencumbered as of June 30, 2016, are reappropriated 15372
for use during the period July 1, 2016, through June 30, 2017, for 15373
the same purposes, subject to the availability of revenue as 15374
determined by the Director of the Public Works Commission. 15375

TEMPORARY TRANSFERS 15376

Notwithstanding section 127.14 of the Revised Code, the 15377
Director of the Public Works Commission may request the Director 15378
of Budget and Management to transfer moneys from the Local 15379
Transportation Improvement Fund (Fund 7052) to the State Capital 15380
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 15381
(Fund 7056). The Director of Budget and Management may approve 15382
temporary transfers if such transfers are needed for capital 15383
outlays for which notes or bonds will be issued. Any transfers 15384
executed under this section shall be reported to the Controlling 15385
Board by June 30 of the fiscal year in which the transfer 15386
occurred. 15387

Section 401.10. All items set forth in this section are 15388
hereby appropriated out of any moneys in the state treasury to the 15389
credit of the Building Improvement Fund (Fund 5KZ0) that are not 15390
otherwise appropriated for the biennium ending June 30, 2016: 15391

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 15392
C10035 Building Improvement \$ 1,252,000 15393
TOTAL Department of Administrative Services \$ 1,252,000 15394

Section 401.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 15396

The appropriations made in this act, excluding those made 15397
from the State Capital Improvement Fund (Fund 7038) and the State 15398
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 15399
or structures, including remodeling and renovations, are limited 15400
to: 15401

(A) Acquisition of real property or interests in real 15402
property; 15403

(B) Buildings and structures, which includes construction, 15404
demolition, complete heating and cooling, lighting and lighting 15405
fixtures, and all necessary utilities, ventilating, plumbing, 15406
sprinkling, water, and sewer systems, when such systems are 15407
authorized or necessary; 15408

(C) Architectural, engineering, and professional services 15409
expenses directly related to the projects; 15410

(D) Machinery that is a part of structures at the time of 15411
initial acquisition or construction; 15412

(E) Acquisition, development, and deployment of new computer 15413
systems, including the redevelopment or integration of existing 15414
and new computer systems, but excluding regular or ongoing 15415
maintenance or support agreements; 15416

(F) Equipment that meets all the following criteria: 15417

(1) The equipment is essential in bringing the facility up to its intended use;	15418 15419
(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more;	15420 15421
(3) The equipment has a useful life of five years or more; and	15422 15423
(4) The equipment is necessary for the functioning of the particular facility or project.	15424 15425
Equipment shall not be paid for from these appropriations that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated. This paragraph does not apply to appropriation line items for equipment.	15426 15427 15428 15429 15430
Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION	15431
There is hereby appropriated, from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations, amounts computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code.	15432 15433 15434 15435 15436 15437 15438 15439
Rebate payments shall be approved and vouchered by the Office of Budget and Management.	15440 15441
Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS	15442 15443
The Director of Budget and Management shall initiate and process payments from lease rental payment appropriation items during the period from July 1, 2015, to June 30, 2017, pursuant to	15444 15445 15446

the lease and other agreements relating to bonds or notes issued 15447
under Section 2i of Article VIII of the Ohio Constitution and 15448
Chapters 152. and 154. of the Revised Code. Payments shall be made 15449
upon certification by the Treasurer of State of the dates and 15450
amounts due on those dates. 15451

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 15452

Certain appropriations are in this act for the purpose of 15453
lease rental and other payments under leases and agreements 15454
relating to bonds or notes issued under the Ohio Constitution and 15455
acts of the General Assembly. If it is determined that additional 15456
appropriations are necessary for this purpose, such amounts are 15457
hereby appropriated. 15458

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 15459
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 15460

Upon the request of the Director of Transportation, the 15461
Director of Budget and Management may transfer cash from the 15462
Highway Operating Fund (Fund 7002) to the Highway Capital 15463
Improvement Fund (Fund 7042) created in section 5528.53 of the 15464
Revised Code. The Director of Budget and Management may transfer 15465
cash from Fund 7042 to Fund 7002 up to the amount of cash 15466
previously transferred to Fund 7042 under this section. 15467

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 15468

The Director of Budget and Management shall transfer cash in 15469
equal monthly increments totaling \$165,664,404 in each fiscal year 15470
of the biennium ending June 30, 2017 from the Highway Operating 15471
Fund (Fund 7002), created in section 5735.291 of the Revised Code, 15472
to the Gasoline Excise Tax Fund (Fund 7060) created in division 15473
(A) of section 5735.27 of the Revised Code. The monthly amounts 15474
transferred under this section shall be distributed as follows: 15475

42.86 per cent shall be distributed among the municipal 15476
corporations within the state under division (A)(2) of section 15477
5735.27 of the Revised Code; 37.14 per cent shall be distributed 15478
among the counties within the state under division (A)(3) of 15479
section 5735.27 of the Revised Code; and 20 per cent shall be 15480
distributed among the townships within the state under division 15481
(A)(5)(b) of section 5735.27 of the Revised Code. 15482

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 15483

On July 1, 2015, and on January 1, 2016, or as soon as 15484
possible thereafter, respectively, the Director of Budget and 15485
Management shall transfer \$200,000 in cash, for each period, from 15486
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 15487
General for ODOT Fund (Fund 5FA0). 15488

On July 1, 2016, and on January 1, 2017, or as soon as 15489
possible thereafter, respectively, the Director of Budget and 15490
Management shall transfer \$200,000 in cash, for each period, from 15491
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 15492
General for ODOT Fund (Fund 5FA0). 15493

Should additional amounts be necessary, the Inspector 15494
General, with the consent of the Director of Budget and 15495
Management, may seek Controlling Board approval for additional 15496
transfers of cash and to increase the amount appropriated from 15497
appropriation item 965603, Deputy Inspector General for ODOT, in 15498
the amount of the additional cash transfers. 15499

Section 512.40. ABOLISHMENT OF FUNDS 15500

On July 1, 2015, or as soon as possible thereafter, the 15501
Director of Budget and Management shall transfer the cash balance 15502
in the MARCS Operations Fund (Fund 4W60) to the MARCS 15503
Administration Fund (Fund 5C20). Upon completion of the transfer, 15504
Fund 4W60 is abolished. 15505

On July 1, 2015, or as soon as possible thereafter, the 15506
Highway Obligation Bond Retirement Fund (Fund 7071) is abolished. 15507

On January 1, 2016, or as soon as possible thereafter, the 15508
Director of Budget and Management shall transfer the cash balance 15509
in the Financial Responsibility Compliance Fund (Fund 8350) to the 15510
State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion 15511
of the transfer, Fund 8350 is abolished. 15512

On January 1, 2016, or as soon as possible thereafter, the 15513
Director of Budget and Management shall transfer the cash balance 15514
in the Law Enforcement Reimbursement Fund (Fund 83R0) to the State 15515
Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the 15516
transfer, Fund 83R0 is abolished. 15517

On March 1, 2016, or as soon as possible thereafter, the 15518
Director of Budget and Management shall transfer the cash balance 15519
in the Homeland Security Fund (Fund 5DS0) to the State Bureau of 15520
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 15521
Fund 5DS0 is abolished. 15522

On March 1, 2016, or as soon as possible thereafter, the 15523
Director of Budget and Management shall transfer the cash balance 15524
in the Investigations Fund (Fund 5FL0) to the State Bureau of 15525
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 15526
Fund 5FL0 is abolished. 15527

On March 1, 2016, or as soon as possible thereafter, the 15528
Director of Budget and Management shall transfer the cash balance 15529
in the Highway Safety Federal Reimbursement Fund (Fund 8310) to 15530
the Highway Safety Federal Reimbursement Fund (Fund 3GU0). Upon 15531
completion of the transfer, Fund 8310 is abolished. 15532

The Director shall cancel any existing encumbrances against 15533
Fund 8310 appropriation item 761610, Information and Education - 15534
Federal, and reestablish them against Fund 3GU0 appropriation item 15535
761610, Information and Education Grant. The reestablished 15536

encumbrance amounts are hereby appropriated. 15537

The Director shall cancel any existing encumbrances against 15538
Fund 8310 appropriation item 764608, FARS Grant Federal, and 15539
reestablish them against Fund 3GU0 appropriation item 764608, 15540
Fatality Analysis Report System Grant. The reestablished 15541
encumbrance amounts are hereby appropriated. 15542

The Director shall cancel any existing encumbrances against 15543
Fund 8310 appropriation item 764610, Patrol - Federal, and 15544
reestablish them against Fund 3GU0 appropriation item 764610, 15545
Highway Safety Programs Grant. The reestablished encumbrance 15546
amounts are hereby appropriated. 15547

The Director shall cancel any existing encumbrances against 15548
Fund 8310 appropriation item 764659, Transportation Enforcement - 15549
Federal, and reestablish them against Fund 3GU0 appropriation item 15550
764659, Motor Carrier Safety Assistance Program Grant. The 15551
reestablished encumbrance amounts are hereby appropriated. 15552

The Director shall cancel any existing encumbrances against 15553
Fund 8310 appropriation item 765610, EMS - Federal, and 15554
reestablish them against Fund 3GU0 appropriation item 765610, 15555
Emergency Medical Services Grants. The reestablished encumbrance 15556
amounts are hereby appropriated. 15557

The Director shall cancel any existing encumbrances against 15558
Fund 8310 appropriation item 769610, Investigative Unit Federal 15559
Reimbursement, and reestablish them against Fund 3GU0 15560
appropriation item 769610, Investigations Grants - Food Stamps, 15561
Liquor and Tobacco Laws. The reestablished encumbrance amounts are 15562
hereby appropriated. 15563

The Director shall cancel any existing encumbrances against 15564
Fund 8310 appropriation item 769631, Homeland Security - Federal, 15565
and reestablish them against Fund 3GU0 appropriation item 769631, 15566
Homeland Security Disaster Grants. The reestablished encumbrance 15567

amounts are hereby appropriated. 15568

On March 1, 2016, or as soon as possible thereafter, the 15569
Director of Budget and Management shall transfer the cash balance 15570
in the Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund 15571
(Fund 3GV0). Upon completion of the transfer, Fund 8320 is 15572
abolished. 15573

The Director shall cancel any existing encumbrances against 15574
Fund 8320 appropriation item 761612, Traffic Safety - Federal, and 15575
reestablish them against Fund 3GV0 appropriation item 761612, 15576
Traffic Safety - Federal. The reestablished encumbrance amounts 15577
are hereby appropriated. 15578

On March 1, 2016, or as soon as possible thereafter, the 15579
Director of Budget and Management shall transfer the cash balance 15580
in the Highway Patrol Justice Contraband Fund (Fund 83J0) to the 15581
Highway Patrol Justice Contraband Fund (Fund 3GR0). Upon 15582
completion of the transfer, Fund 83J0 is abolished. 15583

The Director shall cancel any existing encumbrances against 15584
Fund 83J0 appropriation item 764693, Highway Patrol Justice 15585
Contraband, and reestablish them against Fund 3GR0 appropriation 15586
item 764693, Highway Patrol Justice Contraband. The reestablished 15587
encumbrance amounts are hereby appropriated. 15588

On March 1, 2016, or as soon as possible thereafter, the 15589
Director of Budget and Management shall transfer the cash balance 15590
in the Highway Patrol Treasury Contraband Fund (Fund 83T0) to the 15591
Highway Patrol Treasury Contraband Fund (Fund 3GS0). Upon 15592
completion of the transfer, Fund 83T0 is abolished. 15593

The Director shall cancel any existing encumbrances against 15594
Fund 83T0 appropriation item 764694, Highway Patrol Treasury 15595
Contraband, and reestablish them against Fund 3GS0 appropriation 15596
item 764694, Highway Patrol Treasury Contraband. The reestablished 15597
encumbrance amounts are hereby appropriated. 15598

Section 521.10. To the extent permitted by federal law, 15599
federal money received by the state for fiscal stabilization and 15600
recovery purposes shall be used in accordance with the preferences 15601
for products and services made or performed in the United States 15602
and Ohio established in section 125.09 of the Revised Code. 15603

Section 610.01. That Sections 729.10 and 729.11 of Am. Sub. 15604
H.B. 483 of the 130th General Assembly be amended to read as 15605
follows: 15606

Sec. 729.10. (A)(1) There is hereby created the Criminal 15607
Justice Recodification Committee, consisting of ~~twenty-one~~ 15608
twenty-four members. ~~Two~~ Three members shall be members of the 15609
Senate, appointed by the President of the Senate. Two of those 15610
members shall be members of the majority party in the Senate and 15611
one shall be a member of the minority party in the Senate. Three 15612
members shall be members of the House of Representatives, 15613
appointed by the Speaker of the House of Representatives. Two of 15614
those members shall be members of the majority party in the House 15615
of Representatives and one shall be a member of the minority party 15616
in the House of Representatives. One member shall be a Justice of 15617
the Supreme Court, appointed by the Chief Justice of the Supreme 15618
Court. One member shall be the Director of Rehabilitation and 15619
Correction or the Director's individual designee. One member shall 15620
be the Director of Youth Services or the Director's individual 15621
designee. Three members, not more than two of whom shall be 15622
members of the same political party, shall be judges jointly 15623
appointed by the President of the Senate and the Speaker of the 15624
House of Representatives after consulting with the Chief Justice 15625
of the Supreme Court, with each judge being a judge of a court of 15626
appeals, judge of a court of common pleas, judge of a municipal 15627
court, or judge of a county court. The following twelve members, 15628

not more than seven of whom shall be members of the same political party, shall be jointly appointed by the President of the Senate and the Speaker of the House of Representatives after consulting with the appropriate state associations, if any, that are represented by these members: one sheriff; one peace officer of a municipal corporation or township; three prosecutors, each of whom is a county prosecuting attorney or a full-time city prosecuting attorney; three attorneys whose practice of law primarily involves the representation of criminal defendants; one member of the Ohio State Bar Association; one representative of community corrections programs; one representative of community addiction services providers or community mental health services providers; and one representative of a juvenile justice organization.

All appointed members of the Committee shall be appointed by the specified appointing authority not later than thirty days after the effective date of the amendments to this section. All members of the Committee who are elected officials and whose term of office expires prior to January 1, 2016, shall serve until the expiration of their term of office. Any vacancy on the Committee shall be filled in the same manner as the original appointment.

When the President of the Senate and the Speaker of the House of Representatives make their appointments to the Committee, they shall consider adequate representation by race and gender.

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

(a) "Community addiction services provider" and "community mental health services provider" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Community corrections programs" has the same meaning as in section 5149.30 of the Revised Code.

(B) The Committee initially shall meet not later than sixty

days after the effective date of the amendments to this act 15659
section. At its initial meeting, the Committee shall organize, 15660
select a Chairperson and Vice-chairperson and any other necessary 15661
officers, and adopt rules to govern its proceedings. The Committee 15662
shall meet as necessary at the call of the Chairperson or on the 15663
written request of ~~seven~~ eight or more of its members. ~~Eleven~~ 15664
Thirteen members of the Committee constitute a quorum, and the 15665
votes of a majority of the quorum present shall be required to 15666
validate any action of the Committee. All business of the 15667
Committee shall be conducted in public meetings. 15668

The members of the Committee shall serve without 15669
compensation, but each member shall be reimbursed for the member's 15670
actual and necessary expenses incurred in the performance of the 15671
member's official duties on the Committee. In the absence of the 15672
Chairperson, the Vice-chairperson shall perform the duties of the 15673
Chairperson. 15674

(C) The Committee has the same powers as other standing or 15675
select committees of the General Assembly. The Committee may 15676
consult with, and seek and obtain research and technical services 15677
and support from, any individual, organization, association, 15678
college, or university. All state and local government agencies 15679
and entities shall cooperate with the Committee in the performance 15680
of its duties under this section and Section 729.11 of ~~this act~~ 15681
Am. Sub. H.B. 483 of the 130th General Assembly. 15682

Sec. 729.11. (A) The Criminal Justice Recodification 15683
Committee shall study the existing criminal statutes of this 15684
state, with the goal of enhancing public safety and the 15685
administration of criminal justice in Ohio by eliminating 15686
duplication in those statutes, aligning those statutes with the 15687
purpose of defining a culpable mental state for all crimes, 15688
removing or revising crimes included in those statutes for which 15689

no culpable mental state is provided, and other appropriate 15690
measures. The Committee shall use the results of its study to 15691
develop and recommend to the General Assembly a comprehensive plan 15692
for revising the state's Criminal Code that is consistent with 15693
those specified goals of the study. 15694

(B) Not later than ~~January~~ August 1, 2016, the Criminal 15695
Justice Recodification Committee shall recommend to the General 15696
Assembly a comprehensive plan for revising the state's Criminal 15697
Code that is consistent with the goals of the Committee's study 15698
that are specified in division (A) of this section. 15699

(C) Upon its submission to the General Assembly pursuant to 15700
division (B) of this section of its recommendations for a 15701
comprehensive plan for revising the state's Criminal Code, the 15702
Criminal Justice Recodification Committee shall cease to exist. 15703

Section 610.02. That existing Sections 729.10 and 729.11 of 15704
Am. Sub. H.B. 483 of the 130th General Assembly are hereby 15705
repealed. 15706

Section 610.10. That Section 227.10 of Am. H.B. 497 of the 15707
130th General Assembly be amended to read as follows: 15708

Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY 15709

Administrative Building Fund (Fund 7026) 15710

C76034	EMA Building System and Equipment	\$	526,600	15711
C76039	Clinton County Farmer's and Sportsman's Association	\$	50,000	15712
C76040	Wayne County Emergency Services Infrastructure	\$	589,000	15713
TOTAL Administrative Building Fund		\$	1,165,600	15714

Highway Safety Fund (Fund 7036) 15715

C76000	Platform Scales Improvements	\$	350,000	15716
C76036	Shipley Building Renovations and Improvements	\$	2,250,000	15717
C76037	Cincinnati Consolidated Center Renovations and Improvements	\$	3,500,000	15718
C76038	Brook Park Facility Renovations and Improvements	\$	900,000	15719
<u>C76043</u>	<u>Minor Capital Projects</u>	<u>\$</u>	<u>1,250,000</u>	15720
TOTAL Highway Safety Fund		\$	7,000,000	15721
			<u>8,250,000</u>	
TOTAL ALL FUNDS		\$	8,165,600	15722
			<u>9,415,600</u>	

Section 610.11. That existing Section 227.10 of Am. H.B. 497 15724
of the 130th General Assembly is hereby repealed. 15725

Section 755.10. The Director of Transportation may enter into 15726
agreements as provided in this section with the United States or 15727
any department or agency of the United States, including, but not 15728
limited to, the United States Army Corps of Engineers, the United 15729
States Forest Service, the United States Environmental Protection 15730
Agency, and the United States Fish and Wildlife Service. An 15731
agreement entered into pursuant to this section shall be solely 15732
for the purpose of dedicating staff to the expeditious and timely 15733
review of environmentally related documents submitted by the 15734
Director of Transportation, as necessary for the approval of 15735
federal permits. The agreements may include provisions for advance 15736
payment by the Director of Transportation for labor and all other 15737
identifiable costs of the United States or any department or 15738
agency of the United States providing the services, as may be 15739
estimated by the United States, or the department or agency of the 15740
United States. The Director shall submit a request to the 15741
Controlling Board indicating the amount of the agreement, the 15742

services to be performed by the United States or the department or 15743
agency of the United States, and the circumstances giving rise to 15744
the agreement. 15745

Section 755.20. (A) As used in this section, "indefinite 15746
delivery indefinite quantity contract" means a contract for an 15747
indefinite quantity, within stated limits, of supplies or services 15748
that will be delivered by the awarded bidder over a defined 15749
contract period. 15750

(B) The Director of Transportation shall advertise and seek 15751
bids for, and shall award, indefinite delivery indefinite quantity 15752
contracts for not more than two projects in fiscal year 2016 and 15753
for not more than two projects in fiscal year 2017. For purposes 15754
of entering into indefinite delivery indefinite quantity 15755
contracts, the Director shall do all of the following: 15756

(1) Prepare bidding documents; 15757

(2) Establish contract forms; 15758

(3) Determine contract terms and conditions, including the 15759
following: 15760

(a) The maximum overall value of the contract, which may 15761
include an allowable increase of one hundred thousand dollars or 15762
five per cent of the advertised contract value, whichever is less; 15763

(b) The duration of the contract, including a time extension 15764
of up to one year if determined appropriate by the Director; 15765

(c) The defined geographical area to which the contract 15766
applies, which shall be not greater than the size of one district 15767
of the Department of Transportation. 15768

(4) Develop and implement a work order process in order to 15769
provide the awarded bidder adequate notice of requested supplies 15770
or services, the anticipated quantities of supplies, and work 15771

location information for each work order. 15772

(5) Take any other action necessary to fulfill the duties and 15773
obligations of the Director under this section. 15774

(C) Section 5525.01 of the Revised Code applies to indefinite 15775
delivery indefinite quantity contracts. 15776

Section 755.40. (A) There is hereby created the Joint 15777
Legislative Task Force on Department of Transportation Funding. 15778
The Task Force shall consist of three members of the House Finance 15779
and Appropriations Committee, one of whom is a member of the 15780
Minority party, all of whom shall be appointed by the Speaker of 15781
the House of Representatives; and three members of the Senate 15782
Transportation Committee, one of whom is a member of the Minority 15783
party, all of whom shall be appointed by the President of the 15784
Senate. In making Minority party appointments, the Speaker shall 15785
consult with the Minority Leader of the House of Representatives, 15786
and the President shall consult with the Minority Leader of the 15787
Senate. 15788

If the President of the Senate does not appoint members to 15789
the Task Force by September 15, 2015, the Speaker of the House of 15790
Representatives shall appoint the members from the Senate to the 15791
Task Force. If the Speaker of the House of Representatives does 15792
not appoint members to the Task Force by September 15, 2015, the 15793
President of the Senate shall appoint the members from the House 15794
of Representatives to the Task Force. 15795

(B) The Task Force shall examine the funding needs of the 15796
Ohio Department of Transportation and shall study specifically the 15797
issue of the effectiveness of the Ohio motor fuel tax in meeting 15798
those funding needs. The Task Force also shall study alternative 15799
methods for funding the construction and maintenance of Ohio's 15800
roadways and infrastructure. 15801

(C) Not later than December 15, 2016, the Task Force shall 15802
issue a report containing its findings and recommendations to the 15803
President of the Senate, the Minority Leader of the Senate, the 15804
Speaker of the House of Representatives, and the Minority Leader 15805
of the House of Representatives. At that time, the Task Force 15806
shall cease to exist. 15807

Section 755.50. The General Assembly may create the 15808
Transportation Oversight Committee on Rural Busing. If created, 15809
the Committee shall consist of three members of the Senate 15810
appointed by the President of the Senate, not more than two of 15811
whom shall be members of the same political party, and three 15812
members of the House of Representatives appointed by the Speaker 15813
of the House of Representatives, not more than two of whom shall 15814
be members of the same political party. In making Minority Party 15815
appointments, the Speaker shall consult with the Minority Leader 15816
of the House of Representatives, and the President shall consult 15817
with the Minority Leader of the Senate. 15818

If created, the Committee shall review rural busing routes 15819
and study whether the routes sufficiently meet the transportation 15820
needs of the communities they serve. Not later than December 15, 15821
2016, the Committee shall submit a report of its findings and 15822
recommendations to the Governor, the President of the Senate, the 15823
Minority Leader of the Senate, the Speaker of the House of 15824
Representatives, and the Minority Leader of the House of 15825
Representatives. Thereafter, the committee shall cease to exist. 15826

Section 755.70. The Department of Transportation shall 15827
utilize a one-hundred-year service life design standard for new 15828
bridge construction that is consistent with the recommendations of 15829
the Design Guide for Bridges for Service Life published in 2013 by 15830
the Transportation Research Board for purposes of a pilot project 15831
that shall consist of the construction of not less than five but 15832

not more than eight new bridges. In selecting the bridge locations 15833
for the pilot project, the Department shall select sites in all 15834
areas of the state. The counties in which the sites are located 15835
shall represent a mixture of counties that are urban, rural, and 15836
suburban in nature. 15837

The Director of Transportation, in accordance with Chapter 15838
119. of the Revised Code, may adopt rules to implement the pilot 15839
program. 15840

Section 755.80. Not later than December 31, 2015, the 15841
Director of Transportation shall submit written notice to the 15842
President of the Senate and the Speaker of the House of 15843
Representatives identifying the recommended preferred alignment of 15844
the roadway construction project entitled as "SR 32F - New 15845
Connector from the Red Bank Road to Bells Lane," that has been 15846
assigned the project identification number 86462, on the Tier 3 15847
list of projects of the Transportation Review Advisory Council. 15848

Section 757.10. Beginning on July 31, 2015, and on the last 15849
day of the month for each month thereafter, before making any of 15850
the distributions specified in sections 5735.23, 5735.26, 15851
5735.291, and 5735.30 of the Revised Code but after any transfers 15852
to the tax refund fund as required by those sections and section 15853
5703.052 of the Revised Code, the Treasurer of State shall deposit 15854
the first two per cent of the amount of motor fuel tax received 15855
for the preceding calendar month to the credit of the Highway 15856
Operating Fund (Fund 7002). 15857

Section 757.20. Notwithstanding Chapter 5735. of the Revised 15858
Code, the following apply for the period of July 1, 2015, through 15859
June 30, 2017: 15860

(A) For the discount under section 5735.06 of the Revised 15861

Code, if the monthly report is timely filed and the tax is timely 15862
paid, one per cent of the total number of gallons of motor fuel 15863
received by the motor fuel dealer within the state during the 15864
preceding calendar month, less the total number of gallons 15865
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 15866
the Revised Code, less one-half of one per cent of the total 15867
number of gallons of motor fuel that were sold to a retail dealer 15868
during the preceding calendar month. 15869

(B) For the semiannual periods ending December 31, 2015, June 15870
30, 2016, December 31, 2016, and June 30, 2017, the refund 15871
provided to retail dealers under section 5735.141 of the Revised 15872
Code shall be one-half of one per cent of the Ohio motor fuel 15873
taxes paid on fuel purchased during those semiannual periods. 15874

Section 757.30. The amendment by this act of section 5739.02 15875
of the Revised Code applies on and after January 1, 2010. 15876
Notwithstanding division (D) of section 5739.07 of the Revised 15877
Code, any person that paid taxes imposed under Chapter 5739. or 15878
5741. on the basis of transactions described in that amendment on 15879
or after that date may apply for a refund of such taxes in the 15880
manner prescribed by section 5739.07 of the Revised Code, and the 15881
Tax Commissioner shall consider the refund application as 15882
otherwise provided under that section. Notwithstanding section 15883
5739.13 of the Revised Code, any liability for unpaid taxes on the 15884
basis of transactions described in that amendment accruing on or 15885
after that date is hereby abated regardless of whether an 15886
assessment has been issued under that section, and no assessment 15887
may be issued on the basis of such taxes. 15888

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 15889
APPROPRIATIONS 15890

Law contained in the main operating appropriations act of the 15891

131st General Assembly that is generally applicable to the 15892
appropriations made in the main operating appropriations act also 15893
is generally applicable to the appropriations made in this act. 15894

Section 801.20. As used in the uncodified law of this act, 15895
"American Recovery and Reinvestment Act of 2009" means the 15896
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 15897
111-5, 123 Stat. 115. 15898

Section 806.10. The items of law contained in this act, and 15899
their applications, are severable. If any item of law contained in 15900
this act, or if any application of any item of law contained in 15901
this act, is held invalid, the invalidity does not affect other 15902
items of law contained in this act and their applications that can 15903
be given effect without the invalid item or application. 15904

Section 812.10. Except as otherwise provided in this act, the 15905
amendment, enactment, or repeal by this act of a section of law is 15906
subject to the referendum under Ohio Constitution, Article II, 15907
Section 1c and therefore takes effect on the ninety-first day 15908
after this act is filed with the Secretary of State or, if a later 15909
effective date is specified below, on that date. 15910

Section 812.20. In this section, an "appropriation" includes 15911
another provision of law in this act that relates to the subject 15912
of the appropriation. 15913

An appropriation of money made in this act is not subject to 15914
the referendum insofar as a contemplated expenditure authorized 15915
thereby is wholly to meet a current expense within the meaning of 15916
Ohio Constitution, Article II, Section 1d and section 1.471 of the 15917
Revised Code. To that extent, the appropriation takes effect 15918
immediately when this act becomes law. Conversely, the 15919
appropriation is subject to the referendum insofar as a 15920

contemplated expenditure authorized thereby is wholly or partly 15921
not to meet a current expense within the meaning of Ohio 15922
Constitution, Article II, Section 1d and section 1.471 of the 15923
Revised Code. To that extent, the appropriation takes effect on 15924
the ninety-first day after this act is filed with the Secretary of 15925
State. 15926

Section 812.30. The amendment to section 4503.102 of the 15927
Revised Code contained in Section 101.01 of this act that requires 15928
the Registrar of Motor Vehicles, for purposes of the centralized 15929
system of motor vehicle registration, to accept payments via the 15930
toll-free telephone number established under division (D)(1) of 15931
section 4503.031 of the Revised Code for renewals made by mail 15932
shall take effect six months after the effective date of this 15933
section. 15934

Section 815.10. The General Assembly, applying the principle 15935
stated in division (B) of section 1.52 of the Revised Code that 15936
amendments are to be harmonized if reasonably capable of 15937
simultaneous operation, finds that the following sections, 15938
presented in this act as composites of the sections as amended by 15939
the acts indicated, are the resulting versions of the sections in 15940
effect prior to the effective date of the sections as presented in 15941
this act: 15942

Section 3772.10 of the Revised Code as amended by both Am. 15943
Sub. H.B. 386 and Am. Sub. S.B. 337 of the 129th General Assembly. 15944

Section 4501.21 of the Revised Code as amended by Am. Sub. 15945
H.B. 23, Sub. H.B. 206, Am. H.B. 474, and Am. S.B. 186, all of the 15946
130th General Assembly. 15947

Section 4503.102 of the Revised Code as amended by both H.B. 15948
13 and Am. Sub. H.B. 119 of the 127th General Assembly. 15949

Section 4506.09 of the Revised Code as amended by both Am. 15950

Sub. H.B. 51 and Am. Sub. H.B. 98 of the 130th General Assembly.	15951
Section 4507.11 of the Revised Code, that is effective until	15952
January 1, 2017, as amended by both S.B. 271 and Am. Sub. H.B. 600	15953
of the 123rd General Assembly.	15954
Section 4507.21 of the Revised Code as amended by both Am.	15955
Sub. H.B. 407 and Am. Sub. S.B. 123 of the 124th General Assembly.	15956
Section 4508.02 of the Revised Code as amended by both Sub.	15957
H.B. 99 and Am. Sub. H.B. 487 of the 129th General Assembly.	15958
Section 815.20. The amendments made by Sub. S.B. 114 of the	15959
129th General Assembly to sections 4501.01, 4503.04, 4503.21,	15960
4503.22, 4503.544, and 4511.53 are scheduled to take effect	15961
January 1, 2017. The purpose of the changes to those sections	15962
under this act is to accelerate and modify the amendments made to	15963
those sections by Sub. S.B. 114 of the 129th General Assembly	15964
pertaining to cab-enclosed motorcycles. Those amendments	15965
pertaining to cab-enclosed motorcycles shall take effect on the	15966
effective date of this act. This act does not modify the	15967
amendments made to those sections by Sub. S.B. 114 of the 129th	15968
General Assembly that do not pertain to cab-enclosed motorcycles	15969
and those amendments continue to take effect January 1, 2017.	15970