

As Concurred by the House

**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, Amstutz, Anielski, 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, Maag, Manning,
McClain, O'Brien, S., Pelanda, Phillips, Reineke, Rezabek, Rogers, Ruhl,
Ryan, Slesnick, Strahorn, Terhar, Thompson, Young, Speaker Rosenberger
Senators Manning, Balderson, Beagle, Burke, Eklund, Hite, Hottinger,
Hughes, Jones, LaRose, Lehner, Oelslager, Patton, Peterson, Uecker**

A B I L L

To amend sections 122.14, 125.834, 126.06, 127.14, 1
164.05, 1548.07, 2953.36, 2953.61, 3772.10, 2
4501.01, 4501.03, 4501.04, 4501.044, 4501.045, 3
4501.06, 4501.11, 4501.26, 4501.34, 4503.04, 4
4503.102, 4503.103, 4503.11, 4503.182, 4503.21, 5
4503.22, 4503.233, 4503.26, 4503.499, 4503.544, 6
4505.09, 4505.14, 4506.01, 4506.03, 4506.05, 7
4506.06, 4506.07, 4506.071, 4506.08, 4506.09, 8
4506.10, 4506.12, 4506.13, 4506.15, 4506.16, 9
4506.17, 4506.20, 4506.21, 4507.03, 4507.071, 10
4507.11, 4507.21, 4507.23, 4508.01, 4508.02, 11
4508.03, 4508.04, 4508.05, 4508.06, 4508.10, 12
4509.05, 4509.101, 4509.81, 4511.01, 4511.53, 13
4511.69, 4513.263, 4513.60, 4513.601, 4513.61, 14
4513.68, 4513.69, 4517.03, 4517.10, 4519.63, 15

4582.06, 4582.31, 4749.07, 5501.55, 5501.56, 16
5502.03, 5502.39, 5502.67, 5528.31, 5528.40, 17
5531.08, 5534.04, 5537.35, 5543.22, 5577.044, 18
5728.08, 5735.23, 5735.26, 5735.291, 5735.30, and 19
5739.02; to enact sections 4503.111, 4507.213, 20
4508.11, 4511.351, 5501.08, 5501.491, 5516.15, and 21
5531.30; and to repeal sections 4501.19, 4501.28, 22
5502.131, 5528.19, 5528.32, 5528.33, 5528.35, 23
5528.36, 5528.38, and 5528.39 of the Revised Code 24
and to amend Sections 729.10 and 729.11 of Am. 25
Sub. H.B. 483 of the 130th General Assembly and 26
Section 227.10 of Am. H.B. 497 of the 130th 27
General Assembly to make appropriations for 28
programs related to transportation and public 29
safety for the biennium beginning July 1, 2015, 30
and ending June 30, 2017, and to provide 31
authorization and conditions for the operation of 32
those programs; and to amend the versions of 33
sections 4501.01 and 4507.11 of the Revised Code 34
that are scheduled to take effect January 1, 2017, 35
to continue the provisions of this act on and 36
after that effective date. 37

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

Section 101.01. That sections 122.14, 125.834, 126.06, 38
127.14, 164.05, 1548.07, 2953.36, 2953.61, 3772.10, 4501.01, 39
4501.03, 4501.04, 4501.044, 4501.045, 4501.06, 4501.11, 4501.26, 40
4501.34, 4503.04, 4503.102, 4503.103, 4503.11, 4503.182, 4503.21, 41
4503.22, 4503.233, 4503.26, 4503.499, 4503.544, 4505.09, 4505.14, 42
4506.01, 4506.03, 4506.05, 4506.06, 4506.07, 4506.071, 4506.08, 43
4506.09, 4506.10, 4506.12, 4506.13, 4506.15, 4506.16, 4506.17, 44
4506.20, 4506.21, 4507.03, 4507.071, 4507.11, 4507.21, 4507.23, 45

4508.01, 4508.02, 4508.03, 4508.04, 4508.05, 4508.06, 4508.10, 46
4509.05, 4509.101, 4509.81, 4511.01, 4511.53, 4511.69, 4513.263, 47
4513.60, 4513.601, 4513.61, 4513.68, 4513.69, 4517.03, 4517.10, 48
4519.63, 4582.06, 4582.31, 4749.07, 5501.55, 5501.56, 5502.03, 49
5502.39, 5502.67, 5528.31, 5528.40, 5531.08, 5534.04, 5537.35, 50
5543.22, 5577.044, 5728.08, 5735.23, 5735.26, 5735.291, 5735.30, 51
and 5739.02 be amended; and sections 4503.111, 4507.213, 4508.11, 52
4511.351, 5501.08, 5501.491, 5516.15, and 5531.30 of the Revised 53
Code be enacted to read as follows: 54

Sec. 122.14. There is hereby created in the state treasury 55
the roadwork development fund. The fund shall consist of the 56
investment earnings of the security deposit fund created by 57
section 4509.27 of the Revised Code and revenue transferred to it 58
by the director of budget and management from the highway 59
operating fund created in section 5735.291 of the Revised Code. 60
The fund shall be used by the ~~department of~~ development services 61
agency in accordance with Section 5a of Article XII, Ohio 62
Constitution, to make road improvements associated with retaining 63
or attracting business for this state, including the construction, 64
reconstruction, maintenance, or repair of public roads that 65
provide access to a public airport or are located within a public 66
airport. All investment earnings of the fund shall be credited to 67
the fund. 68

Sec. 125.834. (A) The department of administrative services 69
shall ensure that all new motor vehicles acquired ~~on and after~~ 70
~~July 1, 2006,~~ by the state for use by state agencies under section 71
125.832 of the Revised Code are capable of using alternative 72
fuels. A state agency that is acquiring new motor vehicles under 73
division (G)(1) of section 125.832 of the Revised Code shall 74
report annually, in a manner prescribed by the director of 75

administrative services, the number of new motor vehicles acquired 76
by the state agency and the number of those motor vehicles that 77
are capable of using alternative fuel. 78

(B) The department shall not purchase or lease, or authorize 79
the purchase or lease by a state agency of, any motor vehicles 80
that are incapable of using alternative fuels, unless one or more 81
of the following apply: 82

(1) The department or state agency is unable to acquire or 83
operate motor vehicles within the cost limitations described in 84
rules adopted under division (D) of this section. 85

(2) The use of alternative fuels would not meet the energy 86
conservation and exhaust emissions criteria described in rules 87
adopted under division (D) of this section. 88

(3) An emergency exists or exigent circumstances exist, as 89
determined by the department of administrative services. 90

(C) ~~Not later than ninety days after October 12, 2006, all~~ 91
All motor vehicles owned or leased by the state that are capable 92
of using an alternative fuel shall use an alternative fuel if the 93
fuel is reasonably available at a reasonable price. ~~Subject to~~ 94
~~division (D) of this section, motor vehicles owned or leased by~~ 95
~~the state shall use at least sixty thousand gallons of E85 blend~~ 96
~~fuel per calendar year by January 1, 2007, with an increase of~~ 97
~~five thousand gallons per calendar year each calendar year~~ 98
~~thereafter, and at least one million gallons of blended biodiesel~~ 99
~~per calendar year by January 1, 2007, with an increase of one~~ 100
~~hundred thousand gallons per calendar year each calendar year~~ 101
~~thereafter.~~ The director of administrative services, under Chapter 102
119. of the Revised Code, shall adopt rules to implement the fuel 103
use requirement of this division, and the directors and heads of 104
all state departments and agencies shall issue a directive to all 105
state employees who use state motor vehicles informing them of the 106

fuel use requirement. The directive shall instruct state employees 107
to purchase alternative fuels at retail fuel facilities whenever 108
possible. 109

As used in this division, "motor vehicle" has the same 110
meaning as in section 125.831 of the Revised Code and also 111
includes all on-road and off-road vehicles powered by diesel fuel, 112
regardless of gross vehicle weight. 113

(D) The director of administrative services shall adopt and 114
may amend, under Chapter 119. of the Revised Code, rules that 115
include both of the following: 116

(1) Requirements for state agencies in the procurement of 117
alternative fuels and motor vehicles capable of using alternative 118
fuels, and cost limitations for the acquisition and operation of 119
such vehicles; 120

(2) Energy conservation and exhaust emissions criteria for 121
motor vehicles capable of using alternative fuels. 122

Sec. 126.06. The total operating fund consists of all funds 123
in the state treasury except the auto registration distribution 124
fund, local motor vehicle license tax fund, development bond 125
retirement fund, facilities establishment fund, gasoline excise 126
tax fund, higher education improvement fund, highway improvement 127
bond retirement fund, ~~highway obligations bond retirement fund,~~ 128
highway capital improvement fund, improvements bond retirement 129
fund, mental health facilities improvement fund, parks and 130
recreation improvement fund, public improvements bond retirement 131
fund, school district income tax fund, state agency facilities 132
improvement fund, state and local government highway distribution 133
fund, state highway safety fund, Vietnam conflict compensation 134
fund, any other fund determined by the director of budget and 135
management to be a bond fund or bond retirement fund, and such 136
portion of the highway operating fund as is determined by the 137

director of budget and management and the director of 138
transportation to be restricted by Section 5a of Article XII, Ohio 139
Constitution. 140

When determining the availability of money in the total 141
operating fund to pay claims chargeable to a fund contained within 142
the total operating fund, the director of budget and management 143
shall use the same procedures and criteria the director employs in 144
determining the availability of money in a fund contained within 145
the total operating fund. The director may establish limits on the 146
negative cash balance of the general revenue fund within the total 147
operating fund, but in no case shall the negative cash balance of 148
the general revenue fund exceed ten per cent of the total revenue 149
of the general revenue fund in the preceding fiscal year. 150

Sec. 127.14. The controlling board may, at the request of any 151
state agency or the director of budget and management, authorize, 152
with respect to the provisions of any appropriation act: 153

(A) Transfers of all or part of an appropriation within but 155
not between state agencies, except such transfers as the director 156
of budget and management is authorized by law to make, provided 157
that no transfer shall be made by the director for the purpose of 158
effecting new or changed levels of program service not authorized 159
by the general assembly; 160

(B) Transfers of all or part of an appropriation from one 161
fiscal year to another; 162

(C) Transfers of all or part of an appropriation within or 163
between state agencies made necessary by administrative 164
reorganization or by the abolition of an agency or part of an 165
agency; 166

(D) Transfers of all or part of cash balances in excess of 167

needs from any fund of the state to the general revenue fund or to	168
such other fund of the state to which the money would have been	169
credited in the absence of the fund from which the transfers are	170
authorized to be made, except that the controlling board may not	171
authorize such transfers from the accrued leave liability fund,	172
auto registration distribution fund, local motor vehicle license	173
tax fund, budget stabilization fund, building improvement fund,	174
development bond retirement fund, facilities establishment fund,	175
gasoline excise tax fund, general revenue fund, higher education	176
improvement fund, highway improvement bond retirement fund,	177
highway obligations bond retirement fund, highway capital	178
improvement fund, highway operating fund, horse racing tax fund,	179
improvements bond retirement fund, public library fund, liquor	180
control fund, local government fund, local transportation	181
improvement program fund, medicaid reserve fund, mental health	182
facilities improvement fund, Ohio fairs fund, parks and recreation	183
improvement fund, public improvements bond retirement fund, school	184
district income tax fund, state agency facilities improvement	185
fund, state and local government highway distribution fund, state	186
highway safety fund, state lottery fund, undivided liquor permit	187
fund, Vietnam conflict compensation bond retirement fund,	188
volunteer fire fighters' dependents fund, waterways safety fund,	189
wildlife fund, workers' compensation fund, or any fund not	190
specified in this division that the director of budget and	191
management determines to be a bond fund or bond retirement fund;	192
(E) Transfers of all or part of those appropriations included	193
in the emergency purposes account of the controlling board;	194
(F) Temporary transfers of all or part of an appropriation or	195
other moneys into and between existing funds, or new funds, as may	196
be established by law when needed for capital outlays for which	197
notes or bonds will be issued;	198
(G) Transfer or release of all or part of an appropriation to	199

a state agency requiring controlling board approval of such 200
transfer or release as provided by law; 201

(H) Temporary transfer of funds included in the emergency 202
purposes appropriation of the controlling board. Such temporary 203
transfers may be made subject to conditions specified by the 204
controlling board at the time temporary transfers are authorized. 205
No transfers shall be made under this division for the purpose of 206
effecting new or changed levels of program service not authorized 207
by the general assembly. 208

As used in this section, "request" means an application by a 209
state agency or the director of budget and management seeking some 210
action by the controlling board. 211

When authorizing the transfer of all or part of an 212
appropriation under this section, the controlling board may 213
authorize the transfer to an existing appropriation item and the 214
creation of and transfer to a new appropriation item. 215

Whenever there is a transfer of all or part of funds included 216
in the emergency purposes appropriation by the controlling board,
pursuant to division (E) of this section, the state agency or the 217
director of budget and management receiving such transfer shall 218
keep a detailed record of the use of the transferred funds. At the 219
earliest scheduled meeting of the controlling board following the 220
accomplishment of the purposes specified in the request originally 221
seeking the transfer, or following the total expenditure of the 222
transferred funds for the specified purposes, the state agency or 223
the director of budget and management shall submit a report on the 224
expenditure of such funds to the board. The portion of any 225
appropriation so transferred which is not required to accomplish 226
the purposes designated in the original request to the controlling 227
board shall be returned to the proper appropriation of the 228
controlling board at this time. 229
controlling board at this time. 230

Notwithstanding any provisions of law providing for the 231
deposit of revenues received by a state agency to the credit of a 232
particular fund in the state treasury, whenever there is a 233
temporary transfer of funds included in the emergency purposes 234
appropriation of the controlling board pursuant to division (H) of 235
this section, revenues received by any state agency receiving such 236
a temporary transfer of funds shall, as directed by the 237
controlling board, be transferred back to the emergency purposes 238
appropriation. 239

The board may delegate to the director of budget and 240
management authority to approve transfers among items of 241
appropriation under division (A) of this section. 242

Sec. 164.05. (A) The director of the Ohio public works 243
commission shall do all of the following: 244

(1) Approve requests for financial assistance from district 245
public works integrating committees and enter into agreements with 246
one or more local subdivisions to provide loans, grants, and local 247
debt support and credit enhancements for a capital improvement 248
project if the director determines that: 249

(a) The project is an eligible project pursuant to this 250
chapter; 251

(b) The financial assistance for the project has been 252
properly approved and requested by the district committee of the 253
district which includes the recipient of the loan or grant; 254

(c) The amount of the financial assistance, when added to all 255
other financial assistance provided during the fiscal year for 256
projects within the district, does not exceed that district's 257
allocation of money from the state capital improvements fund for 258
that fiscal year; 259

(d) The district committee has provided such documentation 260

and other evidence as the director may require that the district 261
committee has satisfied the requirements of section 164.06 or 262
164.14 of the Revised Code; 263

(e) The portion of a district's annual allocation which the 264
director approves in the form of loans and local debt support and 265
credit enhancements for eligible projects is consistent with 266
divisions (E) and (F) of this section. 267

(2) Authorize payments to local subdivisions or their 268
contractors for costs incurred for capital improvement projects 269
which have been approved pursuant to this chapter. All requests 270
for payments shall be submitted to the director on forms and in 271
accordance with procedures specified in rules adopted by the 272
director pursuant to division (A)(4) of this section. 273

(3) Retain the services of or employ financial consultants, 274
engineers, accountants, attorneys, and such other employees as the 275
director determines are necessary to carry out the director's 276
duties under this chapter and fix the compensation for their 277
services. From among these employees, the director shall appoint a 278
deputy with the necessary qualifications to act as the director 279
when the director is absent or temporarily unable to carry out the 280
duties of office. 281

(4) Adopt rules establishing the procedures for making 282
applications, reviewing, approving, and rejecting projects for 283
which assistance is authorized under this chapter, and any other 284
rules needed to implement the provisions of this chapter. Such 285
rules shall be adopted under Chapter 119. of the Revised Code. 286

(5) Provide information and other assistance to local 287
subdivisions and district public works integrating committees in 288
developing their requests for financial assistance for capital 289
improvements under this chapter and encourage cooperation and 290
coordination of requests and the development of multisubdivision 291

and multidistrict projects in order to maximize the benefits that	292
may be derived by districts from each year's allocation;	293
(6) Require local subdivisions, to the extent practicable, to	294
use Ohio products, materials, services, and labor in connection	295
with any capital improvement project financed in whole or in part	296
under this chapter;	297
(7) Notify the director of budget and management of all	298
approved projects, and supply all information necessary to track	299
approved projects through the state accounting system;	300
(8) Appoint the administrator of the Ohio small government	301
capital improvements commission;	302
(9) Do all other acts, enter into contracts, and execute all	303
instruments necessary or appropriate to carry out this chapter;	304
(10) Develop a standardized methodology for evaluating	305
capital improvement needs which will be used by local subdivisions	306
in preparing the plans required by division (C) of section 164.06	307
of the Revised Code. The director shall develop this methodology	308
not later than July 1, 1991.	309
(11) Establish a program to provide local subdivisions with	310
technical assistance in preparing project applications. The	311
program shall be designed to assist local subdivisions that lack	312
the financial or technical resources to prepare project	313
applications on their own.	314
(B) When the director of the Ohio public works commission	315
decides to conditionally approve or disapprove projects, the	316
director's decisions and the reasons for which they are made shall	317
be made in writing. These written decisions shall be conclusive	318
for the purposes of the validity and enforceability of such	319
determinations.	320
(C) Fees, charges, rates of interest, times of payment of	321

interest and principal, and other terms, conditions, and 322
provisions of and security for financial assistance provided 323
pursuant to the provisions of this chapter shall be such as the 324
director determines to be appropriate. If any payments required by 325
a loan agreement entered into pursuant to this chapter are not 326
paid, the funds which would otherwise be apportioned to the local 327
subdivision from the county undivided local government fund, 328
pursuant to sections 5747.51 to 5747.53 of the Revised Code, may, 329
at the direction of the director of the Ohio public works 330
commission, be reduced by the amount payable. The county treasurer 331
shall, at the direction of the director, pay the amount of such 332
reductions to the state capital improvements revolving loan fund. 333
The director may renegotiate a loan repayment schedule with a 334
local subdivision whose payments from the county undivided local 335
government fund could be reduced pursuant to this division, but 336
such a renegotiation may occur only one time with respect to any 337
particular loan agreement. 338

(D) Grants approved for the repair and replacement of 339
existing infrastructure pursuant to this chapter shall not exceed 340
ninety per cent of the estimated total cost of the capital 341
improvement project. Grants approved for new or expanded 342
infrastructure shall not exceed fifty per cent of the estimated 343
cost of the new or expansion elements of the capital improvement 344
project. A local subdivision share of the estimated cost of a 345
capital improvement may consist of any of the following: 346

(1) The reasonable value, as determined by the director or 347
the administrator, of labor, materials, and equipment that will be 348
contributed by the local subdivision in performing the capital 349
improvement project; 350

(2) Moneys received by the local subdivision in any form from 351
an authority, commission, or agency of the United States for use 352
in performing the capital improvement project; 353

(3) Loans made to the local subdivision under this chapter; 354

(4) Engineering costs incurred by the local subdivision in 355
performing engineering activities related to the project. 356

A local subdivision share of the cost of a capital 357
improvement shall not include any amounts awarded to it from the 358
local transportation improvement program fund created in section 359
164.14 of the Revised Code. 360

(E) The following portion of a district public works 361
integrating committee's annual allocation share pursuant to 362
section 164.08 of the Revised Code may be awarded to subdivisions 363
only in the form of interest-free, low-interest, market rate of 364
interest, or blended-rate loans: 365

YEAR IN WHICH	PORTION USED FOR	
MONEYS ARE ALLOCATED	LOANS	
Year 1	0%	368
Year 2	0%	369
Year 3	10%	370
Year 4	12%	371
Year 5	15%	372
Year 6	20%	373
Year 7, 8, 9, and 10	22%	374

(F) The following portion of a district public works 375
integrating committee's annual allocation pursuant to section 376
164.08 of the Revised Code shall be awarded to subdivisions in the 377
form of local debt ~~supported~~ support and credit enhancements: 378

YEAR IN WHICH	PORTIONS USED FOR	
MONEYS ARE ALLOCATED	LOCAL DEBT SUPPORT	
	AND CREDIT ENHANCEMENTS	
Year 1	0%	382
Year 2	0%	383
Year 3	3%	384

Year 4	5%	385
Year 5	5%	386
Year 6	7%	387
Year 7	7%	388
Year 8	8%	389
Year 9	8%	390
Year 10	8%	391

(G) For the period commencing on March 29, 1988, and ending 392
on June 30, 1993, for the period commencing July 1, 1993, and 393
ending June 30, 1999, and for each five-year period thereafter, 394
the total amount of financial assistance awarded under sections 395
164.01 to 164.08 of the Revised Code for capital improvement 396
projects located wholly or partially within a county shall be 397
equal to at least thirty per cent of the amount of what the county 398
would have been allocated from the obligations authorized to be 399
sold under this chapter during each period, if such amounts had 400
been allocable to each county on a per capita basis. 401

(H) The amount of the annual allocations made pursuant to 402
divisions (B)(1) and (5) of section 164.08 of the Revised Code 403
which can be used for new or expanded infrastructure is limited as 404
follows: 405

YEAR IN WHICH	PORTION WHICH MAY	
MONEYS ARE ALLOCATED	BE USED FOR NEW OR	
	EXPANSION INFRASTRUCTURE	
Year 1	5%	409
Year 2	5%	410
Year 3	10%	411
Year 4	10%	412
Year 5	10%	413
Year 6	15%	414
Year 7	15%	415
Year 8	20%	416

Year 9	20%	417
Year 10 and each year		418
thereafter	20%	419

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

YEAR IN WHICH MONEYS ARE ALLOCATED	PORTION USED FOR LOANS OR LOCAL DEBT SUPPORT AND CREDIT ENHANCEMENTS	
Year 11 <u>30</u> and each year		429
thereafter	20 <u>15</u> %	430

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

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

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

(3) Name and address of the previous owner;

(4) A statement of all liens, mortgages, or other 447
encumbrances on the watercraft or outboard motor, including a 448
description of the nature and amount of each lien, mortgage, or 449
encumbrance, and the name and address of each holder of the lien, 450
mortgage, or encumbrance; 451

(5) If there are no outstanding liens, mortgages, or other 452
encumbrances, a statement of that fact; 453

(6) A description of the watercraft, including the make, 454
year, length, series or model, if any, body type, and hull 455
identification number or serial number, ~~and make, manufacturer's~~ 456
~~serial number, and horsepower of any inboard motor or motors;~~ or a 457
description of the outboard motor, including the make, year, 458
series or model, if any, manufacturer's serial number, and 459
horsepower; 460

(7) The purchase price, trade-in allowed, and amount of sales 461
or use tax paid under Chapter 5739. or 5741. of the Revised Code. 462

(B) If the application is made by two persons regarding a 463
watercraft or outboard motor in which they wish to establish joint 464
ownership with right of survivorship, they may do so as provided 465
in section 2131.12 of the Revised Code. 466

(C) If the applicant wishes to designate a watercraft or 467
outboard motor in beneficiary form, the applicant may do so as 468
provided in section 2131.13 of the Revised Code. 469

(D) If the watercraft or outboard motor contains a permanent 470
identification number placed on the watercraft or outboard motor 471
by the manufacturer, this number shall be used as the serial 472
number or hull identification number. If there is no 473
manufacturer's identification number, or if the manufacturer's 474
identification number has been removed or obliterated, the chief, 475
upon receipt of a prescribed application and proof of ownership, 476
may assign an identification number for the watercraft or outboard 477

motor, and this number shall be permanently affixed or imprinted 478
by the applicant, at the place and in the manner designated by the 479
chief, upon the watercraft or outboard motor for which it is 480
assigned. 481

Sec. 2953.36. Sections 2953.31 to 2953.35 of the Revised Code 482
do not apply to any of the following: 483

(A) Convictions when the offender is subject to a mandatory 484
prison term; 485

(B) Convictions under section 2907.02, 2907.03, 2907.04, 486
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 487
2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. of the 488
Revised Code, or a conviction for a violation of a municipal 489
ordinance that is substantially similar to any section contained 490
in any of those chapters, except as otherwise provided in section 491
2953.61 of the Revised Code; 492

(C) Convictions of an offense of violence when the offense is 493
a misdemeanor of the first degree or a felony and when the offense 494
is not a violation of section 2917.03 of the Revised Code and is 495
not a violation of section 2903.13, 2917.01, or 2917.31 of the 496
Revised Code that is a misdemeanor of the first degree; 497

(D) Convictions on or after October 10, 2007, under section 498
2907.07 of the Revised Code or a conviction on or after October 499
10, 2007, for a violation of a municipal ordinance that is 500
substantially similar to that section; 501

(E) Convictions on or after October 10, 2007, under section 502
2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 503
2907.32, or 2907.33 of the Revised Code when the victim of the 504
offense was under eighteen years of age; 505

(F) Convictions of an offense in circumstances in which the 506
victim of the offense was under eighteen years of age when the 507

offense is a misdemeanor of the first degree or a felony, except 508
for convictions under section 2919.21 of the Revised Code; 509

(G) Convictions of a felony of the first or second degree; 510

(H) Bail forfeitures in a traffic case as defined in Traffic 511
Rule 2. 512

Sec. 2953.61. (A) Except as provided in division (B)(1) of 513
this section, a person charged with two or more offenses as a 514
result of or in connection with the same act may not apply to the 515
court pursuant to section 2953.32 or 2953.52 of the Revised Code 516
for the sealing of the person's record in relation to any of the 517
charges when at least one of the charges has a final disposition 518
that is different from the final disposition of the other charges 519
until such time as the person would be able to apply to the court 520
and have all of the records pertaining to all of those charges 521
sealed pursuant to section 2953.32 or 2953.52 of the Revised Code. 522

(B)(1) When a person is charged with two or more offenses as 523
a result of or in connection with the same act and the final 524
disposition of one, and only one, of the charges is a conviction 525
under any section of Chapter 4507., 4510., 4511., or 4549., other 526
than section 4511.19 or 4511.194 of the Revised Code, or under a 527
municipal ordinance that is substantially similar to any section 528
other than section 4511.19 or 4511.194 of the Revised Code 529
contained in any of those chapters, and if the records pertaining 530
to all the other charges would be eligible for sealing under 531
section 2953.52 of the Revised Code in the absence of that 532
conviction, the court may order that the records pertaining to all 533
the charges be sealed. In such a case, the court shall not order 534
that only a portion of the records be sealed. 535

(2) Division (B)(1) of this section does not apply if the 536
person convicted of the offenses currently holds a commercial 537
driver's license or commercial driver's license temporary 538

instruction permit. 539

Sec. 3772.10. (A) In determining whether to grant or maintain 540
the privilege of a casino operator, management company, holding 541
company, key employee, casino gaming employee, or gaming-related 542
vendor license, the Ohio casino control commission shall consider 543
all of the following, as applicable: 544

(1) The reputation, experience, and financial integrity of 545
the applicant, its holding company, if applicable, and any other 546
person that directly or indirectly controls the applicant; 547

(2) The financial ability of the applicant to purchase and 548
maintain adequate liability and casualty insurance and to provide 549
an adequate surety bond; 550

(3) The past and present compliance of the applicant and its 551
affiliates or affiliated companies with casino-related licensing 552
requirements in this state or any other jurisdiction, including 553
whether the applicant has a history of noncompliance with the 554
casino licensing requirements of any jurisdiction; 555

(4) If the applicant has been indicted, convicted, pleaded 556
guilty or no contest, or forfeited bail concerning any criminal 557
offense under the laws of any jurisdiction, either felony or 558
misdemeanor, not including traffic violations; 559

(5) If the applicant has filed, or had filed against it a 560
proceeding for bankruptcy or has ever been involved in any formal 561
process to adjust, defer, suspend, or otherwise work out the 562
payment of any debt; 563

(6) If the applicant has been served with a complaint or 564
other notice filed with any public body regarding a payment of any 565
tax required under federal, state, or local law that has been 566
delinquent for one or more years; 567

(7) If the applicant is or has been a defendant in litigation 568

involving its business practices;	569
(8) If awarding a license would undermine the public's confidence in the casino gaming industry in this state;	570 571
(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.	572 573 574 575
(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.	576 577 578 579 580 581 582 583 584
(C) The commission shall not issue a casino operator, management company, holding company, key employee, casino gaming employee, or gaming-related vendor license under this chapter to an applicant if:	585 586 587 588
(1) The applicant has been convicted of a disqualifying offense, as defined in section 3772.07 of the Revised Code.	589 590
(2) The applicant has submitted an application for license under this chapter that contains false information.	591 592
(3) The applicant is a commission member.	593
(4) The applicant owns an ownership interest that is unlawful under this chapter, unless waived by the commission.	594 595
(5) The applicant violates specific rules adopted by the commission related to denial of licensure.	596 597
(6) The applicant is a member of or employed by a gaming	598

regulatory body of a governmental unit in this state, another 599
state, or the federal government, or is ~~employed by an employee of~~ 600
a governmental unit of this state and in that capacity has 601
significant influence or control, as determined by the commission, 602
over the ability of a casino operator, management company, holding 603
company, institutional investor, or gaming-related vendor to 604
conduct business in this state. This division does not prohibit a 605
casino operator or management company from hiring special duty law 606
enforcement officers if the officers are not specifically involved 607
in gaming-related regulatory functions. 608

(7) The commission otherwise determines the applicant is 609
ineligible for the license. 610

(D)(1) The commission shall investigate the qualifications of 611
each applicant under this chapter before any license is issued and 612
before any finding with regard to acts or transactions for which 613
commission approval is required is made. The commission shall 614
continue to observe the conduct of all licensees and all other 615
persons having a material involvement directly or indirectly with 616
a casino operator, management company, or holding company to 617
ensure that licenses are not issued to or held by, or that there 618
is not any material involvement with a casino operator, management 619
company, or holding company by, an unqualified, disqualified, or 620
unsuitable person or a person whose operations are conducted in an 621
unsuitable manner or in unsuitable or prohibited places or 622
locations. 623

(2) The executive director may recommend to the commission 624
that it deny any application, or limit, condition, or restrict, or 625
suspend or revoke, any license or finding, or impose any fine upon 626
any licensee or other person according to this chapter and the 627
rules adopted thereunder. 628

(3) A license issued under this chapter is a revocable 629
privilege. No licensee has a vested right in or under any license 630

issued under this chapter. The initial determination of the 631
commission to deny, or to limit, condition, or restrict, a license 632
may be appealed under section 2505.03 of the Revised Code. 633

(E)(1) An institutional investor may be found to be suitable 634
or qualified by the commission under this chapter and the rules 635
adopted under this chapter. An institutional investor shall be 636
presumed suitable or qualified upon submitting documentation 637
sufficient to establish qualifications as an institutional 638
investor and upon certifying all of the following: 639

(a) The institutional investor owns, holds, or controls 640
securities issued by a licensee or holding, intermediate, or 641
parent company of a licensee or in the ordinary course of business 642
for investment purposes only. 643

(b) The institutional investor does not exercise influence 644
over the affairs of the issuer of such securities nor over any 645
licensed subsidiary of the issuer of such securities. 646

(c) The institutional investor does not intend to exercise 647
influence over the affairs of the issuer of such securities, nor 648
over any licensed subsidiary of the issuer of such securities, in 649
the future, and that it agrees to notify the commission in writing 650
within thirty days if such intent changes. 651

(2) The exercise of voting privileges with regard to 652
securities shall not be deemed to constitute the exercise of 653
influence over the affairs of a licensee. 654

(3) The commission shall rescind the presumption of 655
suitability for an institutional investor at any time if the 656
institutional investor exercises or intends to exercise influence 657
or control over the affairs of the licensee. 658

(4) This division shall not be construed to preclude the 659
commission from requesting information from or investigating the 660
suitability or qualifications of an institutional investor if: 661

(a) The commission becomes aware of facts or information that 662
may result in the institutional investor being found unsuitable or 663
disqualified; or 664

(b) The commission has any other reason to seek information 665
from the investor to determine whether it qualifies as an 666
institutional investor. 667

(5) If the commission finds an institutional investor to be 668
unsuitable or unqualified, the commission shall so notify the 669
investor and the casino operator, holding company, management 670
company, or gaming-related vendor licensee in which the investor 671
invested. The commission shall allow the investor and the licensee 672
a reasonable amount of time, as specified by the commission on a 673
case-by-case basis, to cure the conditions that caused the 674
commission to find the investor unsuitable or unqualified. If 675
during the specified period of time the investor or the licensee 676
does not or cannot cure the conditions that caused the commission 677
to find the investor unsuitable or unqualified, the commission may 678
allow the investor or licensee more time to cure the conditions or 679
the commission may begin proceedings to deny, suspend, or revoke 680
the license of the casino operator, holding company, management 681
company, or gaming-related vendor in which the investor invested 682
or to deny any of the same the renewal of any such license. 683

(6) A private licensee or holding company shall provide the 684
same information to the commission as a public company would 685
provide in a form 13d or form 13g filing to the securities and 686
exchange commission. 687

(F) Information provided on the application shall be used as 688
a basis for a thorough background investigation of each applicant. 689
A false or incomplete application is cause for denial of a license 690
by the commission. All applicants and licensees shall consent to 691
inspections, searches, and seizures and to the disclosure to the 692
commission and its agents of confidential records, including tax 693

records, held by any federal, state, or local agency, credit 694
bureau, or financial institution and to provide handwriting 695
exemplars, photographs, fingerprints, and information as 696
authorized in this chapter and in rules adopted by the commission. 697

(G) The commission shall provide a written statement to each 698
applicant for a license under this chapter who is denied the 699
license that describes the reason or reasons for which the 700
applicant was denied the license. 701

(H) Not later than January 31 in each calendar year, the 702
commission shall provide to the general assembly and the governor 703
a report that, for each type of license issued under this chapter, 704
specifies the number of applications made in the preceding 705
calendar year for each type of such license, the number of 706
applications denied in the preceding calendar year for each type 707
of such license, and the reasons for those denials. The 708
information regarding the reasons for the denials shall specify 709
each reason that resulted in, or that was a factor resulting in, 710
denial for each type of license issued under this chapter and, for 711
each of those reasons, the total number of denials for each such 712
type that involved that reason. 713

Sec. 4501.01. As used in this chapter and Chapters 4503., 714
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 715
Revised Code, and in the penal laws, except as otherwise provided: 716

(A) "Vehicles" means everything on wheels or runners, 717
including motorized bicycles, but does not mean electric personal 718
assistive mobility devices, vehicles that are operated exclusively 719
on rails or tracks or from overhead electric trolley wires, and 720
vehicles that belong to any police department, municipal fire 721
department, or volunteer fire department, or that are used by such 722
a department in the discharge of its functions. 723

(B) "Motor vehicle" means any vehicle, including mobile homes 724

and recreational vehicles, that is propelled or drawn by power 725
other than muscular power or power collected from overhead 726
electric trolley wires. "Motor vehicle" does not include utility 727
vehicles as defined in division (VV) of this section, motorized 728
bicycles, road rollers, traction engines, power shovels, power 729
cranes, and other equipment used in construction work and not 730
designed for or employed in general highway transportation, 731
well-drilling machinery, ditch-digging machinery, farm machinery, 732
and trailers that are designed and used exclusively to transport a 733
boat between a place of storage and a marina, or in and around a 734
marina, when drawn or towed on a public road or highway for a 735
distance of no more than ten miles and at a speed of twenty-five 736
miles per hour or less. 737

(C) "Agricultural tractor" and "traction engine" mean any 738
self-propelling vehicle that is designed or used for drawing other 739
vehicles or wheeled machinery, but has no provisions for carrying 740
loads independently of such other vehicles, and that is used 741
principally for agricultural purposes. 742

(D) "Commercial tractor," except as defined in division (C) 743
of this section, means any motor vehicle that has motive power and 744
either is designed or used for drawing other motor vehicles, or is 745
designed or used for drawing another motor vehicle while carrying 746
a portion of the other motor vehicle or its load, or both. 747

(E) "Passenger car" means any motor vehicle that is designed 748
and used for carrying not more than nine persons and includes any 749
motor vehicle that is designed and used for carrying not more than 750
fifteen persons in a ridesharing arrangement. 751

(F) "Collector's vehicle" means any motor vehicle or 752
agricultural tractor or traction engine that is of special 753
interest, that has a fair market value of one hundred dollars or 754
more, whether operable or not, and that is owned, operated, 755
collected, preserved, restored, maintained, or used essentially as 756

a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that displays current, valid license tags issued under section 4503.45 of the Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

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

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

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

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

(K) "Bicycle" means every device, other than a 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.

(L) "Motorized bicycle" means any vehicle that either has two

tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and that is equipped with 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.

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

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

(O) "Mobile home" means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more

than thirty-five body feet in length or, when erected on site, is 820
three hundred twenty or more square feet, is built on a permanent 821
chassis, is transportable in one or more sections, and does not 822
qualify as a manufactured home as defined in division (C)(4) of 823
section 3781.06 of the Revised Code or as an industrialized unit 824
as defined in division (C)(3) of section 3781.06 of the Revised 825
Code. 826

(P) "Semitrailer" means any vehicle of the trailer type that 827
does not have motive power and is so designed or used with another 828
and separate motor vehicle that in operation a part of its own 829
weight or that of its load, or both, rests upon and is carried by 830
the other vehicle furnishing the motive power for propelling 831
itself and the vehicle referred to in this division, and includes, 832
for the purpose only of registration and taxation under those 833
chapters, any vehicle of the dolly type, such as a trailer dolly, 834
that is designed or used for the conversion of a semitrailer into 835
a trailer. 836

(Q) "Recreational vehicle" means a vehicular portable 837
structure that meets all of the following conditions: 838

(1) It is designed for the sole purpose of recreational 839
travel. 840

(2) It is not used for the purpose of engaging in business 841
for profit. 842

(3) It is not used for the purpose of engaging in intrastate 843
commerce. 844

(4) It is not used for the purpose of commerce as defined in 845
49 C.F.R. 383.5, as amended. 846

(5) It is not regulated by the public utilities commission 847
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 848

(6) It is classed as one of the following: 849

(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.

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

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

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

(R) "Pneumatic tires" means tires of rubber and fabric or

tires of similar material, that are inflated with air. 881

(S) "Solid tires" means tires of rubber or similar elastic 882
material that are not dependent upon confined air for support of 883
the load. 884

(T) "Solid tire vehicle" means any vehicle that is equipped 885
with two or more solid tires. 886

(U) "Farm machinery" means all machines and tools that are 887
used in the production, harvesting, and care of farm products, and 888
includes trailers that are used to transport agricultural produce 889
or agricultural production materials between a local place of 890
storage or supply and the farm, agricultural tractors, threshing 891
machinery, hay-baling machinery, corn shellers, hammermills, and 892
machinery used in the production of horticultural, agricultural, 893
and vegetable products. 894

(V) "Owner" includes any person or firm, other than a 895
manufacturer or dealer, that has title to a motor vehicle, except 896
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 897
includes in addition manufacturers and dealers. 898

(W) "Manufacturer" and "dealer" include all persons and firms 899
that are regularly engaged in the business of manufacturing, 900
selling, displaying, offering for sale, or dealing in motor 901
vehicles, at an established place of business that is used 902
exclusively for the purpose of manufacturing, selling, displaying, 903
offering for sale, or dealing in motor vehicles. A place of 904
business that is used for manufacturing, selling, displaying, 905
offering for sale, or dealing in motor vehicles shall be deemed to 906
be used exclusively for those purposes even though snowmobiles or 907
all-purpose vehicles are sold or displayed for sale thereat, even 908
though farm machinery is sold or displayed for sale thereat, or 909
even though repair, accessory, gasoline and oil, storage, parts, 910
service, or paint departments are maintained thereat, or, in any 911

county having a population of less than seventy-five thousand at 912
the last federal census, even though a department in a place of 913
business is used to dismantle, salvage, or rebuild motor vehicles 914
by means of used parts, if such departments are operated for the 915
purpose of furthering and assisting in the business of 916
manufacturing, selling, displaying, offering for sale, or dealing 917
in motor vehicles. Places of business or departments in a place of 918
business used to dismantle, salvage, or rebuild motor vehicles by 919
means of using used parts are not considered as being maintained 920
for the purpose of assisting or furthering the manufacturing, 921
selling, displaying, and offering for sale or dealing in motor 922
vehicles. 923

(X) "Operator" includes any person who drives or operates a 924
motor vehicle upon the public highways. 925

(Y) "Chauffeur" means any operator who operates a motor 926
vehicle, other than a taxicab, as an employee for hire; or any 927
operator whether or not the owner of a motor vehicle, other than a 928
taxicab, who operates such vehicle for transporting, for gain, 929
compensation, or profit, either persons or property owned by 930
another. Any operator of a motor vehicle who is voluntarily 931
involved in a ridesharing arrangement is not considered an 932
employee for hire or operating such vehicle for gain, 933
compensation, or profit. 934

(Z) "State" includes the territories and federal districts of 935
the United States, and the provinces of Canada. 936

(AA) "Public roads and highways" for vehicles includes all 937
public thoroughfares, bridges, and culverts. 938

(BB) "Manufacturer's number" means the manufacturer's 939
original serial number that is affixed to or imprinted upon the 940
chassis or other part of the motor vehicle. 941

(CC) "Motor number" means the manufacturer's original number 942

that is affixed to or imprinted upon the engine or motor of the 943
vehicle. 944

(DD) "Distributor" means any person who is authorized by a 945
motor vehicle manufacturer to distribute new motor vehicles to 946
licensed motor vehicle dealers at an established place of business 947
that is used exclusively for the purpose of distributing new motor 948
vehicles to licensed motor vehicle dealers, except when the 949
distributor also is a new motor vehicle dealer, in which case the 950
distributor may distribute at the location of the distributor's 951
licensed dealership. 952

(EE) "Ridesharing arrangement" means the transportation of 953
persons in a motor vehicle where the transportation is incidental 954
to another purpose of a volunteer driver and includes ridesharing 955
arrangements known as carpools, vanpools, and buspools. 956

(FF) "Apportionable vehicle" means any vehicle that is used 957
or intended for use in two or more international registration plan 958
member jurisdictions that allocate or proportionally register 959
vehicles, that is used for the transportation of persons for hire 960
or designed, used, or maintained primarily for the transportation 961
of property, and that meets any of the following qualifications: 962

(1) Is a power unit having a gross vehicle weight in excess 963
of twenty-six thousand pounds; 964

(2) Is a power unit having three or more axles, regardless of 965
the gross vehicle weight; 966

(3) Is a combination vehicle with a gross vehicle weight in 967
excess of twenty-six thousand pounds. 968

"Apportionable vehicle" does not include recreational 969
vehicles, vehicles displaying restricted plates, city pick-up and 970
delivery vehicles, buses used for the transportation of chartered 971
parties, or vehicles owned and operated by the United States, this 972
state, or any political subdivisions thereof. 973

(GG) "Chartered party" means a group of persons who contract 974
as a group to acquire the exclusive use of a passenger-carrying 975
motor vehicle at a fixed charge for the vehicle in accordance with 976
the carrier's tariff, lawfully on file with the United States 977
department of transportation, for the purpose of group travel to a 978
specified destination or for a particular itinerary, either agreed 979
upon in advance or modified by the chartered group after having 980
left the place of origin. 981

(HH) "International registration plan" means a reciprocal 982
agreement of member jurisdictions that is endorsed by the American 983
association of motor vehicle administrators, and that promotes and 984
encourages the fullest possible use of the highway system by 985
authorizing apportioned registration of fleets of vehicles and 986
recognizing registration of vehicles apportioned in member 987
jurisdictions. 988

(II) "Restricted plate" means a license plate that has a 989
restriction of time, geographic area, mileage, or commodity, and 990
includes license plates issued to farm trucks under division (J) 991
of section 4503.04 of the Revised Code. 992

(JJ) "Gross vehicle weight," with regard to any commercial 993
car, trailer, semitrailer, or bus that is taxed at the rates 994
established under section 4503.042 or 4503.65 of the Revised Code, 995
means the unladen weight of the vehicle fully equipped plus the 996
maximum weight of the load to be carried on the vehicle. 997

(KK) "Combined gross vehicle weight" with regard to any 998
combination of a commercial car, trailer, and semitrailer, that is 999
taxed at the rates established under section 4503.042 or 4503.65 1000
of the Revised Code, means the total unladen weight of the 1001
combination of vehicles fully equipped plus the maximum weight of 1002
the load to be carried on that combination of vehicles. 1003

(LL) "Chauffeured limousine" means a motor vehicle that is 1004

designed to carry nine or fewer passengers and is operated for 1005
hire pursuant to a prearranged contract for the transportation of 1006
passengers on public roads and highways along a route under the 1007
control of the person hiring the vehicle and not over a defined 1008
and regular route. "Prearranged contract" means an agreement, made 1009
in advance of boarding, to provide transportation from a specific 1010
location in a chauffeured limousine. "Chauffeured limousine" does 1011
not include any vehicle that is used exclusively in the business 1012
of funeral directing. 1013

(MM) "Manufactured home" has the same meaning as in division 1014
(C)(4) of section 3781.06 of the Revised Code. 1015

(NN) "Acquired situs," with respect to a manufactured home or 1016
a mobile home, means to become located in this state by the 1017
placement of the home on real property, but does not include the 1018
placement of a manufactured home or a mobile home in the inventory 1019
of a new motor vehicle dealer or the inventory of a manufacturer, 1020
remanufacturer, or distributor of manufactured or mobile homes. 1021

(OO) "Electronic" includes electrical, digital, magnetic, 1022
optical, electromagnetic, or any other form of technology that 1023
entails capabilities similar to these technologies. 1024

(PP) "Electronic record" means a record generated, 1025
communicated, received, or stored by electronic means for use in 1026
an information system or for transmission from one information 1027
system to another. 1028

(QQ) "Electronic signature" means a signature in electronic 1029
form attached to or logically associated with an electronic 1030
record. 1031

(RR) "Financial transaction device" has the same meaning as 1032
in division (A) of section 113.40 of the Revised Code. 1033

(SS) "Electronic motor vehicle dealer" means a motor vehicle 1034
dealer licensed under Chapter 4517. of the Revised Code whom the 1035

registrar of motor vehicles determines meets the criteria 1036
designated in section 4503.035 of the Revised Code for electronic 1037
motor vehicle dealers and designates as an electronic motor 1038
vehicle dealer under that section. 1039

(TT) "Electric personal assistive mobility device" means a 1040
self-balancing two non-tandem wheeled device that is designed to 1041
transport only one person, has an electric propulsion system of an 1042
average of seven hundred fifty watts, and when ridden on a paved 1043
level surface by an operator who weighs one hundred seventy pounds 1044
has a maximum speed of less than twenty miles per hour. 1045

(UU) "Limited driving privileges" means the privilege to 1046
operate a motor vehicle that a court grants under section 4510.021 1047
of the Revised Code to a person whose driver's or commercial 1048
driver's license or permit or nonresident operating privilege has 1049
been suspended. 1050

(VV) "Utility vehicle" means a self-propelled vehicle 1051
designed with a bed, principally for the purpose of transporting 1052
material or cargo in connection with construction, agricultural, 1053
forestry, grounds maintenance, lawn and garden, materials 1054
handling, or similar activities. "Utility vehicle" includes a 1055
vehicle with a maximum attainable speed of twenty miles per hour 1056
or less that is used exclusively within the boundaries of state 1057
parks by state park employees or volunteers for the operation or 1058
maintenance of state park facilities. 1059

(WW) "Motorcycle" means a motor vehicle with motive power 1060
having a seat or saddle for the use of the operator, designed to 1061
travel on not more than three wheels in contact with the ground, 1062
and having no occupant compartment top or occupant compartment top 1063
that can be installed or removed by the user. 1064

(XX) "Cab-enclosed motorcycle" means a motor vehicle with 1065
motive power having a seat or saddle for the use of the operator, 1066

designed to travel on not more than three wheels in contact with 1067
the ground, and having an occupant compartment top or an occupant 1068
compartment top that is installed. 1069

Sec. 4501.03. The registrar of motor vehicles shall open an 1070
account with each county and district of registration in the 1071
state, and may assign each county and district of registration in 1072
the state a unique code for identification purposes. Except as 1073
provided in section 4501.044 or division (A)(1) of section 1074
4501.045 of the Revised Code, the registrar shall pay all moneys 1075
the registrar receives under sections 4503.02 and 4503.12 of the 1076
Revised Code into the state treasury to the credit of the auto 1077
registration distribution fund, which is hereby created, for 1078
distribution in the manner provided for in this section and 1079
section 4501.04 of the Revised Code. All other moneys received by 1080
the registrar shall be deposited in the state bureau of motor 1081
vehicles fund established in section 4501.25 of the Revised Code 1082
for the purposes enumerated in that section, unless otherwise 1083
provided by law. 1084

All moneys credited to the auto registration distribution 1085
fund shall be distributed to the counties and districts of 1086
registration, ~~after receipt of certifications from the~~ 1087
~~commissioners of the sinking fund certifying, as required by~~ 1088
~~sections 5528.15 and 5528.35 of the Revised Code, that there are~~ 1089
~~sufficient moneys to the credit of the highway improvement bond~~ 1090
~~retirement fund created by section 5528.12 of the Revised Code to~~ 1091
~~meet in full all payments of interest, principal, and charges for~~ 1092
~~the retirement of bonds and other obligations issued pursuant to~~ 1093
~~Section 2g of Article VIII, Ohio Constitution, and sections~~ 1094
~~5528.10 and 5528.11 of the Revised Code due and payable during the~~ 1095
~~current calendar year, and that there are sufficient moneys to the~~ 1096
~~credit of the highway obligations bond retirement fund created by~~ 1097
~~section 5528.32 of the Revised Code to meet in full all payments~~ 1098

~~of interest, principal, and charges for the retirement of highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised Code due and payable during the current calendar year, in the manner provided in section 4501.04 of the Revised Code.~~ 1099
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The treasurer of state may invest any portion of the moneys credited to the auto registration distribution fund, in the same manner and subject to all the laws with respect to the investment of state funds by the treasurer of state, and all investment earnings of the fund shall be credited to the fund. 1104
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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. 1109
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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. 1117
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Sec. 4501.04. All moneys paid into the auto registration distribution fund under section 4501.03 of the Revised Code, 1128
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except moneys received under section 4503.02 of the Revised Code 1130
in accordance with section 4501.13 of the Revised Code, and except 1131
moneys paid for costs of audits under section 4501.03 of the 1132
Revised Code, ~~after receipt by the treasurer of state of~~ 1133
~~certifications from the commissioners of the sinking fund~~ 1134
~~certifying, as required by sections 5528.15 and 5528.35 of the~~ 1135
~~Revised Code, that there are sufficient moneys to the credit of~~ 1136
~~the highway improvement bond retirement fund created by section~~ 1137
~~5528.12 of the Revised Code to meet in full all payments of~~ 1138
~~interest, principal, and charges for the retirement of bonds and~~ 1139
~~other obligations issued pursuant to Section 2g of Article VIII,~~ 1140
~~Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised~~ 1141
~~Code, due and payable during the current calendar year, and that~~ 1142
~~there are sufficient moneys to the credit of the highway~~ 1143
~~obligations bond retirement fund created by section 5528.32 of the~~ 1144
~~Revised Code to meet in full all payments of interest, principal,~~ 1145
~~and charges for the retirement of highway obligations issued~~ 1146
~~pursuant to Section 2i of Article VIII, Ohio Constitution, and~~ 1147
~~sections 5528.30 and 5528.31 of the Revised Code due and payable~~ 1148
~~during the current calendar year, shall be distributed as follows:~~ 1149

(A) Thirty-four per cent of all such moneys are for the use 1150
of the municipal corporation or county which constitutes the 1151
district of registration. The portion of such money due to the 1152
municipal corporation shall be paid into its treasury forthwith 1153
upon receipt by the county auditor, and shall be used to plan, 1154
construct, reconstruct, repave, widen, maintain, repair, clear, 1155
and clean public highways, roads, and streets; to maintain and 1156
repair bridges and viaducts; to purchase, erect, and maintain 1157
street and traffic signs and markers; to purchase, erect, and 1158
maintain traffic lights and signals; to pay the principal, 1159
interest, and charges on bonds and other obligations issued 1160
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1161
to section 5531.09 of the Revised Code for the purpose of 1162

acquiring or constructing roads, highways, bridges, or viaducts, 1163
or acquiring or making other highway improvements for which the 1164
municipal corporation may issue bonds; and to supplement revenue 1165
already available for such purposes. 1166

The county portion of such funds shall be retained in the 1167
county treasury and shall be used for the planning, maintenance, 1168
repair, construction, and repaving of public streets, and 1169
maintaining and repairing bridges and viaducts; the payment of 1170
principal, interest, and charges on bonds and other obligations 1171
issued pursuant to Chapter 133. of the Revised Code or incurred 1172
pursuant to section 5531.09 of the Revised Code for the purpose of 1173
acquiring or constructing roads, highways, bridges, or viaducts or 1174
acquiring or making other highway improvements for which the board 1175
of county commissioners may issue bonds under such chapter; and 1176
for no other purpose. 1177

(B) Five per cent of all such moneys, together with interest 1178
earned by the treasurer of state as provided in section 4501.03 of 1179
the Revised Code, shall constitute a fund for the use of the 1180
several counties for the purposes specified in division (C) of 1181
this section. The moneys shall be divided equally among all the 1182
counties in the state and shall be paid out by the registrar of 1183
motor vehicles in equal proportions to the county auditor of each 1184
county within the state. 1185

(C) Forty-seven per cent of all such moneys shall be for the 1186
use of the county in which the owner resides or in which the place 1187
is located at which the established business or branch business in 1188
connection with which the motor vehicle registered is used, for 1189
the planning, construction, reconstruction, improvement, 1190
maintenance, and repair of roads and highways; maintaining and 1191
repairing bridges and viaducts; and the payment of principal, 1192
interest, and charges on bonds and other obligations issued 1193
pursuant to Chapter 133. of the Revised Code or incurred pursuant 1194

to section 5531.09 of the Revised Code for the purpose of 1195
acquiring or constructing roads, highways, bridges, or viaducts or 1196
acquiring or making other highway improvements for which the board 1197
of county commissioners may issue bonds under such chapter. 1198

(D) Nine per cent of all such moneys shall be for the use of 1199
the several counties for the purposes specified in division (C) of 1200
this section and shall be distributed to the several counties in 1201
the ratio which the total number of miles of county roads under 1202
the jurisdiction of each board of county commissioners in each 1203
county bears to the total number of miles of county roads in the 1204
state, as determined by the director of transportation. Before 1205
such distribution is made each board of county commissioners shall 1206
certify in writing to the director the actual number of miles 1207
under its statutory jurisdiction which are used by and maintained 1208
for the public. 1209

(E) Five per cent of all such moneys shall be for the use of 1210
the several townships and shall be distributed to the several 1211
townships in the ratio which the total number of miles of township 1212
roads under the jurisdiction of each board of township trustees in 1213
each township bears to the total number of miles of township roads 1214
in the state, as determined by the director of transportation. 1215
Before such distribution is made each board of township trustees 1216
shall certify in writing to the director the actual number of 1217
miles under its statutory jurisdiction which are used by and 1218
maintained for the public. 1219

Sec. 4501.044. (A) All moneys received under section 4503.65 1220
of the Revised Code and from the tax imposed by section 4503.02 of 1221
the Revised Code on vehicles that are apportionable and to which 1222
the rates specified in divisions (A)(1) to (21) and division (B) 1223
of section 4503.042 of the Revised Code apply shall be paid into 1224
the international registration plan distribution fund, which is 1225

hereby created in the state treasury, and distributed as follows: 1226

(1) First, to make payments to other states that are members 1227
of the international registration plan of the portions of 1228
registration taxes the states are eligible to receive because of 1229
the operation within their borders of apportionable vehicles that 1230
are registered in Ohio; 1231

(2) Second, two and five-tenths per cent of all the moneys 1232
received from apportionable vehicles under section 4503.65 of the 1233
Revised Code that are collected from other international 1234
registration plan jurisdictions commencing on and after October 1, 1235
2009, shall be deposited into the state highway safety fund 1236
established in section 4501.06 of the Revised Code; 1237

(3) Third, forty-two and six-tenths per cent of the moneys 1238
received from apportionable vehicles under divisions (A)(8) to 1239
(21) of section 4503.042 and forty-two and six-tenths per cent of 1240
the balance remaining from the moneys received under section 1241
4503.65 of the Revised Code after distribution under division 1242
(A)(2) of this section shall be deposited in the state treasury to 1243
the credit of the ~~highway obligations bond retirement fund created~~ 1244
~~by section 5528.32 of the Revised Code and used solely for the~~ 1245
~~purposes set forth in that section, except that, from the date the~~ 1246
~~commissioners of the sinking fund make the certification to the~~ 1247
~~treasurer of state on the sufficiency of funds in the highway~~ 1248
~~obligation bond retirement fund as required by section 5528.38 of~~ 1249
~~the Revised Code, and until the thirty first day of December of~~ 1250
~~the year in which the certification is made, the amounts~~ 1251
~~distributed under division (A)(3) of this section shall be~~ 1252
~~credited to the~~ state highway operating safety fund created by 1253
section ~~5735.291~~ 4501.06 of the Revised Code; 1254

(4) Fourth, an amount estimated as the annual costs that the 1255
department of taxation will incur in conducting audits of persons 1256
who have registered motor vehicles under the international 1257

registration plan, one-twelfth of which amount shall be paid by 1258
the registrar of motor vehicles into the international 1259
registration plan auditing fund created by section 5703.12 of the 1260
Revised Code by the fifteenth day of each month; 1261

(5) Fifth, to the state bureau of motor vehicles fund 1262
established in section 4501.25 of the Revised Code, to offset 1263
operating expenses incurred by the bureau of motor vehicles in 1264
administering the international registration plan; 1265

(6) Any moneys remaining in the international registration 1266
plan distribution fund after distribution under divisions (A)(1) 1267
to (5) of this section shall be distributed in accordance with 1268
division (B) of this section. 1269

(B)(1) Moneys received from the tax imposed by section 1270
4503.02 of the Revised Code on vehicles that are apportionable and 1271
to which the rates specified in divisions (A)(1) to (21) and 1272
division (B) of section 4503.042 of the Revised Code apply shall 1273
be distributed and used in the manner provided in section 4501.04 1274
of the Revised Code and rules adopted by the registrar of motor 1275
vehicles for moneys deposited to the credit of the auto 1276
registration distribution fund. 1277

(2) Moneys received from collections under section 4503.65 of 1278
the Revised Code shall be distributed under divisions (B)(2) and 1279
(3) of this section. 1280

Each county, township, and municipal corporation shall 1281
receive an amount such that the ratio that the amount of moneys 1282
received by that county, township, or municipal corporation under 1283
division (B)(1) of this section from apportionable vehicles 1284
registered in Ohio and under section 4503.65 of the Revised Code 1285
from apportionable vehicles registered in other international 1286
registration plan jurisdictions bears to the total amount of 1287
moneys received by all counties, townships, and municipal 1288

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

No county, township, or municipal corporation shall receive 1304
under division (B)(2) of this section an amount greater than the 1305
amount of money that that county, township, or municipal 1306
corporation would receive from apportionable vehicles registered 1307
in Ohio were the money from the taxation of such vehicles 1308
distributed under section 4501.04 of the Revised Code based solely 1309
on the weight schedules contained in section 4503.042 of the 1310
Revised Code. 1311

(3) If, at the end of the distribution year, the total of all 1312
moneys received under section 4503.65 of the Revised Code exceeds 1313
the total moneys subject to distribution under division (B)(2) of 1314
this section, the registrar shall distribute to each county, 1315
township, and municipal corporation a portion of the excess. The 1316
excess shall be distributed to counties, townships, and municipal 1317
corporations in the same proportion that the revenues received by 1318
each county, township, and municipal corporation from collections 1319
under section 4503.02 and from collections under section 4503.65 1320

of the Revised Code during that distribution year bears to the 1321
total revenues received by counties, townships, and municipal 1322
corporations from taxes levied under section 4503.02 and from 1323
collections under section 4503.65 of the Revised Code during that 1324
distribution year. 1325

(C) All moneys received from the administrative fee imposed 1326
by division (C) of section 4503.042 of the Revised Code shall be 1327
deposited to the credit of the state bureau of motor vehicles fund 1328
established in section 4501.25 of the Revised Code, to offset 1329
operating expenses incurred by the bureau of motor vehicles in 1330
administering the international registration plan. 1331

(D) All investment earnings of the international registration 1332
plan distribution fund shall be credited to the fund. 1333

Sec. 4501.045. (A) All moneys received from the tax imposed 1334
by section 4503.02 of the Revised Code on commercial cars and 1335
buses that are not apportionable and to which the rates provided 1336
under divisions (A)(8) to (21) of section 4503.042 of the Revised 1337
Code apply, shall be distributed as follows: 1338

(1) First, forty-two and six-tenths per cent shall be 1339
deposited in the state treasury to the credit of the state highway 1340
~~obligations bond retirement~~ safety fund created by section ~~5528.32~~ 1341
4501.06 of the Revised Code, to be used solely for the purposes 1342
set forth in that section; 1343

(2) Second, the balance remaining after distribution under 1344
division (A)(1) of this section shall be deposited to the credit 1345
of the auto registration distribution fund for distribution in the 1346
manner provided in sections 4501.03 and 4501.04 of the Revised 1347
Code. 1348

(B) All moneys received from the tax imposed by section 1349
4503.02 of the Revised Code on commercial cars and buses that are 1350

not apportionable and to which the rates provided under divisions 1351
(A)(1) to (7) and division (B) of section 4503.042 of the Revised 1352
Code apply, shall be deposited to the credit of the auto 1353
registration distribution fund for distribution in the manner 1354
provided in sections 4501.03 and 4501.04 of the Revised Code. 1355

(C) All moneys received from the tax imposed by section 1356
4503.02 of the Revised Code on trailers and semitrailers shall be 1357
deposited to the credit of the auto registration distribution fund 1358
for distribution in the manner provided in sections 4501.03 and 1359
4501.04 of the Revised Code. 1360

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 1361
referred to in division (A)(3) of section 4501.044, division 1362
(A)(1) of section 4501.045, division (O) of section 4503.04, 1363
division (E) of section 4503.042, division (B) of section 4503.07, 1364
division (C)(1) of section 4503.10, division (D) of section 1365
4503.182, division (A) of section 4503.19, division (D)(2) of 1366
section 4507.24, division (A) of section 4508.06, and sections 1367
4503.40, 4503.42, 4505.11, 4505.111, 4506.08, 4507.23, 4508.05, 1368
4513.53, and 5502.12 of the Revised Code, and the taxes charged in 1369
section 4503.65 that are distributed in accordance with division 1370
(A)(2) of section 4501.044 of the Revised Code unless otherwise 1371
designated by law, shall be deposited in the state treasury to the 1372
credit of the state highway safety fund, which is hereby created. 1373
Money credited to the fund shall, ~~after receipt of certifications~~ 1374
~~from the commissioners of the sinking fund certifying that there~~ 1375
~~are sufficient moneys to the credit of the highway obligations~~ 1376
~~bond retirement fund created by section 5528.32 of the Revised~~ 1377
~~Code to meet in full all payments of interest, principal, and~~ 1378
~~charges for the retirement of highway obligations issued pursuant~~ 1379
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 1380
~~5528.30 and 5528.31 of the Revised Code due and payable during the~~ 1381
~~current calendar year,~~ be used for the purpose of enforcing and 1382

paying the expenses of administering the law relative to the 1383
registration and operation of motor vehicles on the public roads 1384
or highways. Amounts credited to the fund may also be used to pay 1385
the expenses of administering and enforcing the laws under which 1386
such fees were collected. All investment earnings of the state 1387
highway safety fund shall be credited to the fund. 1388

Sec. 4501.11. (A) There is hereby created in the state 1389
treasury the security, investigations, and policing fund. 1390
Notwithstanding section 5503.04 of the Revised Code, no fines 1391
collected from or money arising from bonds or bail forfeited by 1392
persons apprehended or arrested by state highway patrol troopers 1393
shall be credited to the general revenue fund until sufficient 1394
revenue to fund appropriations for the activities described under 1395
division (B) of this section are credited to the security, 1396
investigations, and policing fund. All investment earnings of the 1397
security, investigations, and policing fund shall be credited to 1398
that fund. 1399

This division does not apply to fines for violations of 1400
division (B) of section 4513.263 of the Revised Code, or to fines 1401
for violations of any municipal ordinance that is substantively 1402
comparable to that division, which fines shall be delivered to the 1403
treasurer of state as provided in division (E) of section 4513.263 1404
of the Revised Code. 1405

(B) The money credited to the security, investigations, and 1406
policing fund shall be used to pay the costs of: 1407

(1) Providing security for the governor, other officials and 1408
dignitaries, the capitol square, and other state property pursuant 1409
to division (E) of section 5503.02 of the Revised Code; 1410

(2) Undertaking major criminal investigations that involve 1411
state property interests; 1412

(3) Providing traffic control and security for the Ohio expositions commission on a full-time, year-round basis; 1413
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(4) Performing nonhighway-related duties of the state highway patrol at the Ohio state fair; 1415
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~~(5) Coordinating homeland security activities. 1417~~

Sec. 4501.26. The unidentified public safety receipts fund is hereby created in the state treasury. The fund shall consist of money received by the department of public safety that is provisional in nature or for which proper identification or disposition cannot immediately be determined. Refunds and other disbursements from the fund shall be made once proper identification and disposition is determined. All investment earnings of the fund shall be credited to the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 1418
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Sec. 4501.34. (A) The registrar of motor vehicles may adopt and publish rules to govern the registrar's proceedings. All proceedings of the registrar shall be open to the public, and all documents in the registrar's possession are public records. The registrar shall adopt a seal bearing the inscription: "Motor Vehicle Registrar of Ohio." The seal shall be affixed to all writs and authenticated copies of records, and, when it has been so attached, the copies shall be received in evidence with the same effect as other public records. All courts shall take judicial notice of the seal. 1428
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(B) Upon the request of any person accompanied by a nonrefundable fee of five dollars per name, the registrar may furnish lists of names and addresses as they appear upon the applications for driver's licenses, provided that any further information contained in the applications shall not be disclosed. 1438
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The registrar shall pay ~~two dollars~~ of each five-dollar fee 1443
collected into the state treasury to the credit of the state 1444
bureau of motor vehicles fund established in section 4501.25 of 1445
the Revised Code. ~~Of the remaining three dollars of each such fee~~ 1446
~~the registrar collects, the registrar shall deposit sixty cents~~ 1447
~~into the state treasury to the credit of the trauma and emergency~~ 1448
~~medical services fund established in section 4513.263 of the~~ 1449
~~Revised Code, sixty cents into the state treasury to the credit of~~ 1450
~~the homeland security fund established in section 5502.03 of the~~ 1451
~~Revised Code, thirty cents into the state treasury to the credit~~ 1452
~~of the investigations fund established in section 5502.131 of the~~ 1453
~~Revised Code, one dollar and twenty five cents into the state~~ 1454
~~treasury to the credit of the emergency management agency service~~ 1455
~~and reimbursement fund established in section 5502.39 of the~~ 1456
~~Revised Code, and twenty five cents into the state treasury to the~~ 1457
~~credit of the justice program services fund established in section~~ 1458
~~5502.67 of the Revised Code.~~ 1459

This division does not apply to the list of qualified driver 1460
licensees required to be compiled and filed pursuant to section 1461
2313.06 of the Revised Code. 1462

Sec. 4503.04. Except as provided in sections 4503.042 and 1463
4503.65 of the Revised Code for the registration of commercial 1464
cars, trailers, semitrailers, and certain buses, the rates of the 1465
taxes imposed by section 4503.02 of the Revised Code shall be as 1466
follows: 1467

(A) For motor vehicles having three wheels or less, the 1468
license tax is: 1469

(1) For each motorized bicycle, ten dollars; 1470

(2) For each motorcycle or cab-enclosed motorcycle, fourteen 1471
dollars. 1472

(B) For each passenger car, twenty dollars;	1473
(C) For each manufactured home, each mobile home, and each travel trailer, ten dollars;	1474 1475
(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;	1476 1477 1478 1479 1480 1481
(E) For each noncommercial trailer, the license tax is:	1482
(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;	1483 1484 1485
(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.	1486 1487 1488
(F) Notwithstanding its weight, twelve dollars for any:	1489
(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;	1490 1491 1492
(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;	1493 1494 1495 1496
(3) Bus used principally for the transportation of handicapped persons or persons sixty-five years of age or older.	1497 1498
(G) Notwithstanding its weight, twenty dollars for any bus used principally for the transportation of persons in a ridesharing arrangement.	1499 1500 1501
(H) For each transit bus having motor power the license tax	1502

is twelve dollars. 1503

"Transit bus" means either a motor vehicle having a seating 1504
capacity of more than seven persons which is operated and used by 1505
any person in the rendition of a public mass transportation 1506
service primarily in a municipal corporation or municipal 1507
corporations and provided at least seventy-five per cent of the 1508
annual mileage of such service and use is within such municipal 1509
corporation or municipal corporations or a motor vehicle having a 1510
seating capacity of more than seven persons which is operated 1511
solely for the transportation of persons associated with a 1512
charitable or nonprofit corporation, but does not mean any motor 1513
vehicle having a seating capacity of more than seven persons when 1514
such vehicle is used in a ridesharing capacity or any bus 1515
described by division (F)(3) of this section. 1516

The application for registration of such transit bus shall be 1517
accompanied by an affidavit prescribed by the registrar of motor 1518
vehicles and signed by the person or an agent of the firm or 1519
corporation operating such bus stating that the bus has a seating 1520
capacity of more than seven persons, and that it is either to be 1521
operated and used in the rendition of a public mass transportation 1522
service and that at least seventy-five per cent of the annual 1523
mileage of such operation and use shall be within one or more 1524
municipal corporations or that it is to be operated solely for the 1525
transportation of persons associated with a charitable or 1526
nonprofit corporation. 1527

The form of the license plate, and the manner of its 1528
attachment to the vehicle, shall be prescribed by the registrar of 1529
motor vehicles. 1530

(I) The Except as otherwise provided in division (A) or (J) 1531
of this section, the minimum tax for any vehicle having motor 1532
power ~~other than a farm truck, a motorized bicycle, or motorcycle~~ 1533
is ten dollars and eighty cents, and for each noncommercial 1534

trailer, five dollars. 1535

(J)(1) Except as otherwise provided in division (J) of this 1536
section, for each farm truck, except a noncommercial motor 1537
vehicle, that is owned, controlled, or operated by one or more 1538
farmers exclusively in farm use as defined in this section, and 1539
not for commercial purposes, and provided that at least 1540
seventy-five per cent of such farm use is by or for the one or 1541
more owners, controllers, or operators of the farm in the 1542
operation of which a farm truck is used, the license tax is five 1543
dollars plus: 1544

(a) Fifty cents per one hundred pounds or part thereof for 1545
the first three thousand pounds; 1546

(b) Seventy cents per one hundred pounds or part thereof in 1547
excess of three thousand pounds up to and including four thousand 1548
pounds; 1549

(c) Ninety cents per one hundred pounds or part thereof in 1550
excess of four thousand pounds up to and including six thousand 1551
pounds; 1552

(d) Two dollars for each one hundred pounds or part thereof 1553
in excess of six thousand pounds up to and including ten thousand 1554
pounds; 1555

(e) Two dollars and twenty-five cents for each one hundred 1556
pounds or part thereof in excess of ten thousand pounds; 1557

(f) The minimum license tax for any farm truck shall be 1558
twelve dollars. 1559

(2) The owner of a farm truck may register the truck for a 1560
period of one-half year by paying one-half the registration tax 1561
imposed on the truck under this chapter and one-half the amount of 1562
any tax imposed on the truck under Chapter 4504. of the Revised 1563
Code. 1564

(3) A farm bus may be registered for a period of two hundred 1565
ten days from the date of issue of the license plates for the bus, 1566
for a fee of ten dollars, provided such license plates shall not 1567
be issued for more than one such period in any calendar year. Such 1568
use does not include the operation of trucks by commercial 1569
processors of agricultural products. 1570

(4) License plates for farm trucks and for farm buses shall 1571
have some distinguishing marks, letters, colors, or other 1572
characteristics to be determined by the director of public safety. 1573

(5) Every person registering a farm truck or bus under this 1574
section shall furnish an affidavit certifying that the truck or 1575
bus licensed to that person is to be so used as to meet the 1576
requirements necessary for the farm truck or farm bus 1577
classification. 1578

Any farmer may use a truck owned by the farmer for commercial 1579
purposes by paying the difference between the commercial truck 1580
registration fee and the farm truck registration fee for the 1581
remaining part of the registration period for which the truck is 1582
registered. Such remainder shall be calculated from the beginning 1583
of the semiannual period in which application for such commercial 1584
license is made. 1585

Taxes at the rates provided in this section are in lieu of 1586
all taxes on or with respect to the ownership of such motor 1587
vehicles, except as provided in section 4503.042 and section 1588
4503.06 of the Revised Code. 1589

(K) Other than trucks registered under the international 1590
registration plan in another jurisdiction and for which this state 1591
has received an apportioned registration fee, the license tax for 1592
each truck which is owned, controlled, or operated by a 1593
nonresident, and licensed in another state, and which is used 1594
exclusively for the transportation of nonprocessed agricultural 1595

products intrastate, from the place of production to the place of processing, is twenty-four dollars.

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

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

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

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

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

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

(N) Every person registering as a passenger car a motor 1627
vehicle designed and used for carrying more than nine but not more 1628
than fifteen passengers, and every person registering a bus as 1629
provided in division (G) of this section, shall furnish an 1630
affidavit certifying that the vehicle so licensed to the person is 1631
to be used in a ridesharing arrangement and that the person will 1632
have in effect whenever the vehicle is used in a ridesharing 1633
arrangement a policy of liability insurance with respect to the 1634
motor vehicle in amounts and coverages no less than those required 1635
by section 4509.79 of the Revised Code. The form of the license 1636
plate issued for such a motor vehicle shall be prescribed by the 1637
registrar. 1638

(O)(1) Commencing on October 1, 2009, if an application for 1639
registration renewal is not applied for prior to the expiration 1640
date of the registration or within thirty days after that date, 1641
the registrar or deputy registrar shall collect a fee of ten 1642
dollars for the issuance of the vehicle registration. For any 1643
motor vehicle that is used on a seasonal basis, whether used for 1644
general transportation or not, and that has not been used on the 1645
public roads or highways since the expiration of the registration, 1646
the registrar or deputy registrar shall waive the fee established 1647
under this division if the application is accompanied by 1648
supporting evidence of seasonal use as the registrar may require. 1649
The registrar or deputy registrar may waive the fee for other good 1650
cause shown if the application is accompanied by supporting 1651
evidence as the registrar may require. The fee shall be in 1652
addition to all other fees established by this section. A deputy 1653
registrar shall retain fifty cents of the fee and shall transmit 1654
the remaining amount to the registrar at the time and in the 1655
manner provided by section 4503.10 of the Revised Code. The 1656
registrar shall deposit all moneys received under this division 1657
into the state highway safety fund established in section 4501.06 1658
of the Revised Code. 1659

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

(P) As used in this section:

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

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

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

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

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

Sec. 4503.102. (A) The registrar of motor vehicles shall adopt rules to establish a centralized system of motor vehicle registration renewal by mail or by electronic means. Any person owning a motor vehicle that was registered in the person's name during the preceding registration year shall renew the

registration of the motor vehicle not more than ninety days prior 1690
to the expiration date of the registration either by mail or by 1691
electronic means through the centralized system of registration 1692
established under this section, or in person at any office of the 1693
registrar or at a deputy registrar's office. 1694

(B)(1) No less than forty-five days prior to the expiration 1695
date of any motor vehicle registration, the registrar shall mail a 1696
renewal notice to the person in whose name the motor vehicle is 1697
registered. The renewal notice shall clearly state that the 1698
registration of the motor vehicle may be renewed by mail or 1699
electronic means through the centralized system of registration or 1700
in person at any office of the registrar or at a deputy 1701
registrar's office and shall be preprinted with information 1702
including, but not limited to, the owner's name and residence 1703
address as shown in the records of the bureau of motor vehicles, a 1704
brief description of the motor vehicle to be registered, notice of 1705
the license taxes and fees due on the motor vehicle, the toll-free 1706
telephone number of the registrar as required under division 1707
(D)(1) of section 4503.031 of the Revised Code, a statement that 1708
payment for a renewal may be made by financial transaction device 1709
using the toll-free telephone number, and any additional 1710
information the registrar may require by rule. The renewal notice 1711
shall not include the social security number of either the owner 1712
of the motor vehicle or the person in whose name the motor vehicle 1713
is registered. The renewal notice shall be sent by regular mail to 1714
the owner's last known address as shown in the records of the 1715
bureau of motor vehicles. 1716

(2) If the application for renewal of the registration of a 1717
motor vehicle is prohibited from being accepted by the registrar 1718
or a deputy registrar by division (D) of section 2935.27, division 1719
(A) of section 2937.221, division (A) of section 4503.13, division 1720
(B) of section 4510.22, or division (B)(1) of section 4521.10 of 1721

the Revised Code, the registrar is not required to send a renewal 1722
notice to the vehicle owner or vehicle lessee. 1723

(C) The owner of the motor vehicle shall verify the 1724
information contained in the notice, sign it either manually or by 1725
electronic means, and return it, either by mail or electronic 1726
means, or the owner may take it in person to any office of the 1727
registrar or of a deputy registrar, ~~together with. The owner shall~~ 1728
include with the notice a financial transaction device number when 1729
renewing in person or by electronic means but not by mail, when 1730
~~permitted by rule of the registrar,~~ check, or money order in the 1731
amount of the registration taxes and fees payable on the motor 1732
vehicle and a mail service fee of ~~two dollars and seventy five~~ 1733
~~cents commencing on July 1, 2001, three dollars and twenty five~~ 1734
~~cents commencing on January 1, 2003, and three dollars and fifty~~ 1735
~~cents commencing on January 1, 2004,~~ plus postage as indicated on 1736
the notice, if the registration is renewed or fulfilled by mail, 1737
and an inspection certificate for the motor vehicle as provided in 1738
section 3704.14 of the Revised Code. For purposes of the 1739
centralized system of motor vehicle registration, the registrar 1740
shall accept payments via the toll-free telephone number 1741
established under division (D)(1) of section 4503.031 of the 1742
Revised Code for renewals made by mail. If the motor vehicle owner 1743
chooses to renew the motor vehicle registration by electronic 1744
means, the owner shall proceed in accordance with the rules the 1745
registrar adopts. 1746

(D) If all registration and transfer fees for the motor 1747
vehicle for the preceding year or the preceding period of the 1748
current registration year have not been paid, if division (D) of 1749
section 2935.27, division (A) of section 2937.221, division (A) of 1750
section 4503.13, division (B) of section 4510.22, or division 1751
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 1752
of the renewal notice, or if the owner or lessee does not have an 1753

inspection certificate for the motor vehicle as provided in 1754
section 3704.14 of the Revised Code, if that section is 1755
applicable, the license shall be refused, and the registrar or 1756
deputy registrar shall so notify the owner. This section does not 1757
require the payment of license or registration taxes on a motor 1758
vehicle for any preceding year, or for any preceding period of a 1759
year, if the motor vehicle was not taxable for that preceding year 1760
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 1761
4503.16 or Chapter 4504. of the Revised Code. 1762

(E)(1) Failure to receive a renewal notice does not relieve a 1763
motor vehicle owner from the responsibility to renew the 1764
registration for the motor vehicle. Any person who has a motor 1765
vehicle registered in this state and who does not receive a 1766
renewal notice as provided in division (B) of this section prior 1767
to the expiration date of the registration shall request an 1768
application for registration from the registrar or a deputy 1769
registrar and sign the application manually or by electronic means 1770
and submit the application and pay any applicable license taxes 1771
and fees to the registrar or deputy registrar. 1772

(2) If the owner of a motor vehicle submits an application 1773
for registration and the registrar is prohibited by division (D) 1774
of section 2935.27, division (A) of section 2937.221, division (A) 1775
of section 4503.13, division (B) of section 4510.22, or division 1776
(B)(1) of section 4521.10 of the Revised Code from accepting the 1777
application, the registrar shall return the application and the 1778
payment to the owner. If the owner of a motor vehicle submits a 1779
registration renewal application to the registrar by electronic 1780
means and the registrar is prohibited from accepting the 1781
application as provided in this division, the registrar shall 1782
notify the owner of this fact and deny the application and return 1783
the payment or give a credit on the financial transaction device 1784
account of the owner in the manner the registrar prescribes by 1785

rule adopted pursuant to division (A) of this section. 1786

(F) Every deputy registrar shall post in a prominent place at 1787
the deputy's office a notice informing the public of the mail 1788
registration system required by this section and also shall post a 1789
notice that every owner of a motor vehicle and every chauffeur 1790
holding a certificate of registration is required to notify the 1791
registrar in writing of any change of residence within ten days 1792
after the change occurs. The notice shall be in such form as the 1793
registrar prescribes by rule. 1794

(G) The ~~two dollars and seventy five cents fee collected from~~ 1795
~~July 1, 2001, through December 31, 2002, the three dollars and~~ 1796
~~twenty five cents fee collected from January 1, 2003, through~~ 1797
~~December 31, 2003, and the three dollars~~ dollar and fifty cents 1798
cent service fee collected ~~after January 1, 2004~~ from a person who 1799
renews a motor vehicle registration by electronic means or by 1800
mail, plus postage ~~and any financial transaction device surcharge~~ 1801
collected by the registrar ~~for registration by mail~~ and any 1802
financial transaction device surcharge collected by the registrar, 1803
shall be paid to the credit of the state bureau of motor vehicles 1804
fund established by section 4501.25 of the Revised Code. 1805

(H)(1) Pursuant to section 113.40 of the Revised Code, the 1806
registrar ~~may~~ shall implement a program permitting payment of 1807
motor vehicle registration taxes and fees, driver's license and 1808
commercial driver's license fees, and any other taxes, fees, 1809
penalties, or charges imposed or levied by the state by means of a 1810
financial transaction device for transactions occurring online, at 1811
any office of the registrar, and at all deputy registrar 1812
locations. The program shall take effect not later than July 1, 1813
2016. The registrar ~~may~~ shall adopt rules as necessary for this 1814
purpose, but all such rules are subject to any action, policy, or 1815
procedure of the board of deposit or treasurer of state taken or 1816
adopted under section 113.40 of the Revised Code. 1817

(2) ~~Commencing~~ The rules adopted under division (H)(1) of 1818
this section shall require a deputy registrar to accept payments 1819
by means of a financial transaction device beginning on the 1820
effective date of the rules unless the deputy registrar contract 1821
entered into by the deputy registrar prohibits the acceptance of 1822
such payments by financial transaction device. However, commencing 1823
with deputy registrar contract awards that have a start date of 1824
July 1, ~~2008~~ 2016, and for all contract awards thereafter, the 1825
registrar shall ~~incorporate in the review process a score for~~ 1826
~~whether or not a proposer states~~ require that the proposer ~~will~~ 1827
accept payment by means of a financial transaction device, 1828
including credit cards and debit cards, for all department of 1829
public safety transactions conducted at that deputy registrar 1830
location. 1831

~~A deputy registrar shall not be required to accept payment by~~ 1832
~~means of a financial transaction device unless the deputy~~ 1833
~~registrar agreed to do so in the deputy registrar's contract. The~~ 1834
~~bureau shall~~ and deputy registrars are not be required to pay any 1835
~~costs incurred by a deputy registrar who accepts~~ that result from 1836
accepting payment by means of a financial transaction device ~~that~~ 1837
~~result from the deputy registrar accepting payment by means of a~~ 1838
~~financial transaction device. A deputy registrar may charge a~~ 1839
person who tenders payment for a department transaction by means 1840
of a financial transaction device any cost the deputy registrar 1841
incurs from accepting payment by the financial transaction device, 1842
but the deputy registrar shall not require the person to pay any 1843
additional fee of any kind in connection with the use by the 1844
person of the financial transaction device. 1845

(3) A In accordance with division (H)(1) of this section and 1846
rules adopted by the registrar under that division, a county 1847
auditor or clerk of a court of common pleas that is designated a 1848
deputy registrar ~~may choose to~~ shall accept payment by means of a 1849

financial transaction device, including credit cards and debit 1850
cards, for all department ~~of public safety~~ transactions conducted 1851
at the office of the county auditor or clerk in the county 1852
auditor's or clerk's capacity as deputy registrar. The bureau 1853
~~shall~~ is not be required to pay any costs incurred by a county 1854
auditor ~~who accepts~~ or clerk that result from accepting payment by 1855
means of a financial transaction device ~~that result from the~~ 1856
~~county auditor accepting payment by means of a financial~~ 1857
~~transaction device~~ for any ~~such~~ department ~~of public safety~~ 1858
transaction. 1859

(I) For persons who reside in counties where tailpipe 1860
emissions inspections are required under the motor vehicle 1861
inspection and maintenance program, the notice required by 1862
division (B) of this section shall also include the toll-free 1863
telephone number maintained by the Ohio environmental protection 1864
agency to provide information concerning the locations of 1865
emissions testing centers. 1866

Sec. 4503.103. (A)(1) The registrar of motor vehicles may 1867
adopt rules to permit any person or lessee, other than a person 1868
receiving an apportioned license plate under the international 1869
registration plan, who owns or leases one or more motor vehicles 1870
to file a written application for registration for no more than 1871
five succeeding registration years. The rules adopted by the 1872
registrar may designate the classes of motor vehicles that are 1873
eligible for such registration. At the time of application, all 1874
annual taxes and fees shall be paid for each year for which the 1875
person is registering. 1876

(2)(a) Not later than December 31, 2013, the registrar shall 1877
adopt rules to permit any person or lessee who owns or leases a 1878
trailer or semitrailer that is subject to the tax rates prescribed 1879
in section 4503.042 of the Revised Code for such trailers or 1880

semitrailers to file a written application for registration for 1881
any number of succeeding registration years, including a permanent 1882
registration. At the time of application, all annual taxes and 1883
fees shall be paid for each year for which the person is 1884
registering, provided that the annual taxes due, regardless of the 1885
number of years for which the person is registering, shall not 1886
exceed two hundred dollars. A person who registers a vehicle under 1887
division (A)(2) of this section shall pay for each year of 1888
registration the additional fee established under division (C)(1) 1889
of section 4503.10 of the Revised Code, provided that the 1890
additional fee due, regardless of the number of years for which 1891
the person is registering, shall not exceed eighty-eight dollars. 1892
The person also shall pay one single deputy registrar service fee 1893
in the amount specified in division (D) of section 4503.10 of the 1894
Revised Code or one single bureau of motor vehicles service fee in 1895
the amount specified in division (G) of that section, as 1896
applicable, regardless of the number of years for which the person 1897
is registering. 1898

(b) In addition, each person registering a trailer or 1899
semitrailer under division (A)(2)(a) of this section shall pay any 1900
applicable local motor vehicle license tax levied under Chapter 1901
4504. of Revised Code for each year for which the person is 1902
registering, provided that not more than eight times any such 1903
annual local taxes shall be due upon registration. 1904

(c) The period of registration for a trailer or semitrailer 1905
registered under division (A)(2)(a) of this section is exclusive 1906
to the trailer or semitrailer for which that certificate of 1907
registration is issued and is not transferable to any other 1908
trailer or semitrailer if the registration is a permanent 1909
registration. 1910

(3) Except as provided in division (A)(4) of this section, 1911
the registrar shall adopt rules to permit any person who owns a 1912

motor vehicle to file an application for registration for not more than five succeeding registration years. At the time of application, the person shall pay the annual taxes and fees for each registration year, calculated in accordance with division (C) of section 4503.11 of the Revised Code. A person who is registering a vehicle under division (A)(3) of this section shall pay for each year of registration the additional fee established under division (C)(1) of section 4503.10 of the Revised Code. The person shall also pay the deputy registrar service fee or the bureau of motor vehicles service fee, as follows:

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

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

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

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

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

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

county named in the order. 1944

(D) Upon receipt from the director of environmental 1945
protection of a notice issued under rules adopted under section 1946
3704.14 of the Revised Code indicating that an owner of a motor 1947
vehicle that is required to be inspected under that section who 1948
obtained a multi-year registration for the vehicle under division 1949
(A) of this section or rules adopted under that division has not 1950
obtained a required inspection certificate for the vehicle, the 1951
registrar in accordance with Chapter 119. of the Revised Code 1952
shall issue an order to the owner impounding the certificate of 1953
registration and identification license plates for the vehicle. 1954
The order also shall prohibit the owner from obtaining or renewing 1955
a multi-year registration for any vehicle that is required to be 1956
inspected under that section, the district of registration of 1957
which is or is located in the same county as the county named in 1958
the order during the number of years after expiration of the 1959
current multi-year registration that equals the number of years 1960
for which the current multi-year registration was issued. 1961

An order issued under this division shall require the owner 1962
to surrender to the registrar the certificate of registration and 1963
license plates for the vehicle named in the order within five days 1964
after its issuance. If the owner fails to do so within that time, 1965
the registrar shall certify that fact to the county sheriff or 1966
local police officials who shall recover the certificate of 1967
registration and license plates for the vehicle. 1968

(E) Upon the occurrence of either of the following 1969
circumstances, the registrar in accordance with Chapter 119. of 1970
the Revised Code shall issue to the owner a modified order 1971
rescinding the provisions of the order issued under division (D) 1972
of this section impounding the certificate of registration and 1973
license plates for the vehicle named in that original order: 1974

(1) Receipt from the director of environmental protection of 1975

a subsequent notice under rules adopted under section 3704.14 of the Revised Code that the owner has obtained the inspection certificate for the vehicle as required under those rules;

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

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

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

(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 2006
vehicle is assigned as provided in section 4503.101 of the Revised 2007
Code, and prior to the beginning of the next such registration 2008
period, the amount of the tax provided in section 4503.04 of the 2009
Revised Code shall be reduced by one-twelfth of the amount of such 2010
tax, rounded upward to the nearest cent, multiplied by the number 2011
of full months that have elapsed in the current registration 2012
period. The resulting amount shall be rounded upward to the next 2013
highest dollar and shall be the amount of tax due. 2014

(2)(a) If the application is made before the sixth month of 2015
the current registration period to which the motor vehicle is 2016
assigned as provided in section 4503.101 of the Revised Code, the 2017
amount of tax due is the full amount of local motor vehicle 2018
license taxes levied under Chapter 4504. of the Revised Code; 2019

(b) If the application is made during or after the sixth 2020
month of the current registration period to which the motor 2021
vehicle is assigned as provided in section 4503.101 of the Revised 2022
Code and prior to the beginning of the next such registration 2023
period, the amount of tax due is one-half of the amount of local 2024
motor vehicle license taxes levied under Chapter 4504. of the 2025
Revised Code. 2026

(C) The taxes payable on all applications made under division 2027
(A)(3) of section 4503.103 of the Revised Code shall be the sum of 2028
the tax due under division (B)(1)(a) or (b) of this section plus 2029
the tax due under division (B)(2)(a) or (b) of this section for 2030
the first year plus the full amount of the tax provided in section 2031
4503.04 of the Revised Code and the full amount of local motor 2032
vehicle license taxes levied under Chapter 4504. of the Revised 2033
Code for each succeeding year. 2034

(D) Whoever violates this section is guilty of a minor 2035
misdemeanor ~~of the fourth degree.~~ 2036

Sec. 4503.111. (A) Within thirty days of becoming a resident 2037
of this state, any person who owns a motor vehicle operated or 2038
driven upon the public roads or highways shall register the 2039
vehicle in this state. If such a person fails to register a 2040
vehicle owned by the person, the person shall not operate any 2041
motor vehicle in this state under a license issued by another 2042
state and the person's nonresident operating privileges 2043
established under section 4507.04 of the Revised Code are 2044
suspended. 2045

(B)(1) Whoever violates division (A) of this section is 2046
guilty of a minor misdemeanor. 2047

(2) The offense established under division (B)(1) of this 2048
section is a strict liability offense and strict liability is a 2049
culpable mental state for purposes of section 2901.20 of the 2050
Revised Code. The designation of this offense as a strict 2051
liability offense shall not be construed to imply that any other 2052
offense, for which there is no specified degree of culpability, is 2053
not a strict liability offense. 2054

(C) For purposes of division (A) of this section, "resident" 2055
means any person to whom any of the following applies: 2056

(1) The person has registered to vote in this state. 2057

(2) The person states the person's address, for purposes of 2058
federal or state income taxes, as being in this state. 2059

(3) The person maintains their principal residence in this 2060
state and does not reside in this state as a result of the 2061
person's active service in the United States armed forces. 2062

(4) The person is determined by the registrar of motor 2063
vehicles to be a resident in accordance with standards adopted by 2064
the registrar under section 4507.01 of the Revised Code. 2065

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon 2066
application and proof of purchase of the vehicle, may be issued a 2067
temporary license placard or windshield sticker for the motor 2068
vehicle. 2069

The purchaser of a vehicle applying for a temporary license 2070
placard or windshield sticker under this section shall execute an 2071
affidavit stating that the purchaser has not been issued 2072
previously during the current registration year a license plate 2073
that could legally be transferred to the vehicle. 2074

Placards or windshield stickers shall be issued only for the 2075
applicant's use of the vehicle to enable the applicant to legally 2076
operate the motor vehicle while proper title, license plates, and 2077
a certificate of registration are being obtained, and shall be 2078
displayed on no other motor vehicle. 2079

Placards or windshield stickers issued under division (A) of 2080
this section are valid for a period of ~~thirty~~ forty-five days from 2081
date of issuance and are not transferable or renewable. 2082

The fee for the placards or windshield stickers issued under 2083
this section is two dollars plus a service fee of three dollars 2084
and fifty cents. 2085

(B)(1) The registrar of motor vehicles may issue to a 2086
motorized bicycle dealer or a licensed motor vehicle dealer 2087
temporary license placards to be issued to purchasers for use on 2088
vehicles sold by the dealer, in accordance with rules prescribed 2089
by the registrar. The dealer shall notify the registrar, within 2090
forty-eight hours, of the issuance of a placard by electronic 2091
means via computer equipment purchased and maintained by the 2092
dealer or in any other manner prescribed by the registrar. 2093

(2) The fee for each placard issued by the registrar to a 2094
dealer is two dollars. The registrar shall charge an additional 2095

three dollars and fifty cents for each placard issued to a dealer 2096
who notifies the registrar of the issuance of the placards in a 2097
manner other than by approved electronic means. 2098

(3) When a dealer issues a temporary license placard to a 2099
purchaser, the dealer shall collect and retain the fees 2100
established under divisions (A) and (D) of this section. 2101

(C) The registrar of motor vehicles, at the registrar's 2102
discretion, may issue a temporary license placard. Such a placard 2103
may be issued in the case of extreme hardship encountered by a 2104
citizen from this state or another state who has attempted to 2105
comply with all registration laws, but for extreme circumstances 2106
is unable to properly register the citizen's vehicle. Placards 2107
issued under division (C) of this section are valid for a period 2108
of thirty days from the date of issuance and are not transferable 2109
or renewable. 2110

(D) In addition to the fees charged under divisions (A) and 2111
(B) of this section, commencing on October 1, 2003, the registrar 2112
and each deputy registrar shall collect a fee of five dollars and 2113
commencing on October 1, 2009, a fee of thirteen dollars, for each 2114
temporary license placard issued. The additional fee is for the 2115
purpose of defraying the department of public safety's costs 2116
associated with the administration and enforcement of the motor 2117
vehicle and traffic laws of Ohio. At the time and in the manner 2118
provided by section 4503.10 of the Revised Code, the deputy 2119
registrar shall transmit to the registrar the fees collected under 2120
this section. The registrar shall deposit all moneys received 2121
under this division into the state highway safety fund established 2122
in section 4501.06 of the Revised Code. 2123

(E) The registrar shall adopt rules, in accordance with 2124
division (B) of section 111.15 of the Revised Code, to specify the 2125
procedures for reporting the information from applications for 2126
temporary license placards and windshield stickers and for 2127

providing the information from these applications to law enforcement agencies.

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

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

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

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

front of the commercial tractor. An apportioned vehicle receiving 2159
an apportioned license plate under the international registration 2160
plan shall display the license plate only on the front of a 2161
commercial tractor and on the rear of all other vehicles. All 2162
license plates shall be securely fastened so as not to swing, and 2163
shall not be covered by any material that obstructs their 2164
visibility. 2165

No person to whom a temporary license placard or windshield 2166
sticker has been issued for the use of a motor vehicle under 2167
section 4503.182 of the Revised Code, and no operator of that 2168
motor vehicle, shall fail to display the temporary license placard 2169
in plain view from the rear of the vehicle either in the rear 2170
window or on an external rear surface of the motor vehicle, or 2171
fail to display the windshield sticker in plain view on the rear 2172
window of the motor vehicle. No temporary license placard or 2173
windshield sticker shall be covered by any material that obstructs 2174
its visibility. 2175

(B) Whoever violates this section is guilty of a minor 2176
misdemeanor. 2177

Sec. 4503.22. The identification license plate shall consist 2178
of a placard upon the face of which shall appear the distinctive 2179
number assigned to the motor vehicle as provided in section 2180
4503.19 of the Revised Code, in Arabic numerals or letters, or 2181
both. The dimensions of the numerals or letters and of each stroke 2182
shall be determined by the director of public safety. The license 2183
placard also shall contain the name of this state and the slogan 2184
"BIRTHPLACE OF AVIATION." The placard may be made of steel, 2185
aluminum, plastic, or any other suitable material, and the 2186
background shall be treated with a reflective material that shall 2187
provide effective and dependable reflective brightness during the 2188
service period required of the placard. Specifications for the 2189

reflective and other materials and the design of the placard, the 2190
county identification stickers as provided by section 4503.19 of 2191
the Revised Code, and validation stickers as provided by section 2192
4503.191 of the Revised Code, shall be adopted by the director as 2193
rules under sections 119.01 to 119.13 of the Revised Code. The 2194
identification license plate of motorized bicycles ~~and of motor~~ 2195
~~vehicles of the type commonly called "~~ motorcycles" and 2196
cab-enclosed motorcycles shall consist of a single placard, the 2197
size of which shall be prescribed by the director. The 2198
identification plate of a vehicle registered in accordance with 2199
the international registration plan shall contain the word 2200
"apportioned." The director may prescribe the type of placard, or 2201
means of fastening the placard, or both; the placard or means of 2202
fastening may be so designed and constructed as to render 2203
difficult the removal of the placard after it has been fastened to 2204
a motor vehicle. 2205

Sec. 4503.233. (A)(1) If a court is required to order the 2206
immobilization of a vehicle for a specified period of time 2207
pursuant to section 4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 2208
4511.193, or 4511.203 of the Revised Code, the court, subject to 2209
section 4503.235 of the Revised Code, shall issue the 2210
immobilization order in accordance with this division and for the 2211
period of time specified in the particular section, and the 2212
immobilization under the order shall be in accordance with this 2213
section. The court, at the time of sentencing the offender for the 2214
offense relative to which the immobilization order is issued or as 2215
soon thereafter as is practicable, shall give a copy of the order 2216
to the offender or the offender's counsel. The court promptly 2217
shall send a copy of the order to the registrar on a form 2218
prescribed by the registrar and to the person or agency it 2219
designates to execute the order. 2220

The order shall indicate the date on which it is issued, 2221

shall identify the vehicle that is subject to the order, and shall 2222
specify all of the following: 2223

(a) The period of the immobilization; 2224

(b) The place at which the court determines that the 2225
immobilization shall be carried out, provided that the court shall 2226
not determine and shall not specify that the immobilization is to 2227
be carried out at any place other than a commercially operated 2228
private storage lot, a place owned by a law enforcement or other 2229
government agency, or a place to which one of the following 2230
applies: 2231

(i) The place is leased by or otherwise under the control of 2232
a law enforcement or other government agency. 2233

(ii) The place is owned by the offender, the offender's 2234
spouse, or a parent or child of the offender. 2235

(iii) The place is owned by a private person or entity, and, 2236
prior to the issuance of the order, the private entity or person 2237
that owns the place, or the authorized agent of that private 2238
entity or person, has given express written consent for the 2239
immobilization to be carried out at that place. 2240

(iv) The place is a public street or highway on which the 2241
vehicle is parked in accordance with the law. 2242

(c) The person or agency designated by the court to execute 2243
the order, which shall be either the law enforcement agency that 2244
employs the law enforcement officer who seized the vehicle, a 2245
bailiff of the court, another person the court determines to be 2246
appropriate to execute the order, or the law enforcement agency 2247
with jurisdiction over the place of residence of the vehicle 2248
owner; 2249

(d) That neither the registrar nor a deputy registrar will be 2250
permitted to accept an application for the license plate 2251

registration of any motor vehicle in the name of the vehicle owner 2252
until the immobilization fee is paid. 2253

(2) The person or agency the court designates to immobilize 2254
the vehicle shall seize or retain that vehicle's license plates 2255
and forward them to the bureau of motor vehicles. 2256

(3) In all cases, the offender shall be assessed an 2257
immobilization fee of one hundred dollars, and the immobilization 2258
fee shall be paid to the registrar before the vehicle may be 2259
released to the offender. Neither the registrar nor a deputy 2260
registrar shall accept an application for the registration of any 2261
motor vehicle in the name of the offender until the immobilization 2262
fee is paid. 2263

(4) If the vehicle subject to the order is immobilized 2264
pursuant to the order and is found being operated upon any street 2265
or highway in this state during the immobilization period, it 2266
shall be seized, removed from the street or highway, and 2267
criminally forfeited and disposed of pursuant to section 4503.234 2268
of the Revised Code. 2269

(5) The registrar shall deposit the immobilization fee into 2270
the ~~law enforcement reimbursement~~ state bureau of motor vehicles 2271
fund created by section ~~4501.19~~ 4501.25 of the Revised Code. ~~Money~~ 2272
~~in the fund shall~~ to be expended only as provided in division 2273
(A)(5) of this section. If the court designated in the order a 2274
court bailiff or another appropriate person other than a law 2275
enforcement officer to immobilize the vehicle, the amount of the 2276
fee deposited into the ~~law enforcement reimbursement~~ state bureau 2277
of motor vehicles fund shall be paid out to the county treasury if 2278
the court that issued the order is a county court, to the treasury 2279
of the municipal corporation served by the court if the court that 2280
issued the order is a mayor's court, or to the city treasury of 2281
the legislative authority of the court, both as defined in section 2282
1901.03 of the Revised Code, if the court that issued the order is 2283

a municipal court. If the court designated a law enforcement 2284
agency to immobilize the vehicle and if the law enforcement agency 2285
immobilizes the vehicle, the amount of the fee deposited into the 2286
~~law enforcement reimbursement~~ state bureau of motor vehicles fund 2287
shall be paid out to the law enforcement agency to reimburse the 2288
agency for the costs it incurs in obtaining immobilization 2289
equipment and, if required, in sending an officer or other person 2290
to search for and locate the vehicle specified in the 2291
immobilization order and to immobilize the vehicle. 2292

2293

In addition to the immobilization fee required to be paid 2294
under division (A)(3) of this section, the offender may be charged 2295
expenses or charges incurred in the removal and storage of the 2296
immobilized vehicle. 2297

(B) If a court issues an immobilization order under division 2298
(A)(1) of this section, the person or agency designated by the 2299
court to execute the immobilization order promptly shall 2300
immobilize or continue the immobilization of the vehicle at the 2301
place specified by the court in the order. The registrar shall not 2302
authorize the release of the vehicle or authorize the issuance of 2303
new identification license plates for the vehicle at the end of 2304
the immobilization period until the immobilization fee has been 2305
paid. 2306

(C) Upon receipt of the license plates for a vehicle under 2307
this section, the registrar shall destroy the license plates. At 2308
the end of the immobilization period and upon the payment of the 2309
immobilization fee that must be paid under this section, the 2310
registrar shall authorize the release of the vehicle and authorize 2311
the issuance, upon the payment of the same fee as is required for 2312
the replacement of lost, mutilated, or destroyed license plates 2313
and certificates of registration, of new license plates and, if 2314
necessary, a new certificate of registration to the offender for 2315

the vehicle in question. 2316

(D)(1) If a court issues an immobilization order under 2317
division (A) of this section, the immobilization period commences 2318
on the day on which the vehicle in question is immobilized. If the 2319
vehicle in question had been seized under section 4510.41 or 2320
4511.195 of the Revised Code, the time between the seizure and the 2321
beginning of the immobilization period shall be credited against 2322
the immobilization period specified in the immobilization order 2323
issued under division (A) of this section. No vehicle that is 2324
immobilized under this section is eligible to have restricted 2325
license plates under section 4503.231 of the Revised Code issued 2326
for that vehicle. 2327

(2) If a court issues an immobilization order under division 2328
(A) of this section, if the vehicle subject to the order is 2329
immobilized under the order, and if the vehicle is found being 2330
operated upon any street or highway of this state during the 2331
immobilization period, it shall be seized, removed from the street 2332
or highway, and criminally forfeited, and disposed of pursuant to 2333
section 4503.234 of the Revised Code. No vehicle that is forfeited 2334
under this provision shall be considered contraband for purposes 2335
of Chapter 2981. of the Revised Code, but shall be held by the law 2336
enforcement agency that employs the officer who seized it for 2337
disposal in accordance with section 4503.234 of the Revised Code. 2338

(3) If a court issues an immobilization order under division 2339
(A) of this section, and if the vehicle is not claimed within 2340
seven days after the end of the period of immobilization or if the 2341
offender has not paid the immobilization fee, the person or agency 2342
that immobilized the vehicle shall send a written notice to the 2343
offender at the offender's last known address informing the 2344
offender of the date on which the period of immobilization ended, 2345
that the offender has twenty days after the date of the notice to 2346
pay the immobilization fee and obtain the release of the vehicle, 2347

and that if the offender does not pay the fee and obtain the 2348
release of the vehicle within that twenty-day period, the vehicle 2349
will be forfeited under section 4503.234 of the Revised Code to 2350
the entity that is entitled to the immobilization fee. 2351

(4) An offender whose motor vehicle is subject to an 2352
immobilization order issued under division (A) of this section 2353
shall not sell the motor vehicle without approval of the court 2354
that issued the order. If such an offender wishes to sell the 2355
motor vehicle during the immobilization period, the offender shall 2356
apply to the court that issued the immobilization order for 2357
permission to assign the title to the vehicle. If the court is 2358
satisfied that the sale will be in good faith and not for the 2359
purpose of circumventing the provisions of division (A)(1) of this 2360
section, it may certify its consent to the offender and to the 2361
registrar. Upon receipt of the court's consent, the registrar 2362
shall enter the court's notice in the offender's vehicle license 2363
plate registration record. 2364

If, during a period of immobilization under an immobilization 2365
order issued under division (A) of this section, the title to the 2366
immobilized motor vehicle is transferred by the foreclosure of a 2367
chattel mortgage, a sale upon execution, the cancellation of a 2368
conditional sales contract, or an order of a court, the involved 2369
court shall notify the registrar of the action, and the registrar 2370
shall enter the court's notice in the offender's vehicle license 2371
plate registration record. 2372

Nothing in this section shall be construed as requiring the 2373
registrar or the clerk of the court of common pleas to note upon 2374
the certificate of title records any prohibition regarding the 2375
sale of a motor vehicle. 2376

(5) If the title to a motor vehicle that is subject to an 2377
immobilization order under division (A) of this section is 2378
assigned or transferred without court approval between the time of 2379

arrest of the offender who committed the offense for which such an 2380
order is to be issued and the time of the actual immobilization of 2381
the vehicle, the court shall order that, for a period of two years 2382
from the date of the order, neither the registrar nor any deputy 2383
registrar shall accept an application for the registration of any 2384
motor vehicle in the name of the offender whose vehicle was 2385
assigned or transferred without court approval. The court shall 2386
notify the registrar of the order on a form prescribed by the 2387
registrar for that purpose. 2388

(6) If the title to a motor vehicle that is subject to an 2389
immobilization order under division (A) of this section is 2390
assigned or transferred without court approval in violation of 2391
division (D)(4) of this section, then, in addition to or 2392
independent of any other penalty established by law, the court may 2393
fine the offender the value of the vehicle as determined by 2394
publications of the national auto dealers association. The 2395
proceeds from any fine so imposed shall be distributed in the same 2396
manner as the proceeds of the sale of a forfeited vehicle are 2397
distributed pursuant to division (C)(2) of section 4503.234 of the 2398
Revised Code. 2399

(E)(1) The court with jurisdiction over the case, after 2400
notice to all interested parties including lienholders, and after 2401
an opportunity for them to be heard, if the offender fails to 2402
appear in person, without good cause, or if the court finds that 2403
the offender does not intend to seek release of the vehicle at the 2404
end of the period of immobilization or that the offender is not or 2405
will not be able to pay the expenses and charges incurred in its 2406
removal and storage, may order that title to the vehicle be 2407
transferred, in order of priority, first into the name of the 2408
entity entitled to the immobilization fee under division (A)(5) of 2409
this section, next into the name of a lienholder, or lastly, into 2410
the name of the owner of the place of storage. 2411

A lienholder that receives title under a court order shall do 2412
so on the condition that it pay any expenses or charges incurred 2413
in the vehicle's removal and storage. If the entity that receives 2414
title to the vehicle is the entity that is entitled to the 2415
immobilization fee under division (A)(5) of this section, it shall 2416
receive title on the condition that it pay any lien on the 2417
vehicle. The court shall not order that title be transferred to 2418
any person or entity other than the owner of the place of storage 2419
if the person or entity refuses to receive the title. Any person 2420
or entity that receives title may either keep title to the vehicle 2421
or may dispose of the vehicle in any legal manner that it 2422
considers appropriate, including assignment of the certificate of 2423
title to the motor vehicle to a salvage dealer or a scrap metal 2424
processing facility. The person or entity shall not transfer the 2425
vehicle to the person who is the vehicle's immediate previous 2426
owner. 2427

If the person or entity assigns the motor vehicle to a 2428
salvage dealer or scrap metal processing facility, the person or 2429
entity shall send the assigned certificate of title to the motor 2430
vehicle to the clerk of the court of common pleas of the county in 2431
which the salvage dealer or scrap metal processing facility is 2432
located. The person or entity shall mark the face of the 2433
certificate of title with the words "FOR DESTRUCTION" and shall 2434
deliver a photocopy of the certificate of title to the salvage 2435
dealer or scrap metal processing facility for its records. 2436

(2) Whenever a court issues an order under division (E)(1) of 2437
this section, the court also shall order removal of the license 2438
plates from the vehicle and cause them to be sent to the registrar 2439
if they have not already been sent to the registrar. Thereafter, 2440
no further proceedings shall take place under this section, but 2441
the offender remains liable for payment of the immobilization fee 2442
described in division (A)(3) of this section if an immobilization 2443

order previously had been issued by the court. 2444

(3) Prior to initiating a proceeding under division (E)(1) of 2445
this section, and upon payment of the fee under division (B) of 2446
section 4505.14 of the Revised Code, any interested party may 2447
cause a search to be made of the public records of the bureau of 2448
motor vehicles or the clerk of the court of common pleas, to 2449
ascertain the identity of any lienholder of the vehicle. The 2450
initiating party shall furnish this information to the clerk of 2451
the court with jurisdiction over the case, and the clerk shall 2452
provide notice to the vehicle owner, the defendant, any 2453
lienholder, and any other interested parties listed by the 2454
initiating party, at the last known address supplied by the 2455
initiating party, by certified mail or, at the option of the 2456
initiating party, by personal service or ordinary mail. 2457

As used in this section, "interested party" includes the 2458
offender, all lienholders, the owner of the place of storage, the 2459
person or entity that caused the vehicle to be removed, and the 2460
person or entity, if any, entitled to the immobilization fee under 2461
division (A)(5) of this section. 2462

Sec. 4503.26. (A) As used in this section, "registration 2463
information" means information in license plate applications on 2464
file with the bureau of motor vehicles. 2465

(B) The director of public safety may advertise for and 2466
accept sealed bids for the preparation of lists containing 2467
registration information in such form as the director authorizes. 2468
Where the expenditure is more than five hundred dollars, the 2469
director shall give notice to bidders as provided in section 2470
5513.01 of the Revised Code as for purchases by the department of 2471
transportation. The notice shall include the latest date, as 2472
determined by the director, on which bids will be accepted and the 2473
date, also determined by the director, on which bids will be 2474

opened by the director at the central office of the department of 2475
public safety. The contract to prepare the list shall be awarded 2476
to the lowest responsive and responsible bidder, in accordance 2477
with section 9.312 of the Revised Code, provided there is 2478
compliance with the specifications. Such contract shall not extend 2479
beyond twenty-four consecutive registration periods as provided in 2480
section 4503.101 of the Revised Code. The successful bidder shall 2481
furnish without charge a complete list to the bureau of motor 2482
vehicles, and shall also furnish without charge to the county 2483
sheriffs or chiefs of police in cities, at such times and in such 2484
manner as the director determines necessary, lists of registration 2485
information for the county in which they are situated. The 2486
registrar shall provide to the successful bidder all necessary 2487
information for the preparation of such lists. 2488

The registrar, upon application of any person and payment of 2489
the proper fee, may search the records of the bureau and furnish 2490
reports of those records under the signature of the registrar. 2491

(C) ~~A The registrar shall charge and collect a fee of five~~ 2492
~~dollars shall be charged and collected for each search of the~~ 2493
~~records and report of those records furnished under the signature~~ 2494
~~and seal of the registrar. A copy of any such report is~~ 2495
~~prima-facie evidence of the facts therein stated, in any court.~~ 2496

The registrar shall receive these fees and deposit ~~two~~ 2497
~~dollars of~~ each such fee into the state treasury to the credit of 2498
the state bureau of motor vehicles fund established in section 2499
4501.25 of the Revised Code. ~~Of the remaining three dollars of~~ 2500
~~each such fee the registrar collects, the registrar shall deposit~~ 2501
~~sixty cents into the state treasury to the credit of the trauma~~ 2502
~~and emergency medical services fund established in section~~ 2503
~~4513.263 of the Revised Code, sixty cents into the state treasury~~ 2504
~~to the credit of the homeland security fund established under~~ 2505
~~section 5502.03 of the Revised Code, thirty cents into the state~~ 2506

~~treasury to the credit of the investigations fund established in 2507~~
~~section 5502.131 of the Revised Code, one dollar and twenty five 2508~~
~~cents into the state treasury to the credit of the emergency 2509~~
~~management agency service and reimbursement fund established in 2510~~
~~section 5502.39 of the Revised Code, and twenty five cents into 2511~~
~~the state treasury to the credit of the justice program services 2512~~
~~fund established in section 5502.67 of the Revised Code. 2513~~

Sec. 4503.499. (A) The owner or lessee of any passenger car, 2514
noncommercial motor vehicle, recreational vehicle, or other 2515
vehicle of a class approved by the registrar of motor vehicles may 2516
apply to the registrar for the registration of the vehicle and 2517
issuance of pediatric brain tumor awareness license plates. An 2518
application made under this section may be combined with a request 2519
for a special reserved license plate under section 4503.40 or 2520
4503.42 of the Revised Code. Upon receipt of the completed 2521
application and compliance by the applicant with divisions (B) and 2522
(C) of this section, the registrar shall issue to the applicant 2523
the appropriate vehicle registration and a set of pediatric brain 2524
tumor awareness license plates and a validation sticker, or a 2525
validation sticker alone when required by section 4503.191 of the 2526
Revised Code. 2527

In addition to the letters and numbers ordinarily inscribed 2528
on the license plates, pediatric brain tumor awareness license 2529
plates shall be inscribed with identifying words or markings that 2530
are designed by the children's glioma cancer foundation and are 2531
approved by the registrar. Pediatric brain tumor awareness license 2532
plates shall display county identification stickers that identify 2533
the county of registration by name or number. 2534

(B) The pediatric brain tumor awareness license plates and a 2535
validation sticker, or validation sticker alone, shall be issued 2536
upon receipt of a contribution as provided in division (C) of this 2537

section and upon payment of the regular license tax as prescribed 2538
under section 4503.04 of the Revised Code, any applicable motor 2539
vehicle license tax levied under Chapter 4504. of the Revised 2540
Code, any applicable additional fee prescribed by section 4503.40 2541
or 4503.42 of the Revised Code, a fee of ten dollars for the 2542
purpose of compensating the bureau of motor vehicles for 2543
additional services required in the issuing of pediatric brain 2544
tumor awareness license plates, and compliance with all other 2545
applicable laws relating to the registration of motor vehicles. 2546

(C) For each application for registration and registration 2547
renewal notice the registrar receives under this section, the 2548
registrar shall collect a contribution of thirty-five dollars. The 2549
registrar shall transmit this contribution to the treasurer of 2550
state for deposit in the license plate contribution fund created 2551
in section 4501.21 of the Revised Code. 2552

The registrar shall transmit the additional fee of ten 2553
dollars paid to compensate the bureau for the additional services 2554
required in the issuing of pediatric brain tumor awareness license 2555
plates to the treasurer of state for deposit into the state 2556
treasury to the credit of the state bureau of motor vehicles fund 2557
created by section 4501.25 of the Revised Code. 2558

(D) If the issuance of the license plates under this section 2559
has been terminated under section 4503.77 of the Revised Code 2560
prior to ~~the effective date of this amendment~~ March 23, 2015, the 2561
bureau shall begin issuing pediatric brain tumor awareness license 2562
plates on and after ~~the effective date of this amendment~~ March 23, 2563
2015, even if the sponsor of the license plate does not comply 2564
with the requirements of section 4503.78 of the Revised Code. 2565
However, after ~~the effective date of this amendment~~ March 23, 2566
2015, the license plate may be terminated as provided in section 2567
4503.77 of the Revised Code. 2568

Sec. 4503.544. (A) Any person who is a retired or honorably 2569
discharged veteran of any branch of the armed forces of the United 2570
States may apply to the registrar of motor vehicles for the 2571
registration of any motorcycle or cab-enclosed motorcycle that the 2572
person owns or leases. The application shall be accompanied by 2573
written evidence that the applicant is a retired or honorably 2574
discharged veteran of a branch of the armed forces of the United 2575
States that the registrar shall require by rule. 2576

Upon receipt of an application for registration of a 2577
motorcycle or cab-enclosed motorcycle under this section, 2578
presentation of satisfactory evidence documenting that the 2579
applicant is a retired or honorably discharged veteran of a branch 2580
of the armed forces of the United States, and payment of the 2581
~~regular motorcycle~~ applicable license fee prescribed in section 2582
4503.04 of the Revised Code and any local motor vehicle license 2583
tax levied under Chapter 4504. of the Revised Code, the registrar 2584
shall issue to the applicant the appropriate motor vehicle 2585
registration and a license plate and a validation sticker or a 2586
validation sticker alone when required by section 4503.191 of the 2587
Revised Code. 2588

(B) License plates issued under this section shall be 2589
inscribed with the letters and numbers ordinarily inscribed on 2590
motorcycle license plates, except that the registrar shall provide 2591
for one of the following: 2592

(1) The license plates to contain an inscription or symbol 2593
representing veterans of the armed forces of the United States; 2594

(2) The plates to include the word "veteran" or "vet"; 2595

(3) The plates to be designed to display a sticker bearing 2596
the word "veteran." 2597

(C) Sections 4503.77 and 4503.78 of the Revised Code do not 2598

apply to license plates issued under this section. 2599

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 2600
shall charge and retain fees as follows: 2601

(a) Five dollars for each certificate of title that is not 2602
applied for within thirty days after the later of the assignment 2603
or delivery of the motor vehicle described in it. The entire fee 2604
shall be retained by the clerk. 2605

(b) Fifteen dollars for each certificate of title or 2606
duplicate certificate of title including the issuance of a 2607
memorandum certificate of title, or authorization to print a 2608
non-negotiable evidence of ownership described in division (G) of 2609
section 4505.08 of the Revised Code, non-negotiable evidence of 2610
ownership printed by the clerk under division (H) of that section, 2611
and notation of any lien on a certificate of title that is applied 2612
for at the same time as the certificate of title. The clerk shall 2613
retain eleven dollars and fifty cents of that fee for each 2614
certificate of title when there is a notation of a lien or 2615
security interest on the certificate of title, twelve dollars and 2616
twenty-five cents when there is no lien or security interest noted 2617
on the certificate of title, and eleven dollars and fifty cents 2618
for each duplicate certificate of title. 2619

(c) Four dollars and fifty cents for each certificate of 2620
title with no security interest noted that is issued to a licensed 2621
motor vehicle dealer for resale purposes and, in addition, a 2622
separate fee of fifty cents. The clerk shall retain two dollars 2623
and twenty-five cents of that fee. 2624

(d) Five dollars for each memorandum certificate of title or 2625
non-negotiable evidence of ownership that is applied for 2626
separately. The clerk shall retain that entire fee. 2627

(2) The fees that are not retained by the clerk shall be paid 2628

to the registrar of motor vehicles by monthly returns, which shall 2629
be forwarded to the registrar not later than the fifth day of the 2630
month next succeeding that in which the certificate is issued or 2631
that in which the registrar is notified of a lien or cancellation 2632
of a lien. 2633

(B)(1) The registrar shall pay twenty-five cents of the 2634
amount received for each certificate of title issued to a motor 2635
vehicle dealer for resale, one dollar for certificates of title 2636
issued with a lien or security interest noted on the certificate 2637
of title, and twenty-five cents for each certificate of title with 2638
no lien or security interest noted on the certificate of title 2639
into the state bureau of motor vehicles fund established in 2640
section 4501.25 of the Revised Code. 2641

(2) Fifty cents of the amount received for each certificate 2642
of title shall be paid by the registrar as follows: 2643

(a) Four cents shall be paid into the state treasury to the 2644
credit of the motor vehicle dealers board fund, which is hereby 2645
created. All investment earnings of the fund shall be credited to 2646
the fund. The moneys in the motor vehicle dealers board fund shall 2647
be used by the motor vehicle dealers board created under section 2648
4517.30 of the Revised Code, together with other moneys 2649
appropriated to it, in the exercise of its powers and the 2650
performance of its duties under Chapter 4517. of the Revised Code, 2651
except that the director of budget and management may transfer 2652
excess money from the motor vehicle dealers board fund to the 2653
bureau of motor vehicles fund if the registrar determines that the 2654
amount of money in the motor vehicle dealers board fund, together 2655
with other moneys appropriated to the board, exceeds the amount 2656
required for the exercise of its powers and the performance of its 2657
duties under Chapter 4517. of the Revised Code and requests the 2658
director to make the transfer. 2659

(b) Twenty-one cents shall be paid into the highway operating 2660

fund. 2661

(c) Twenty-five cents shall be paid into the state treasury 2662
to the credit of the motor vehicle sales audit fund, which is 2663
hereby created. The moneys in the fund shall be used by the tax 2664
commissioner together with other funds available to the 2665
commissioner to conduct a continuing investigation of sales and 2666
use tax returns filed for motor vehicles in order to determine if 2667
sales and use tax liability has been satisfied. The commissioner 2668
shall refer cases of apparent violations of section 2921.13 of the 2669
Revised Code made in connection with the titling or sale of a 2670
motor vehicle and cases of any other apparent violations of the 2671
sales or use tax law to the appropriate county prosecutor whenever 2672
the commissioner considers it advisable. 2673

(3) Two dollars of the amount received by the registrar under 2674
divisions (A)(1)(a), (b), and (d) of this section and one dollar 2675
and fifty cents of the amount received by the registrar under 2676
division (A)(1)(c) of this section for each certificate of title 2677
shall be paid into the state treasury to the credit of the 2678
automated title processing fund, which is hereby created and which 2679
shall consist of moneys collected under division (B)(3) of this 2680
section and under sections 1548.10 and 4519.59 of the Revised 2681
Code. All investment earnings of the fund shall be credited to the 2682
fund. The moneys in the fund shall be used as follows: 2683

(a) Except for moneys collected under section 1548.10 of the 2684
Revised Code and as provided in division (B)(3)(c) of this 2685
section, moneys collected under division (B)(3) of this section 2686
shall be used to implement and maintain an automated title 2687
processing system for the issuance of motor vehicle, off-highway 2688
motorcycle, and all-purpose vehicle certificates of title in the 2689
offices of the clerks of the courts of common pleas. 2690

(b) Moneys collected under section 1548.10 of the Revised 2691
Code shall be used to issue marine certificates of title in the 2692

offices of the clerks of the courts of common pleas as provided in 2693
Chapter 1548. of the Revised Code. 2694

(c) Moneys collected under division (B)(3) of this section 2695
shall be used in accordance with section 4505.25 of the Revised 2696
Code to implement Sub. S.B. 59 of the 124th general assembly. 2697

(4) The registrar shall pay the fifty-cent separate fee 2698
collected from a licensed motor vehicle dealer under division 2699
(A)(1)(c) of this section into the title defect recision fund 2700
created by section 1345.52 of the Revised Code. 2701

(C)(1) The automated title processing board is hereby created 2702
consisting of the registrar or the registrar's representative, a 2703
person selected by the registrar, the president of the Ohio clerks 2704
of court association or the president's representative, and two 2705
clerks of courts of common pleas appointed by the governor. The 2706
director of budget and management or the director's designee, the 2707
chief of the division of watercraft in the department of natural 2708
resources or the chief's designee, and the tax commissioner or the 2709
commissioner's designee shall be nonvoting members of the board. 2710
The purpose of the board is to facilitate the operation and 2711
maintenance of an automated title processing system and approve 2712
the procurement of automated title processing system equipment and 2713
ribbons, cartridges, or other devices necessary for the operation 2714
of that equipment. Voting members of the board, excluding the 2715
registrar or the registrar's representative, shall serve without 2716
compensation, but shall be reimbursed for travel and other 2717
necessary expenses incurred in the conduct of their official 2718
duties. The registrar or the registrar's representative shall 2719
receive neither compensation nor reimbursement as a board member. 2720

(2) The automated title processing board shall determine each 2721
of the following: 2722

(a) The automated title processing equipment and certificates 2723

of title requirements for each county; 2724

(b) The payment of expenses that may be incurred by the 2725
counties in implementing an automated title processing system; 2726

(c) The repayment to the counties for existing title 2727
processing equipment; 2728

(d) With the approval of the director of public safety, the 2729
award of grants from the automated title processing fund to the 2730
clerk of courts of any county who employs a person who assists 2731
with the design of, updates to, tests of, installation of, or any 2732
other activity related to, an automated title processing system. 2733
Any grant awarded under division (C)(2)(d) of this section shall 2734
be deposited into the appropriate county certificate of title 2735
administration fund created under section 325.33 of the Revised 2736
Code and shall not be used to supplant any other funds. 2737

(3) The registrar shall purchase, lease, or otherwise acquire 2738
any automated title processing equipment and certificates of title 2739
that the board determines are necessary from moneys in the 2740
automated title processing fund established by division (B)(3) of 2741
this section. 2742

(D) All counties shall conform to the requirements of the 2743
registrar regarding the operation of their automated title 2744
processing system for motor vehicle titles, certificates of title 2745
for off-highway motorcycles and all-purpose vehicles, and 2746
certificates of title for watercraft and outboard motors. 2747

Sec. 4505.14. (A) The registrar of motor vehicles, or the 2748
clerk of the court of common pleas, upon the application of any 2749
person and payment of the proper fee, may prepare and furnish 2750
lists containing title information in such form and subject to 2751
such territorial division or other classification as they may 2752
direct. The registrar or the clerk may search the records of the 2753

bureau of motor vehicles and furnish reports of those records 2754
under the signature of the registrar or the clerk. 2755

(B)(1) Fees for lists containing title information shall be 2756
charged and collected as follows: 2757

(a) For lists containing three thousand titles or more, 2758
twenty-five dollars per thousand or part thereof; 2759

(b) For each report of a search of the records, ~~two dollars~~ 2760
~~per copy except that on and after October 1, 2009, the fee shall~~ 2761
~~be~~ is five dollars per copy. The registrar and the clerk may 2762
certify copies of records generated by an automated title 2763
processing system. 2764

(2) A copy of any such report shall be taken as prima-facie 2765
evidence of the facts therein stated, in any court of the state. 2766
The registrar and the clerk shall furnish information on any title 2767
without charge to the state highway patrol, sheriffs, chiefs of 2768
police, or the attorney general. The clerk also may provide a copy 2769
of a certificate of title to a public agency without charge. 2770

(C)(1) Those fees collected by the registrar as provided in 2771
division (B)(1)(a) of this section shall be paid to the treasurer 2772
of state to the credit of the state bureau of motor vehicles fund 2773
established in section 4501.25 of the Revised Code. Those fees 2774
collected by the clerk as provided in division (B)(1)(a) of this 2775
section shall be paid to the certificate of title administration 2776
fund created by section 325.33 of the Revised Code. 2777

(2) ~~Prior to October 1, 2009, the registrar shall pay those~~ 2778
~~fees the registrar collects under division (B)(1)(b) of this~~ 2779
~~section into the state treasury to the credit of the state bureau~~ 2780
~~of motor vehicles fund established in section 4501.25 of the~~ 2781
~~Revised Code. Prior to October 1, 2009, the clerk shall pay those~~ 2782
~~fees the clerk collects under division (B)(1)(b) of this section~~ 2783
~~to the certificate of title administration fund created by section~~ 2784

~~325.33 of the Revised Code.~~ 2785

~~(3) On and after October 1, 2009, the The registrar shall pay 2786
~~two dollars of each five-dollar fee the registrar collects under 2787
division (B)(1)(b) of this section into the state treasury to the 2788
credit of the state bureau of motor vehicles fund established in 2789
section 4501.25 of the Revised Code. ~~Of the remaining three 2790
dollars of each such fee the registrar collects, the registrar 2791
shall deposit sixty cents into the state treasury to the credit of 2792
the trauma and emergency medical services fund established in 2793
section 4513.263 of the Revised Code, sixty cents into the state 2794
treasury to the credit of the homeland security fund established 2795
under section 5502.03 of the Revised Code, thirty cents into the 2796
state treasury to the credit of the investigations fund 2797
established in section 5502.131 of the Revised Code, one dollar 2798
and twenty five cents into the state treasury to the credit of the 2799
emergency management agency service and reimbursement fund 2800
established in section 5502.39 of the Revised Code, and 2801
twenty five cents into the state treasury to the credit of the 2802
justice program services fund established in section 5502.67 of 2803
the Revised Code.~~ 2804~~~~

~~(4) On and after October 1, 2009, the (3) The clerk of the 2805
court of common pleas shall retain two dollars of each fee the 2806
clerk collects under division (B)(1)(b) of this section and 2807
deposit that two dollars into the certificate of title 2808
administration fund created by section 325.33 of the Revised Code. 2809
The clerk shall forward the remaining three dollars to the 2810
registrar not later than the fifth day of the month next 2811
succeeding that in which the transaction occurred. ~~Of that The 2812
registrar shall deposit the remaining three dollars, ~~the registrar 2813
shall deposit sixty cents~~ into the state treasury to the credit of 2814
the ~~trauma and emergency medical services~~ state bureau of motor 2815
vehicles fund established in section ~~4513.263~~ 4501.25 of the 2816~~~~

~~Revised Code, sixty cents into the state treasury to the credit of 2817
the homeland security fund established under section 5502.03 of 2818
the Revised Code, thirty cents into the state treasury to the 2819
credit of the investigations fund established in section 5502.131 2820
of the Revised Code, one dollar and twenty five cents into the 2821
state treasury to the credit of the emergency management agency 2822
service and reimbursement fund established in section 5502.39 of 2823
the Revised Code, and twenty five cents into the state treasury to 2824
the credit of the justice program services fund established in 2825
section 5502.67 of the Revised Code. 2826~~

Sec. 4506.01. As used in this chapter: 2827

(A) "Alcohol concentration" means the concentration of 2828
alcohol in a person's blood, breath, or urine. When expressed as a 2829
percentage, it means grams of alcohol per the following: 2830

(1) One hundred milliliters of whole blood, blood serum, or 2831
blood plasma; 2832

(2) Two hundred ten liters of breath; 2833

(3) One hundred milliliters of urine. 2834

(B) "Commercial driver's license" means a license issued in 2835
accordance with this chapter that authorizes an individual to 2836
drive a commercial motor vehicle. 2837

(C) "Commercial driver's license information system" means 2838
the information system established pursuant to the requirements of 2839
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 2840
3207-171, 49 U.S.C.A. App. 2701. 2841

(D) Except when used in section 4506.25 of the Revised Code, 2842
"commercial motor vehicle" means any motor vehicle designed or 2843
used to transport persons or property that meets any of the 2844
following qualifications: 2845

(1) Any combination of vehicles with a gross vehicle weight 2846

or combined gross vehicle weight rating of twenty-six thousand one 2847
pounds or more, provided the gross vehicle weight or gross vehicle 2848
weight rating of the vehicle or vehicles being towed is in excess 2849
of ten thousand pounds; 2850

(2) Any single vehicle with a gross vehicle weight or gross 2851
vehicle weight rating of twenty-six thousand one pounds or more, 2852
~~or any such vehicle towing a vehicle having a gross vehicle weight~~ 2853
~~rating that is not in excess of ten thousand pounds;~~ 2854

(3) Any single vehicle or combination of vehicles that is not 2855
a class A or class B vehicle, but is designed to transport sixteen 2856
or more passengers including the driver; 2857

(4) Any school bus with a gross vehicle weight or gross 2858
vehicle weight rating of less than twenty-six thousand one pounds 2859
that is designed to transport fewer than sixteen passengers 2860
including the driver; 2861

(5) Is transporting hazardous materials for which placarding 2862
is required under subpart F of 49 C.F.R. part 172, as amended; 2863

(6) Any single vehicle or combination of vehicles that is 2864
designed to be operated and to travel on a public street or 2865
highway and is considered by the federal motor carrier safety 2866
administration to be a commercial motor vehicle, including, but 2867
not limited to, a motorized crane, a vehicle whose function is to 2868
pump cement, a rig for drilling wells, and a portable crane. 2869

(E) "Controlled substance" means all of the following: 2870

(1) Any substance classified as a controlled substance under 2871
the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 2872
802(6), as amended; 2873

(2) Any substance included in schedules I through V of 21 2874
C.F.R. part 1308, as amended; 2875

(3) Any drug of abuse. 2876

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

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

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

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

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

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

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

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

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

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

~~(I)~~(J) "Drive" means to drive, operate, or be in physical

control of a motor vehicle. 2907

~~(J)~~(K) "Driver" means any person who drives, operates, or is 2908
in physical control of a commercial motor vehicle or is required 2909
to have a commercial driver's license. 2910

~~(K)~~(L) "Driver's license" means a license issued by the 2911
bureau of motor vehicles that authorizes an individual to drive. 2912

~~(L)~~(M) "Drug of abuse" means any controlled substance, 2913
dangerous drug as defined in section 4729.01 of the Revised Code, 2914
or over-the-counter medication that, when taken in quantities 2915
exceeding the recommended dosage, can result in impairment of 2916
judgment or reflexes. 2917

~~(M)~~(N) "Electronic device" includes a cellular telephone, a 2918
personal digital assistant, a pager, a computer, and any other 2919
device used to input, write, send, receive, or read text. 2920

~~(N)~~(O) "Eligible unit of local government" means a village, 2921
township, or county that has a population of not more than three 2922
thousand persons according to the most recent federal census. 2923

~~(O)~~(P) "Employer" means any person, including the federal 2924
government, any state, and a political subdivision of any state, 2925
that owns or leases a commercial motor vehicle or assigns a person 2926
to drive such a motor vehicle. 2927

~~(P)~~(Q) "Endorsement" means an authorization on a person's 2928
commercial driver's license that is required to permit the person 2929
to operate a specified type of commercial motor vehicle. 2930

~~(Q)~~(R) "Farm truck" means a truck controlled and operated by 2931
a farmer for use in the transportation to or from a farm, for a 2932
distance of not more than one hundred fifty miles, of products of 2933
the farm, including livestock and its products, poultry and its 2934
products, floricultural and horticultural products, and in the 2935
transportation to the farm, from a distance of not more than one 2936

hundred fifty miles, of supplies for the farm, including tile, 2937
fence, and every other thing or commodity used in agricultural, 2938
floricultural, horticultural, livestock, and poultry production, 2939
and livestock, poultry, and other animals and things used for 2940
breeding, feeding, or other purposes connected with the operation 2941
of the farm, when the truck is operated in accordance with this 2942
division and is not used in the operations of a motor carrier, as 2943
defined in section 4923.01 of the Revised Code. 2944

~~(R)~~(S) "Fatality" means the death of a person as the result 2945
of a motor vehicle accident occurring not more than three hundred 2946
sixty-five days prior to the date of death. 2947

~~(S)~~(T) "Felony" means any offense under federal or state law 2948
that is punishable by death or specifically classified as a felony 2949
under the law of this state, regardless of the penalty that may be 2950
imposed. 2951

~~(T)~~(U) "Foreign jurisdiction" means any jurisdiction other 2952
than a state. 2953

~~(U)~~(V) "Gross vehicle weight rating" means the value 2954
specified by the manufacturer as the maximum loaded weight of a 2955
single or a combination vehicle. The gross vehicle weight rating 2956
of a combination vehicle is the gross vehicle weight rating of the 2957
power unit plus the gross vehicle weight rating of each towed 2958
unit. 2959

~~(V)~~(W) "Hazardous materials" means any material that has been 2960
designated as hazardous under 49 U.S.C. 5103 and is required to be 2961
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 2962
a material listed as a select agent or toxin in 42 C.F.R. part 73, 2963
as amended. 2964

~~(W)~~(X) "Imminent hazard" means the existence of a condition 2965
that presents a substantial likelihood that death, serious 2966
illness, severe personal injury, or a substantial endangerment to 2967

health, property, or the environment may occur before the 2968
reasonably foreseeable completion date of a formal proceeding 2969
begun to lessen the risk of that death, illness, injury, or 2970
endangerment. 2971

~~(X)~~(Y) "Medical variance" means one of the following received 2972
by a driver from the federal motor carrier safety administration 2973
that allows the driver to be issued a medical certificate: 2974

(1) An exemption letter permitting operation of a commercial 2975
motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64; 2976

(2) A skill performance evaluation certificate permitting 2977
operation of a commercial motor vehicle pursuant to 49 C.F.R. 2978
391.49. 2979

~~(Y)~~(Z) "Mobile telephone" means a mobile communication device 2980
that falls under or uses any commercial mobile radio service as 2981
defined in 47 C.F.R. 20, except that mobile telephone does not 2982
include two-way or citizens band radio services. 2983

(AA) "Motor vehicle" means a vehicle, machine, tractor, 2984
trailer, or semitrailer propelled or drawn by mechanical power 2985
used on highways, except that such term does not include a 2986
vehicle, machine, tractor, trailer, or semitrailer operated 2987
exclusively on a rail. 2988

~~(Z)~~(BB) "Out-of-service order" means a declaration by an 2989
authorized enforcement officer of a federal, state, local, 2990
Canadian, or Mexican jurisdiction declaring that a driver, 2991
commercial motor vehicle, or commercial motor carrier operation is 2992
out of service as defined in 49 C.F.R. 390.5. 2993

~~(AA)~~(CC) "Peace officer" has the same meaning as in section 2994
2935.01 of the Revised Code. 2995

~~(BB)~~(DD) "Portable tank" means a liquid or gaseous packaging 2996
designed primarily to be loaded onto or temporarily attached to a 2997

vehicle and equipped with skids, mountings, or accessories to 2998
facilitate handling of the tank by mechanical means. 2999

~~(CC)~~(EE) "Public safety vehicle" has the same meaning as in 3000
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 3001

~~(DD)~~(FF) "Recreational vehicle" includes every vehicle that 3002
is defined as a recreational vehicle in section 4501.01 of the 3003
Revised Code and is used exclusively for purposes other than 3004
engaging in business for profit. 3005

~~(EE)~~(GG) "Residence" means any person's residence determined 3006
in accordance with standards prescribed in rules adopted by the 3007
registrar. 3008

~~(FF)~~(HH) "School bus" has the same meaning as in section 3009
4511.01 of the Revised Code. 3010

~~(GG)~~(II) "Serious traffic violation" means any of the 3011
following: 3012

(1) A conviction arising from a single charge of operating a 3013
commercial motor vehicle in violation of any provision of section 3014
4506.03 of the Revised Code; 3015

(2) A (a) Except as provided in division (II)(2)(b) of this 3016
section, a violation while operating a commercial motor vehicle of 3017
a law of this state, or any municipal ordinance or county or 3018
township resolution prohibiting texting while driving, or any 3019
other substantially similar law of another state or political 3020
subdivision of another state; prohibiting either of the following: 3021

(i) Texting while driving; 3022

(ii) Using a handheld mobile telephone. 3023

(b) It is not a serious traffic violation if the person was 3024
texting or using a handheld mobile telephone to contact law 3025
enforcement or other emergency services. 3026

(3) A conviction arising from the operation of any motor 3027

vehicle that involves any of the following:	3028
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	3029 3030
(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;	3031 3032 3033
(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;	3034 3035 3036 3037
(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;	3038 3039 3040 3041 3042 3043 3044 3045
(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;	3046 3047 3048 3049 3050 3051
(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;	3052 3053 3054 3055 3056
(g) Violation of any other law of this state or an , <u>any law of another state, or any ordinance or resolution relating of a</u>	3057 3058

political subdivision of this state or another state that meets 3059
both of the following requirements: 3060

(i) It relates to traffic control, other than a parking 3061
violation, that; 3062

(ii) It is determined to be a serious traffic violation by 3063
the United States secretary of transportation and is designated by 3064
the director designates as such by rule. 3065

~~(HH)~~(JJ) "State" means a state of the United States and 3066
includes the District of Columbia. 3067

~~(II)~~(KK) "Tank vehicle" means any commercial motor vehicle 3068
that is designed to transport any liquid ~~and has a maximum~~ 3069
~~capacity greater~~ or gaseous materials within a tank or tanks that 3070
are either permanently or temporarily attached to the vehicle or 3071
its chassis and have an individual rated capacity of more than one 3072
hundred nineteen gallons ~~or is designed to transport gaseous~~ 3073
~~materials and has a water and an aggregate rated capacity greater~~ 3074
~~than~~ of one thousand pounds within a tank that is either 3075
~~permanently or temporarily attached to the vehicle or its chassis~~ 3076
gallons or more. "Tank vehicle" does not include any of the 3077
following: 3078

~~(1) Any portable tank having a rated capacity of less than~~ 3079
~~one thousand gallons;~~ 3080

~~(2) Tanks used exclusively as a fuel tank for the motor~~ 3081
~~vehicle to which it is attached;~~ 3082

~~(3) An~~ a commercial motor vehicle transporting an empty 3083
storage container tank that is not designed for transportation ~~and~~ 3084
~~that is readily distinguishable from a transportation tank;~~ 3085

~~(4) Ready mix concrete mixers, has a rated capacity of one~~ 3086
thousand gallons or more, and is temporarily attached to a flatbed 3087
trailer. 3088

~~(JJ)~~(LL) "Tester" means a person or entity acting pursuant to 3089
a valid agreement entered into pursuant to division (B) of section 3090
4506.09 of the Revised Code. 3091

~~(KK)~~(MM) "Texting" means manually entering alphanumeric text 3092
into, or reading text from, an electronic device. Texting includes 3093
short message service, e-mail, instant messaging, a command or 3094
request to access a world wide web page, pressing more than a 3095
single button to initiate or terminate a voice communication using 3096
a mobile telephone, or engaging in any other form of electronic 3097
text retrieval or entry, for present or future communication. 3098
Texting does not include the following: 3099

(1) ~~Reading, selecting, or entering a telephone number, an~~ 3100
~~extension number, or voicemail retrieval codes and commands into~~ 3101
~~an electronic device for the purpose of initiating or receiving a~~ 3102
~~telephone call or using~~ Using voice commands to initiate ~~or,~~ 3103
receive, or terminate a voice communication using a mobile 3104
telephone call; 3105

(2) Inputting, selecting, or reading information on a global 3106
positioning system or navigation system; 3107

(3) Pressing a single button to initiate or terminate a voice 3108
communication using a mobile telephone; or 3109

(4) Using, for a purpose that is not otherwise prohibited by 3110
law, a device capable of performing multiple functions, such as a 3111
fleet management system, a dispatching device, a mobile telephone, 3112
a citizens band radio, or a music player. 3113

~~(LL)~~(NN) "Texting while driving" means texting while 3114
operating a commercial motor vehicle, with the motor running, 3115
including while temporarily stationary because of traffic, a 3116
traffic control device, or other momentary delays, ~~but.~~ Texting 3117
while driving does not include operating a commercial motor 3118
vehicle with or without the motor running when the driver has 3119

moved the vehicle to the side of, or off, a highway and is stopped 3120
in a location where the vehicle can safely remain stationary. 3121

~~(MM)~~(OO) "United States" means the fifty states and the 3122
District of Columbia. 3123

~~(NN)~~(PP) "Upgrade" means a change in the class of vehicles, 3124
endorsements, or self-certified status as described in division 3125
(A)~~(2)~~(1) of section 4506.10 of the Revised Code, that expands the 3126
ability of a current commercial driver's license holder to operate 3127
commercial motor vehicles under this chapter; 3128

~~(OO)~~(OO) "Use of a handheld mobile telephone" means: 3129

(1) Using at least one hand to hold a mobile telephone to 3130
conduct a voice communication; 3131

(2) Dialing or answering a mobile telephone by pressing more 3132
than a single button; or 3133

(3) Reaching for a mobile telephone in a manner that requires 3134
a driver to maneuver so that the driver is no longer in a seated 3135
driving position, or restrained by a seat belt that is installed 3136
in accordance with 49 C.F.R. 393.93 and adjusted in accordance 3137
with the vehicle manufacturer's instructions. 3138

(RR) "Vehicle" has the same meaning as in section 4511.01 of 3139
the Revised Code. 3140

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) 3141
of this section, the following shall apply: 3142

(1) No person shall drive a commercial motor vehicle on a 3143
highway in this state unless the person holds, and has in the 3144
person's possession, a any of the following: 3145

(a) A valid commercial driver's license with proper 3146
endorsements for the motor vehicle being driven, issued by the 3147
registrar of motor vehicles, ~~a~~ or by another jurisdiction 3148

recognized by this state; 3149

(b) A valid examiner's commercial driving permit issued under 3150
section 4506.13 of the Revised Code,~~—a;~~ 3151

(c) A valid restricted commercial driver's license and waiver 3152
for farm-related service industries issued under section 4506.24 3153
of the Revised Code,~~—or a;~~ 3154

(d) A valid commercial driver's license temporary instruction 3155
permit issued by the registrar ~~and is,~~ provided that the person is 3156
accompanied by an authorized state driver's license examiner or 3157
tester or a person who has been issued and has in the person's 3158
immediate possession a current, valid commercial driver's license 3159
with proper endorsements for the motor vehicle being driven and 3160
who meets the requirements of division (B) of section 4506.06 of 3161
the Revised Code. 3162

~~(2) No person shall be issued a~~ person's commercial driver's 3163
license temporary instruction permit shall be upgraded, and no 3164
commercial driver's license shall be upgraded, renewed, or issued 3165
to a person until the person surrenders to the registrar of motor 3166
vehicles all valid licenses and permits issued to the person by 3167
this state or by another jurisdiction recognized by this state. 3168
~~The~~ If the license or permit was issued by any other state or 3169
another jurisdiction recognized by this state, the registrar shall 3170
report the surrender of a license or permit to the issuing 3171
authority, together with information that a license or permit is 3172
now issued in this state. The registrar shall destroy any such 3173
license or permit that is not returned to the issuing authority. 3174

(3) No person who has been a resident of this state for 3175
thirty days or longer shall drive a commercial motor vehicle under 3176
the authority of a commercial driver's license issued by another 3177
jurisdiction. 3178

(B) Nothing in division (A) of this section applies to any 3179

qualified person when engaged in the operation of any of the	3180
following:	3181
(1) A farm truck;	3182
(2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;	3183 3184
(3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;	3185 3186
(4) A recreational vehicle;	3187
(5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under this chapter and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;	3188 3189 3190 3191 3192 3193 3194 3195 3196 3197
(6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserve technicians.	3198 3199 3200 3201
(7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	3202 3203 3204 3205 3206 3207
(8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle	3208 3209

is being used for the occasional transportation of personal	3210
property by individuals not for compensation and not in the	3211
furtherance of a commercial enterprise;	3212
(9) A police SWAT team vehicle;	3213
(10) A police vehicle used to transport prisoners.	3214
(C) Nothing contained in division (B)(5) of this section	3215
shall be construed as preempting or superseding any law, rule, or	3216
regulation of this state concerning the safe operation of	3217
commercial motor vehicles.	3218
(D) Whoever violates this section is guilty of a misdemeanor	3219
of the first degree.	3220
Sec. 4506.05. (A) Notwithstanding any other provision of law,	3221
a person may drive a commercial motor vehicle on a highway in this	3222
state if all of the following conditions are met:	3223
(1) The person has a valid commercial driver's license or	3224
commercial driver's license temporary instruction permit issued by	3225
any state or jurisdiction in accordance with the minimum standards	3226
adopted by the federal motor carrier safety administration under	3227
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat.	3228
3207-171, 49 U.S.C.A. App. for issuance of commercial driver's	3229
licenses;	3230
(2) The person's commercial driver's license or <u>temporary</u>	3231
<u>instruction</u> permit is not suspended, revoked, or canceled, <u>and the</u>	3232
<u>person has the appropriate endorsements for the vehicle that is</u>	3233
<u>being driven</u> ;	3234
(3) The person is not disqualified from driving a commercial	3235
motor vehicle;	3236
(4) The person is not subject to an out-of-service order;	3237
(5) The person is medically certified as physically qualified	3238

to operate a commercial motor vehicle in accordance with this 3239
chapter and is able to verify the medical certification when on 3240
duty as follows: 3241

~~(a) Prior to January 30, 2012, the person shall have in the 3242
person's possession the original or copy of the person's current 3243
medical examiner's certificate when on duty. 3244~~

~~(b) On or after January 30, 2012: 3245~~

~~(i) A person who submitted a medical examiner's certificate 3246
to the registrar in accordance with division (A)(2)(1) of section 3247
4506.10 of the Revised Code and whose medical certification 3248
information is maintained in the commercial driver's license 3249
information system is not required to have the medical examiner's 3250
certificate in the person's possession when on duty. 3251~~

~~(ii)(b) A person whose medical certification information is 3252
not maintained in the commercial driver's license information 3253
system is required to shall have in the person's possession when 3254
on duty the original or copy of a current medical examiner's 3255
certificate that was issued prior to January 30, 2012, except that 3256
after January 30, 2014, such person is required to have in the 3257
person's possession when on duty, the original or a copy of the 3258
current medical examiner's certificate that was submitted to the 3259
registrar, but. However, the person may operate a commercial motor 3260
vehicle with such proof of medical certification for not more than 3261
fifteen days after the date the current medical examiner's 3262
certificate was issued to the person. 3263~~

~~(iii)(c) A person who has a medical variance shall have in 3264
the person's possession the original or copy of the medical 3265
variance documentation at all times while on duty. 3266~~

~~(B) No person shall drive a commercial motor vehicle on a 3267
highway in this state if the person does not meet the conditions 3268
specified in division (A) of this section. 3269~~

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

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

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

Sec. 4506.06. (A) The registrar of motor vehicles, upon receiving an application for a commercial driver's license temporary instruction permit, may issue the permit to any person who is at least eighteen years of age and holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code. ~~A The registrar shall not issue a commercial driver's license temporary instruction permit shall not be issued~~ for a period exceeding six months ~~and. The registrar shall grant~~ only one renewal of such a permit ~~shall be granted~~ in a two-year period. A commercial driver's license temporary instruction permit is a prerequisite to the initial issuance of a commercial driver's license and the upgrade of a commercial driver's license if the upgrade requires a skills test.

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

person who ~~holds~~: 3301

(1) Holds a valid commercial driver's license ~~valid and all~~ 3302
necessary endorsements for the type of vehicle being driven ~~and~~ 3303
~~who occupies~~; 3304

(2) Occupies a seat beside the permit holder for the purpose 3305
of giving instruction in driving the motor vehicle; and 3306

(3) Has the permit holder under observation and direct 3307
supervision. 3308

~~(B)~~(C) Whoever violates this section is guilty of a 3309
misdemeanor of the first degree. 3310

Sec. 4506.07. (A) ~~Every application~~ An applicant for a 3311
commercial driver's license, restricted commercial driver's 3312
license, or a commercial driver's license temporary instruction 3313
permit, or a duplicate of such a license or permit, shall ~~be made~~ 3314
submit an application upon a form approved and furnished by the 3315
registrar of motor vehicles. Except as provided in section 4506.24 3316
of the Revised Code in regard to a restricted commercial driver's 3317
license, the applicant shall sign the application ~~shall be signed~~ 3318
~~by the applicant and~~ which shall contain the following 3319
information: 3320

(1) The applicant's name, date of birth, social security 3321
account number, sex, general description including height, weight, 3322
and color of hair and eyes, current residence, duration of 3323
residence in this state, state of domicile, country of 3324
citizenship, and occupation; 3325

(2) Whether the applicant previously has been licensed to 3326
operate a commercial motor vehicle or any other type of motor 3327
vehicle in another state or a foreign jurisdiction and, if so, 3328
when, by what state, and whether the license or driving privileges 3329
currently are suspended or revoked in any jurisdiction, or the 3330

applicant otherwise has been disqualified from operating a 3331
commercial motor vehicle, or is subject to an out-of-service order 3332
issued under this chapter or any similar law of another state or a 3333
foreign jurisdiction and, if so, the date of, locations involved, 3334
and reason for the suspension, revocation, disqualification, or 3335
out-of-service order; 3336

(3) Whether the applicant is afflicted with or suffering from 3337
any physical or mental disability or disease that prevents the 3338
applicant from exercising reasonable and ordinary control over a 3339
motor vehicle while operating it upon a highway or is or has been 3340
subject to any condition resulting in episodic impairment of 3341
consciousness or loss of muscular control and, if so, the nature 3342
and extent of the disability, disease, or condition, and the names 3343
and addresses of the physicians attending the applicant; 3344

(4) Whether the applicant has obtained a medical examiner's 3345
certificate as required by this chapter and, beginning January 30, 3346
2012, the applicant, prior to or at the time of applying, has 3347
self-certified to the registrar the applicable status of the 3348
applicant under division (A)~~(2)~~(1) of section 4506.10 of the 3349
Revised Code; 3350

(5) Whether the applicant has pending a citation for 3351
violation of any motor vehicle law or ordinance except a parking 3352
violation and, if so, a description of the citation, the court 3353
having jurisdiction of the offense, and the date when the offense 3354
occurred; 3355

(6) If an applicant has not certified the applicant's 3356
willingness to make an anatomical gift under section 2108.05 of 3357
the Revised Code, whether the applicant wishes to certify 3358
willingness to make such an anatomical gift, which shall be given 3359
no consideration in the issuance of a license; 3360

(7) ~~On and after May 1, 1993, whether~~ Whether the applicant 3361

has executed a valid durable power of attorney for health care 3362
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 3363
executed a declaration governing the use or continuation, or the 3364
withholding or withdrawal, of life-sustaining treatment pursuant 3365
to sections 2133.01 to 2133.15 of the Revised Code and, if the 3366
applicant has executed either type of instrument, whether the 3367
applicant wishes the license issued to indicate that the applicant 3368
has executed the instrument; 3369

(8) ~~On and after October 7, 2009, whether~~ Whether the 3370
applicant is a veteran, active duty, or reservist of the armed 3371
forces of the United States and, if the applicant is such, whether 3372
the applicant wishes the license issued to indicate that the 3373
applicant is a veteran, active duty, or reservist of the armed 3374
forces of the United States by a military designation on the 3375
license. 3376

(B) Every applicant shall certify, on a form approved and 3377
furnished by the registrar, all of the following: 3378

(1) That the motor vehicle in which the applicant intends to 3379
take the driving skills test is representative of the type of 3380
motor vehicle that the applicant expects to operate as a driver; 3381

(2) That the applicant is not subject to any disqualification 3382
or out-of-service order, or license suspension, revocation, or 3383
cancellation, under the laws of this state, of another state, or 3384
of a foreign jurisdiction and does not have more than one driver's 3385
license issued by this or another state or a foreign jurisdiction; 3386

(3) Any additional information, certification, or evidence 3387
that the registrar requires by rule in order to ensure that the 3388
issuance of a commercial driver's license or commercial driver's 3389
license temporary instruction permit to the applicant is in 3390
compliance with the law of this state and with federal law. 3391

(C) Every applicant shall execute a form, approved and 3392

furnished by the registrar, under which the applicant consents to 3393
the release by the registrar of information from the applicant's 3394
driving record. 3395

(D) The registrar or a deputy registrar, in accordance with 3396
section 3503.11 of the Revised Code, shall register as an elector 3397
any applicant for a commercial driver's license or for a renewal 3398
or duplicate of such a license under this chapter, if the 3399
applicant is eligible and wishes to be registered as an elector. 3400
The decision of an applicant whether to register as an elector 3401
shall be given no consideration in the decision of whether to 3402
issue the applicant a license or a renewal or duplicate. 3403

(E) The registrar or a deputy registrar, in accordance with 3404
section 3503.11 of the Revised Code, shall offer the opportunity 3405
of completing a notice of change of residence or change of name to 3406
any applicant for a commercial driver's license or for a renewal 3407
or duplicate of such a license who is a resident of this state, if 3408
the applicant is a registered elector who has changed the 3409
applicant's residence or name and has not filed such a notice. 3410

(F) In considering any application submitted pursuant to this 3411
section, the bureau of motor vehicles may conduct any inquiries 3412
necessary to ensure that issuance or renewal of a commercial 3413
driver's license would not violate any provision of the Revised 3414
Code or federal law. 3415

(G) In addition to any other information it contains, ~~on and~~ 3416
~~after October 7, 2009,~~ the form approved and furnished by the 3417
registrar of motor vehicles for an application for a commercial 3418
driver's license, restricted commercial driver's license, or a 3419
commercial driver's license temporary instruction permit or an 3420
application for a duplicate of such a license or permit shall 3421
inform applicants that the applicant must present a copy of the 3422
applicant's DD-214 or an equivalent document in order to qualify 3423
to have the license, or permit, or duplicate indicate that the 3424

applicant is a veteran, active duty, or reservist of the armed 3425
forces of the United States based on a request made pursuant to 3426
division (A)(8) of this section. 3427

Sec. 4506.071. On receipt of a notice pursuant to section 3428
3123.54 of the Revised Code, the registrar of motor vehicles shall 3429
comply with sections 3123.53 to 3123.60 of the Revised Code and 3430
any applicable rules adopted under section 3123.63 of the Revised 3431
Code with respect to a commercial driver's license or commercial 3432
driver's license temporary instruction permit issued pursuant to 3433
this chapter. 3434

Sec. 4506.08. (A)(1) Each application for a commercial 3435
driver's license temporary instruction permit shall be accompanied 3436
by a fee of ten dollars. Each application for a commercial 3437
driver's license, restricted commercial driver's license, renewal 3438
of such a license, or waiver for farm-related service industries 3439
shall be accompanied by a fee of twenty-five dollars, except that 3440
an application for a commercial driver's license or restricted 3441
commercial driver's license received pursuant to division (A)(3) 3442
of section 4506.14 of the Revised Code shall be accompanied by a 3443
fee of eighteen dollars and seventy-five cents if the license will 3444
expire on the licensee's birthday three years after the date of 3445
issuance, a fee of twelve dollars and fifty cents if the license 3446
will expire on the licensee's birthday two years after the date of 3447
issuance, and a fee of six dollars and twenty-five cents if the 3448
license will expire on the licensee's birthday one year after the 3449
date of issuance. Each application for a duplicate commercial 3450
driver's license shall be accompanied by a fee of ten dollars. 3451

(2) In addition, the registrar of motor vehicles or deputy 3452
registrar may collect and retain an additional fee of no more than 3453
three dollars and fifty cents for each application for a 3454
commercial driver's license temporary instruction permit, 3455

commercial driver's license, renewal of a commercial driver's 3456
license, or duplicate commercial driver's license received by the 3457
registrar or deputy. 3458

(B) In addition to the fees imposed under division (A) of 3459
this section, the registrar of motor vehicles or deputy registrar 3460
shall collect a fee of twelve dollars for each application for a 3461
commercial driver's license temporary instruction permit, 3462
commercial driver's license, or duplicate commercial driver's 3463
license and for each application for renewal of a commercial 3464
driver's license. The additional fee is for the purpose of 3465
defraying the department of public safety's costs associated with 3466
the administration and enforcement of the motor vehicle and 3467
traffic laws of Ohio. 3468

(C) Each deputy registrar shall transmit the fees collected 3469
under divisions (A)(1) and (B) of this section in the time and 3470
manner prescribed by the registrar. The registrar shall deposit 3471
all moneys collected under division (A)(1) of this section into 3472
the state bureau of motor vehicles fund established in section 3473
4501.25 of the Revised Code. The registrar shall deposit all 3474
moneys collected under division (B) of this section into the state 3475
highway safety fund established in section 4501.06 of the Revised 3476
Code. 3477

(D) ~~Information~~ Upon request and payment of a fee of five 3478
dollars, the registrar shall furnish information regarding the 3479
driving record of any person holding a commercial driver's license 3480
issued by this state ~~shall be furnished by the registrar, upon~~ 3481
~~request and payment of a fee of five dollars,~~ to the employer or 3482
prospective employer of such a person and to any insurer. 3483

~~Of each five dollar fee the~~ The registrar collects under this 3484
~~division, the registrar shall pay two dollars~~ each five-dollar fee 3485
the registrar collects under this division into the state treasury 3486
to the credit of the state bureau of motor vehicles fund 3487

established in section 4501.25 of the Revised Code, ~~sixty cents~~ 3488
into the state treasury to the credit of the trauma and emergency 3489
medical services fund established in section ~~4513.263~~ of the 3490
Revised Code, ~~sixty cents into the state treasury to the credit of~~ 3491
the homeland security fund established in section ~~5502.03~~ of the 3492
Revised Code, ~~thirty cents into the state treasury to the credit~~ 3493
of the investigations fund established in section ~~5502.131~~ of the 3494
Revised Code, ~~one dollar and twenty five cents into the state~~ 3495
treasury to the credit of the emergency management agency service 3496
and reimbursement fund established in section ~~5502.39~~ of the 3497
Revised Code, and ~~twenty five cents into the state treasury to the~~ 3498
credit of the justice program services fund established in section 3499
~~5502.67~~ of the Revised Code. 3500

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 3501
approval by the director of public safety, shall adopt rules 3502
conforming with applicable standards adopted by the federal motor 3503
carrier safety administration as regulations under Pub. L. No. 3504
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 3505
31317. The rules shall establish requirements for the 3506
qualification and testing of persons applying for a commercial 3507
driver's license, which ~~shall be~~ are in addition to other 3508
requirements established by this chapter. Except as provided in 3509
division (B) of this section, the highway patrol or any other 3510
employee of the department of public safety the registrar 3511
authorizes shall supervise and conduct the testing of persons 3512
applying for a commercial driver's license. 3513

(B) The director may adopt rules, in accordance with Chapter 3514
119. of the Revised Code and applicable requirements of the 3515
federal motor carrier safety administration, authorizing the 3516
skills test specified in this section to be administered by any 3517
person, by an agency of this or another state, or by an agency, 3518
department, or instrumentality of local government. Each party 3519

authorized under this division to administer the skills test may 3520
charge a maximum divisible fee of eighty-five dollars for each 3521
skills test given as part of a commercial driver's license 3522
examination. The fee shall consist of not more than twenty dollars 3523
for the pre-trip inspection portion of the test, not more than 3524
twenty dollars for the off-road maneuvering portion of the test, 3525
and not more than forty-five dollars for the on-road portion of 3526
the test. Each such party may require an appointment fee in the 3527
same manner provided in division ~~(F)~~(E)(2) of this section, except 3528
that the maximum amount such a party may require as an appointment 3529
fee is eighty-five dollars. The skills test administered by 3530
another party under this division shall be the same as otherwise 3531
would be administered by this state. The other party shall enter 3532
into an agreement with the director that, without limitation, does 3533
all of the following: 3534

(1) Allows the director or the director's representative and 3535
the federal motor carrier safety administration or its 3536
representative to conduct random examinations, inspections, and 3537
audits of the other party, whether covert or overt, without prior 3538
notice; 3539

(2) Requires the director or the director's representative to 3540
conduct on-site inspections of the other party at least annually; 3541

(3) Requires that all examiners of the other party meet the 3542
same qualification and training standards as examiners of the 3543
department of public safety, including criminal background checks, 3544
to the extent necessary to conduct skills tests in the manner 3545
required by 49 C.F.R. 383.110 through 383.135+. In accordance with 3546
federal guidelines, any examiner employed on the effective date of 3547
this amendment shall have a criminal background check conducted at 3548
least once, and any examiner hired after the effective date of 3549
this amendment shall have a criminal background check conducted 3550
after the examiner is initially hired. 3551

(4) Requires either that state employees take, at least 3552
annually and as though the employees were test applicants, the 3553
tests actually administered by the other party, that the director 3554
test a sample of drivers who were examined by the other party to 3555
compare the test results, or that state employees accompany a test 3556
applicant during an actual test; 3557

(5) Unless the other party is a governmental entity, requires 3558
the other party to initiate and maintain a bond in an amount 3559
determined by the director to sufficiently pay for the retesting 3560
of drivers in the event that the other party or its skills test 3561
examiners are involved in fraudulent activities related to skills 3562
testing; 3563

(6) Requires the other party to use only skills test 3564
examiners who have successfully completed a commercial driver's 3565
license examiner training course as prescribed by the director, 3566
and have been certified by the state as a commercial driver's 3567
license skills test examiner qualified to administer skills tests; 3568

(7) Requires the other party to use designated road test 3569
routes that have been approved by the director; 3570

(8) Requires the other party to submit a schedule of skills 3571
test appointments to the director not later than two business days 3572
prior to each skills test; 3573

(9) Requires the other party to maintain copies of the 3574
following records at its principal place of business: 3575

(a) The other party's commercial driver's license skills 3576
testing program certificate; 3577

(b) Each skills test examiner's certificate of authorization 3578
to administer skills tests for the classes and types of commercial 3579
motor vehicles listed in the certificate; 3580

(c) Each completed skills test scoring sheet for the current 3581

calendar year as well as the prior two calendar years; 3582

(d) A complete list of the test routes that have been 3583
approved by the director; 3584

(e) A complete and accurate copy of each examiner's training 3585
record. 3586

(10) If the other party also is a driver training school, 3587
prohibits its skills test examiners from administering skills 3588
tests to applicants that the examiner personally trained; 3589

(11) Requires each skills test examiner to administer a 3590
complete skills test to a minimum of thirty-two different 3591
individuals per calendar year; 3592

(12) Reserves to this state the right to take prompt and 3593
appropriate remedial action against testers of the other party and 3594
its skills test examiners if the other party fails or its skills 3595
test examiners fail to comply with standards of this state or 3596
federal standards for the testing program or with any other terms 3597
of the contract. 3598

(C) The director shall enter into an agreement with the 3599
department of education authorizing the skills test specified in 3600
this section to be administered by the department at any location 3601
operated by the department for purposes of training and testing 3602
school bus drivers, provided that the agreement between the 3603
director and the department complies with the requirements of 3604
division (B) of this section. Skills tests administered by the 3605
department shall be limited to persons applying for a commercial 3606
driver's license with a school bus endorsement. 3607

~~(D) The director shall adopt rules, in accordance with~~ 3608
~~Chapter 119. of the Revised Code, authorizing waiver of the skills~~ 3609
~~test specified in this section for any applicant for a commercial~~ 3610
~~driver's license who meets all of the following requirements:~~ 3611

~~(1) Certifies that, during the two year period immediately preceding application for a commercial driver's license, all of the following apply:~~ 3612
3613
3614

~~(a) The applicant has not had more than one license.~~ 3615

~~(b) The applicant has not had any license suspended, revoked, or canceled.~~ 3616
3617

~~(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.~~ 3618
3619
3620

~~(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.~~ 3621
3622
3623
3624
3625

~~(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.~~ 3626
3627
3628
3629
3630

~~(2) Certifies and also provides evidence that the applicant is regularly employed in a job requiring operation of a commercial motor vehicle and that one of the following applies:~~ 3631
3632
3633

~~(a) The applicant has previously taken and passed a skills test given by a state with a classified licensing and testing system in which the test was behind the wheel in a representative vehicle for the applicant's commercial driver's license classification.~~ 3634
3635
3636
3637
3638

~~(b) The applicant has regularly operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle~~ 3639
3640
3641

~~the applicant operates or expects to operate.~~ 3642

~~(E)(1)~~ The director shall adopt rules, in accordance with 3643
Chapter 119. of the Revised Code, authorizing waiver of the skills 3644
test specified in this section for any applicant for a commercial 3645
driver's license who meets all of the following requirements: 3646

~~(1) Has been a member or uniformed employee of the armed 3647
forces of the United States or their reserve components, including 3648~~

~~the Ohio national guard or the national guard of any other state; 3649~~

(a) As authorized under 49 C.F.R. 383.3(c), the applicant operates 3650
a commercial motor vehicle for military purposes and is one of the 3651
following: 3652

(i) Active duty military personnel; 3653

(ii) A member of the military reserves; 3654

(iii) A member of the national guard on active duty, 3655
including full-time national guard duty, part-time national guard 3656
training, and national guard military technicians; 3657

(iv) Active duty U.S. coast guard personnel. 3658

~~(2) Certifies (b) The applicant certifies that, during the 3659
two-year period immediately preceding application for a commercial 3660
driver's license, all of the following apply: 3661~~

~~(a)(i) The applicant has not had more than one license, 3662
excluding any military license. 3663~~

~~(b)(ii) The applicant has not had any license suspended, 3664
revoked, or canceled. 3665~~

~~(c)(iii) The applicant has not had any convictions for any 3666
type of motor vehicle for the offenses for which disqualification 3667
is prescribed in section 4506.16 of the Revised Code. 3668~~

~~(d)(iv) The applicant has not had more than one conviction 3669
for any type of motor vehicle for a serious traffic violation. 3670~~

~~(e)~~(v) The applicant has not had any violation of a state or 3671
local law relating to motor vehicle traffic control other than a 3672
parking violation arising in connection with any traffic accident 3673
and has no record of an accident in which the applicant was at 3674
fault. 3675

~~(3)~~(c) In accordance with rules adopted by the director, the 3676
applicant certifies and also provides evidence of all of the 3677
following: 3678

~~(a)~~(i) That the applicant is or was regularly employed in a 3679
military position requiring operation of a commercial motor 3680
vehicle; 3681

~~(b)~~(ii) That the applicant was exempt from the requirements 3682
of this chapter under division (B)(6) of section 4506.03 of the 3683
Revised Code; 3684

~~(e)~~(iii) That, for at least two years immediately preceding 3685
the date of application or at least two years immediately 3686
preceding the date the applicant separated from military service 3687
or employment, the applicant regularly operated a vehicle 3688
representative of the commercial motor vehicle type that the 3689
applicant operates or expects to operate. 3690

(2) The waiver established under division (D)(1) of this 3691
section does not apply to United States reserve technicians. 3692

~~(F)~~(E)(1) The department of public safety may charge and 3693
collect a divisible fee of fifty dollars for each skills test 3694
given as part of a commercial driver's license examination. The 3695
fee shall consist of ten dollars for the pre-trip inspection 3696
portion of the test, ten dollars for the off-road maneuvering 3697
portion of the test, and thirty dollars for the on-road portion of 3698
the test. 3699

(2) No applicant is eligible to take the skills test until a 3700
minimum of fourteen days have elapsed since the initial issuance 3701

of a commercial driver's license temporary instruction permit to 3702
the applicant. The director may require an applicant for a 3703
commercial driver's license who schedules an appointment with the 3704
highway patrol or other authorized employee of the department of 3705
public safety to take all portions of the skills test, ~~and~~ to pay 3706
an appointment fee of fifty dollars at the time of scheduling the 3707
appointment. If the applicant appears at the time and location 3708
specified for the appointment and takes all portions of the skills 3709
test during that appointment, the appointment fee ~~shall serve~~ 3710
serves as the skills test fee. If the applicant schedules an 3711
appointment to take all portions of the skills test and fails to 3712
appear at the time and location specified for the appointment, ~~no~~ 3713
the director shall not refund any portion of the appointment fee 3714
~~shall be refunded.~~ If the applicant schedules an appointment to 3715
take all portions of the skills test and appears at the time and 3716
location specified for the appointment, but declines or is unable 3717
to take all portions of the skills test, ~~no~~ the director shall not 3718
refund any portion of the appointment fee ~~shall be refunded.~~ If 3719
the applicant cancels a scheduled appointment forty-eight hours or 3720
more prior to the time of the appointment time, the applicant 3721
shall not forfeit the appointment fee. 3722

An applicant for a commercial driver's license who schedules 3723
an appointment to take one or more, but not all, portions of the 3724
skills test ~~shall be~~ is required to pay an appointment fee equal to 3725
the costs of each test scheduled, as prescribed in division 3726
(~~F~~)(E)(1) of this section, when scheduling such an appointment. If 3727
the applicant appears at the time and location specified for the 3728
appointment and takes all the portions of the skills test during 3729
that appointment that the applicant was scheduled to take, the 3730
appointment fee ~~shall serve~~ serves as the skills test fee. If the 3731
applicant schedules an appointment to take one or more, but not 3732
all, portions of the skills test and fails to appear at the time 3733
and location specified for the appointment, ~~no~~ the director shall 3734

not refund any portion of the appointment fee shall be refunded. 3735
If the applicant schedules an appointment to take one or more, but 3736
not all, portions of the skills test and appears at the time and 3737
location specified for the appointment, but declines or is unable 3738
to take all portions of the skills test that the applicant was 3739
scheduled to take, ~~no~~ the director shall not refund any portion of 3740
the appointment fee shall be refunded. If the applicant cancels a 3741
scheduled appointment forty-eight hours or more prior to the time 3742
of the appointment time, the applicant shall not forfeit the 3743
appointment fee. 3744

(3) The department of public safety shall deposit all fees it 3745
collects under division ~~(F)~~(E) of this section in the state bureau 3746
of motor vehicles fund established in section 4501.25 of the 3747
Revised Code. 3748

(F) A person who has successfully completed commercial 3749
driver's license training in this state but seeks a commercial 3750
driver's license in another state where the person is domiciled 3751
may schedule an appointment to take the skills test in this state 3752
and shall pay the appropriate appointment fee. Upon the person's 3753
completion of the skills test, this state shall electronically 3754
transmit the applicant's results to the state where the person is 3755
domiciled. If a person who is domiciled in this state takes a 3756
skills test in another state, this state shall accept the results 3757
of the skills test from the other state. If the person passed the 3758
other state's skills test and meets all of the other licensing 3759
requirements set forth in this chapter and rules adopted under 3760
this chapter, the registrar of motor vehicles or a deputy 3761
registrar shall issue a commercial driver's license to that 3762
person. 3763

(G) Unless otherwise specified, the director or the 3764
director's representative shall conduct the examinations, 3765
inspections, audits, and test monitoring set forth in divisions 3766

(B)(2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply with state or federal standards for the skills testing program, the director or the director's representative shall take prompt and appropriate remedial action against the party and its skills test examiners. Remedial action may include termination of the agreement or revocation of a skills test examiner's certification.

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

Sec. 4506.10. (A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

~~(1) Prior to January 30, 2012, each person who drives or expects to drive a commercial motor vehicle in interstate or 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 3798
following in regard to the applicant's operation of a commercial 3799
motor vehicle, as applicable: 3800

(a)(i) If the applicant operates or expects to operate a 3801
commercial motor vehicle in interstate or foreign commerce and is 3802
subject to and meets the requirements under 49 C.F.R. part 391, 3803
the applicant shall self-certify that the applicant is 3804
non-excepted interstate and shall provide the registrar with the 3805
original or a copy of a medical examiner's certificate and each 3806
subsequently issued medical examiner's certificate prepared by a 3807
qualified medical examiner to maintain a medically certified 3808
status on the applicant's commercial driver licensing system 3809
driver record; 3810

(ii) If the applicant operates or expects to operate a 3811
commercial motor vehicle in interstate commerce, but engages in 3812
transportation or operations excepted under 49 C.F.R. 390.3(f), 3813
391.2, 391.68, or 398.3 from all or parts of the qualification 3814
requirements of 49 C.F.R. part 391, the applicant shall 3815
self-certify that the applicant is excepted interstate and is not 3816
required to obtain a medical examiner's certificate~~+~~. 3817

(b)(i) If the applicant operates only in intrastate commerce 3818
and is subject to state driver qualification requirements, the 3819
applicant shall self-certify that the applicant is non-excepted 3820
intrastate; 3821

(ii) If the applicant operates only in intrastate commerce 3822
and is excepted from all or parts of the state driver 3823
qualification requirements, the applicant shall self-certify that 3824
the applicant is excepted intrastate. 3825

~~(3)~~(2) Notwithstanding the expiration date on a person's 3826
commercial driver's license or commercial driver's license 3827
temporary instruction permit, every commercial driver's license or 3828

commercial driver's license temporary instruction permit holder 3829
shall provide the registrar with the certification required by 3830
this section, on or after January 30, 2012, but prior to January 3831
30, 2014. 3832

(B) A person is qualified to drive a school bus if the person 3833
holds a valid commercial driver's license along with the proper 3834
endorsements, and if the person has been certified as medically 3835
qualified in accordance with rules adopted by the department of 3836
education. 3837

(C)(1) Except as provided in division (C)(2) of this section, 3838
~~any~~ only a medical examiner who is listed on the national registry 3839
of certified medical examiners established by the federal motor 3840
carrier safety administration shall perform a medical examination 3841
required by this section ~~shall be performed only by one of the~~ 3842
~~following:~~ 3843

~~(a) A person licensed under Chapter 4731. of the Revised Code~~ 3844
~~to practice medicine or surgery or osteopathic medicine and~~ 3845
~~surgery in this state, or licensed under any similar law of~~ 3846
~~another state;~~ 3847

~~(b) A physician assistant who is authorized by the~~ 3848
~~supervising physician to perform such a medical examination;~~ 3849

~~(c) A certified nurse practitioner, a clinical nurse~~ 3850
~~specialist, or a certified nurse midwife;~~ 3851

~~(d) A doctor of chiropractic.~~ 3852

(2) ~~Any part of an examination required by this section that~~ 3853
~~pertains to visual acuity, field of vision, and the ability to~~ 3854
~~recognize colors may be performed by a~~ A person licensed under 3855
Chapter 4725. of the Revised Code to practice optometry in this 3856
state, or licensed under any similar law of another state, may 3857
perform any part of an examination required by this section that 3858
pertains to visual acuity, field of vision, and the ability to 3859

recognize colors. 3860

(3) ~~Any~~ The individual who performed an examination conducted 3861
pursuant to this section shall complete any written documentation 3862
of a physical examination ~~conducted pursuant to this section shall~~ 3863
~~be completed by the individual who performed the examination~~ on a 3864
form that substantially complies with the requirements of 49 3865
C.F.R. 391.43(h). 3866

(D) Whenever good cause appears, the registrar, upon issuing 3867
a commercial driver's license or commercial driver's license 3868
temporary instruction permit under this chapter, may impose 3869
restrictions suitable to the licensee's driving ability with 3870
respect to the type of motor vehicle or special mechanical control 3871
devices required on a motor vehicle that the licensee may operate, 3872
or such other restrictions applicable to the licensee as the 3873
registrar determines to be necessary. 3874

The registrar may either issue a special restricted license 3875
or may set forth upon the usual license form the restrictions 3876
imposed. 3877

The registrar, upon receiving satisfactory evidence of any 3878
violation of the restrictions of the license, may impose a class D 3879
license suspension of the license for the period of time specified 3880
in division (B)(4) of section 4510.02 of the Revised Code. 3881

The registrar, upon receiving satisfactory evidence that an 3882
applicant or holder of a commercial driver's license or commercial 3883
driver's license temporary instruction permit has violated 3884
division (A)(4) of section 4506.04 of the Revised Code and 3885
knowingly given false information in any application or 3886
certification required by section 4506.07 of the Revised Code, 3887
shall cancel the person's commercial driver's license ~~of the~~ 3888
~~person~~ or commercial driver's license temporary instruction permit 3889
or any pending application from the person for a commercial 3890

driver's license, commercial driver's license temporary 3891
instruction permit, or class D driver's license for a period of at 3892
least sixty days, during which time no application for a 3893
commercial driver's license, commercial driver's license temporary 3894
instruction permit, or class D driver's license shall be received 3895
from the person. 3896

(E) Whoever violates this section is guilty of a misdemeanor 3897
of the first degree. 3898

Sec. 4506.12. (A) Commercial driver's licenses shall be 3899
issued in the following classes and shall include any endorsements 3900
and restrictions that are applicable. Subject to any such 3901
endorsements and restrictions, the holder of a valid commercial 3902
driver's license may drive all commercial motor vehicles in the 3903
class for which that license is issued and all lesser classes of 3904
vehicles, except that the holder shall not operate a motorcycle 3905
unless the holder is licensed to do so under Chapter 4507. of the 3906
Revised Code. 3907

(B) The classes of commercial driver's licenses and the 3908
commercial motor vehicles that they authorize the operation of are 3909
as follows: 3910

(1) Class A--any combination of vehicles with a combined 3911
gross vehicle weight or combined gross vehicle weight rating of 3912
twenty-six thousand one pounds or more, if the gross vehicle 3913
weight or gross vehicle weight rating of the vehicle or vehicles 3914
being towed is in excess of ten thousand pounds. 3915

(2) Class B--any single vehicle with a gross vehicle weight 3916
or gross vehicle weight rating of twenty-six thousand one pounds 3917
or more or any such vehicle towing a vehicle having a gross 3918
vehicle weight or gross vehicle weight rating that is not in 3919
excess of ten thousand pounds. 3920

(3) Class C--any single vehicle, or combination of vehicles, 3921
that is not a class A or class B vehicle, but that is designed to 3922
transport sixteen or more passengers, including the driver, or is 3923
transporting hazardous materials in an amount requiring 3924
placarding, or any school bus with a gross vehicle weight or gross 3925
vehicle weight rating of less than twenty-six thousand one pounds 3926
that is designed to transport fewer than sixteen passengers 3927
including the driver. 3928

(C) The following endorsements ~~and restrictions~~ apply to 3929
commercial drivers' licenses: 3930

(1) H--authorizes the driver to drive a vehicle transporting 3931
hazardous materials in an amount requiring placarding; 3932

~~(2) K restricts the driver to only intrastate operation;~~ 3933

~~(3) L restricts the driver to vehicles not equipped with air 3934
brakes;~~ 3935

~~(4) T--authorizes the driver to drive a vehicle configured 3936
with double or triple trailers that create more than one 3937
articulation point for the combination;~~ 3938

~~(5)~~(3) P--authorizes the driver to drive vehicles designed to 3939
transport sixteen or more passengers, including the driver; 3940

~~(6) P1 authorizes the driver to drive class A vehicles 3941
designed for fewer than sixteen passengers, including the driver, 3942
and all lesser classes of vehicles without restriction as to the 3943
designed passenger capacity of the vehicle;~~ 3944

~~(7) P2 authorizes the driver to drive class A or B vehicles 3945
designed for fewer than sixteen passengers, including the driver, 3946
and all lesser classes of vehicles without restriction as to the 3947
designed passenger capacity of the vehicle;~~ 3948

~~(8) P4 Restricts the driver to driving class C school buses 3949
designed to transport fewer than sixteen passengers including the 3950~~

driver;	3951
(9)(4) N--authorizes the driver to drive tank vehicles;	3952
(10)(5) S--authorizes the driver to drive school buses transporting children;	3953 3954
(11)(6) X--authorizes the driver to drive tank vehicles transporting hazardous materials in a quantity requiring placarding;	3955 3956 3957
(12) W restricts the driver to the operation of commercial motor vehicles in accordance with a waiver for farm related service industries issued under section 4506.24 of the Revised Code;	3958 3959 3960 3961
(13) V indicates the existence of a medical variance on the driver's commercial driver's license information system driver record.	3962 3963 3964
<u>(D) The following restrictions apply to commercial driver's licenses:</u>	3965 3966
<u>(1) E--restricts the driver to vehicles equipped with an automatic transmission;</u>	3967 3968
<u>(2) K--restricts the driver to only intrastate operation;</u>	3969
<u>(3) L--restricts the driver to vehicles not equipped with air brakes;</u>	3970 3971
<u>(4) M--restricts the driver from operating class A passenger vehicles;</u>	3972 3973
<u>(5) N--restricts the driver from operating class A and B passenger vehicles;</u>	3974 3975
<u>(6) O--restricts the driver from operating tractor-trailer commercial motor vehicles;</u>	3976 3977
<u>(7) V--indicates the existence of a medical variance on the driver's commercial driver's license information system driver</u>	3978 3979

<u>record;</u>	3980
<u>(8) W--restricts the driver to the operation of commercial</u>	3981
<u>motor vehicles in accordance with a waiver for farm-related</u>	3982
<u>service industries issued under section 4506.24 of the Revised</u>	3983
<u>Code;</u>	3984
<u>(9) Z--restricts the driver to vehicles not equipped with</u>	3985
<u>full air brakes.</u>	3986
<u>(E)</u> In addition to any endorsement that otherwise may apply,	3987
a person who is engaged in the towing of a disabled or wrecked	3988
motor vehicle shall hold a commercial driver's license bearing any	3989
endorsement required to drive the towed vehicle except the driver	3990
is not required to have either of the following:	3991
(1) A passenger endorsement to tow an unoccupied passenger	3992
vehicle;	3993
(2) Any endorsement required for the wrecked or disabled	3994
vehicle when the driver initially removes a vehicle from the site	3995
of the emergency where the vehicle became wrecked or disabled to	3996
the nearest appropriate repair, disposal, or storage facility, as	3997
applicable.	3998
(E) (F) <u>The following endorsements apply to commercial</u>	3999
<u>driver's license temporary instruction permits:</u>	4000
<u>(1) N--authorizes the holder to drive tank vehicles;</u>	4001
<u>(2) P--authorizes the permit holder to drive vehicles</u>	4002
<u>designed to transport sixteen or more passengers, including the</u>	4003
<u>driver;</u>	4004
<u>(3) S--authorizes the holder to drive school buses</u>	4005
<u>transporting children.</u>	4006
<u>(G) The following restrictions apply to commercial driver's</u>	4007
<u>license temporary instruction permits:</u>	4008
<u>(1) K--restricts the driver to only intrastate operation;</u>	4009

(2) L--restricts the driver to vehicles not equipped with air 4010
brakes; 4011

(3) M--restricts the driver from operating class A passenger 4012
vehicles; 4013

(4) N--restricts the driver from operating class A and B 4014
passenger vehicles; 4015

(5) P--restricts the driver from transporting passengers in a 4016
commercial motor vehicle bus; 4017

(6) V--indicates the existence of a medical variance on the 4018
driver's commercial driver's license information system driver 4019
record; 4020

(7) X--restricts the driver from transporting cargo in a tank 4021
vehicle. 4022

(H) A commercial driver's license temporary instruction 4023
permit holder shall not have an endorsement other than an 4024
endorsement set forth in division (F) of this section. A 4025
commercial driver's license temporary instruction permit holder 4026
with a tank vehicle (N) endorsement may only operate an empty tank 4027
vehicle, and is prohibited from operating any tank vehicle that 4028
previously contained hazardous materials that have not been purged 4029
from the tank vehicle. A commercial driver's license temporary 4030
instruction permit holder with a passenger (P) or school bus (S) 4031
endorsement is prohibited from operating a school bus or 4032
commercial motor vehicle carrying passengers. 4033

(I) No person shall drive any commercial motor vehicle for 4034
which an endorsement is required under this section unless the 4035
proper endorsement appears on the person's commercial driver's 4036
license or commercial driver's license temporary instruction 4037
permit. No person shall drive a commercial motor vehicle in 4038
violation of a restriction established under this section that 4039
appears on the person's commercial driver's license or commercial 4040

driver's license temporary instruction permit. 4041

~~(F)~~(J)(1) Whoever violates this section is guilty of a 4042
misdemeanor of the first degree. 4043

(2) The offenses established under division (I) of this 4044
section are strict liability offenses and section 2901.20 of the 4045
Revised Code does not apply. The designation of these offenses as 4046
strict liability offenses shall not be construed to imply that any 4047
other offense for which there is no specified degree of 4048
culpability, whether in this section or another section of the 4049
Revised Code, is not a strict liability offense. 4050

Sec. 4506.13. (A) The registrar of motor vehicles may 4051
authorize the highway patrol or any other employee of the 4052
department of public safety to issue an examiner's commercial 4053
examinations passed form to an applicant who has passed the 4054
required examinations. The examiner's commercial examinations 4055
passed form shall be used, ~~once it has been validated,~~ to indicate 4056
the examinations taken and passed by the commercial driver's 4057
license applicant. 4058

(B)(1) Before issuing, renewing, transferring, or upgrading a 4059
commercial driver's license, the registrar of motor vehicles shall 4060
obtain information about the applicant's driving record through 4061
the commercial driver's license information system, the 4062
applicant's state of licensure, and when available, the national 4063
driver register. In addition, ~~beginning January 30, 2012, before 4064
issuing, renewing, transferring, or upgrading a commercial 4065
driver's license~~ the registrar shall check the applicant's driver 4066
record to ensure that an applicant who self-certified under 4067
division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code 4068
that the applicant's operation of a commercial motor vehicle is 4069
non-excepted interstate, is medically certified. 4070

(2) The registrar shall not issue, renew, upgrade, or 4071

transfer the applicant's commercial driver's license if any of the 4072
following apply: 4073

(a) The registrar obtains adverse information regarding the 4074
applicant's driving record. 4075

(b) There is no information regarding the driver's 4076
self-certification type as required by division (A)~~(2)~~(1) of 4077
section 4506.10 of the Revised Code. 4078

(c) The applicant's medical status is not certified, when 4079
required to be certified under division (A)~~(2)~~(1)(a)(i) of section 4080
4506.10 of the Revised Code. 4081

(3) If the record check reveals information that the 4082
applicant claims is outdated, contested, or invalid, the registrar 4083
shall deny the application until the applicant can resolve the 4084
conflict. 4085

~~(C)(1) Within~~ The registrar shall do all of the following: 4086

(1) Within ten days after issuing a commercial driver's 4087
license, ~~the registrar shall~~ notify the commercial driver's 4088
license information system, when available, of that fact and ~~shall~~ 4089
provide all information required to ensure identification of the 4090
licensee. If the registrar is notified that driver has been issued 4091
a medical variance, the registrar shall indicate the existence of 4092
the medical variance on the commercial driver's license holder's 4093
commercial driver's license information system driver record. 4094

~~(2) Beginning on January 30, 2012, the registrar shall do all~~ 4095
~~of the following:~~ 4096

~~(a)~~ For those ~~driver's~~ drivers self-certifying under division 4097
(A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised Code as 4098
non-excepted interstate, post the applicant's medical status as 4099
certified or non-certified on the applicant's commercial driver's 4100
license information system driver record upon receiving a valid 4101

original or copy of the medical examiner's certificate; 4102

~~(b)~~(3) Post the driver's self-certification type as set forth 4103
in division (A)~~(2)~~(1) of section 4506.10 of the Revised Code; 4104

~~(e)~~(4) Post information from the medical examiner's 4105
certificate, if applicable, on the commercial driver's license 4106
holder's commercial driver's license information system driver 4107
record within ten business days of issuing the commercial driver's 4108
license; 4109

~~(d)~~(5) Retain the original or a copy of the commercial 4110
driver's license holder's medical certificate for a minimum of 4111
three years after the date the certificate was issued; 4112

~~(3) The registrar shall post~~ (6) Post and maintain as part of 4113
the commercial driver's license information system driver record 4114
all convictions, disqualifications, and other licensing actions 4115
for violations of any state or municipal ordinances related to 4116
motor vehicle traffic control, other than parking violations for 4117
all persons who hold a commercial driver's license or operate a 4118
motor vehicle for which a commercial driver's license is required- 4119

~~(4) Beginning January 30, 2014, the registrar shall post;~~ 4120

(7) Post an applicant's status of medically non-certified on 4121
the applicant's commercial driver's license information system 4122
driver record and ~~shall~~ downgrade the ~~commercial driver's license~~ 4123
~~holder's~~ applicant's commercial driver's license in accordance 4124
with division (D) of this section if either of the following 4125
applies: 4126

(a) The commercial driver's license holder fails to provide 4127
the driver's self-certification type as required by division 4128
(A)~~(2)~~(1) of section 4506.10 of the Revised Code. 4129

(b) The commercial driver's license holder self-certifying 4130
under division (A)~~(2)~~(1)(a)(i) of section 4506.10 of the Revised 4131

Code as non-excepted interstate fails to provide the registrar 4132
with a current medical examiner's certificate. 4133

~~(5) The registrar shall mark~~ (8) Mark the commercial driver's 4134
license information system driver record as non-certified for any 4135
commercial driver's license holder who has not self-certified 4136
under division (A)~~(2)~~(1) of section 4506.10 of the Revised Code by 4137
January 30, 2014 and ~~shall~~ initiate the commercial driver's 4138
license commercial driver's license downgrade procedures described 4139
in division (D) of this section. 4140

~~(6) Beginning on January 30, 2012, within;~~ 4141

(9) Within ten days after a commercial driver's license 4142
holder's medical certification status expires or a medical 4143
variance expires or is rescinded, ~~the registrar shall~~ update the 4144
person's medical certification status to non-certified. ~~Within;~~ 4145

(10) Within ten calendar days after receiving information 4146
from the federal motor carrier safety administration regarding 4147
issuance or renewal of a medical variance for a driver, ~~the~~ 4148
~~registrar shall~~ update the driver's commercial driver's license 4149
information system driver record to include the medical variance 4150
information provided by the federal motor carrier safety 4151
administration. 4152

(D) If a driver's medical certification or medical variance 4153
expires or the federal motor carrier safety administration 4154
notifies the registrar that a medical variance was removed or 4155
rescinded, the registrar shall do the following: 4156

(1) Send notice to the commercial driver's license holder of 4157
the holder's medically not certified status. The notice shall 4158
inform the driver that the driver's commercial driver's license 4159
privileges will be removed unless the driver resolves the medical 4160
certification or medical variance defect by submitting a current 4161
medical certificate or medical variance, as applicable, or 4162

changing the driver's self-certification under division (A)~~(2)~~(1) 4163
of section 4506.10 of the Revised Code to driving only in excepted 4164
interstate or excepted intrastate commerce within sixty days. 4165

(2) Sixty days after the change to a medically not certified 4166
status, if the commercial driver's license holder has not resolved 4167
the medical certification or medical variance defect as described 4168
in division (D)(1) of this section, the registrar shall change the 4169
person's commercial driver's license status to reflect no 4170
commercial driver's license privileges and shall send the person a 4171
second notice informing the person that the commercial driver's 4172
license privilege has been removed from the driver's license ~~and~~ 4173
~~that, unless the driver resolves the medical certification or~~ 4174
~~medical variance defect by submitting a current medical~~ 4175
~~certificate or medical variance, as applicable, or changing the~~ 4176
~~driver's self certification under division (A)(2) of section~~ 4177
~~4506.10 of the Revised Code to driving only in excepted interstate~~ 4178
~~or excepted intrastate commerce within one hundred eighty days,~~ 4179
~~the person's commercial driver's license will be downgraded to a~~ 4180
~~noncommercial driver's license class of license.~~ 4181

(E) To the extent permitted by federal and state law, the 4182
registrar shall provide records from the commercial driver's 4183
license information system regarding a commercial driver's license 4184
holder or commercial motor vehicle operator to the following 4185
individuals and entities or their authorized agents within ten 4186
days of the receipt of conviction or disqualification information 4187
concerning the holder or operator from another state or within ten 4188
days of the date of conviction or disqualification of the holder 4189
or operator if it occurred in this state, as applicable: 4190

(1) Other states; 4191

(2) The secretary of the United States department of 4192
transportation; 4193

<u>(3) The commercial driver's license holder or commercial</u>	4194
<u>motor vehicle operator referenced in the records;</u>	4195
<u>(4) A motor carrier that is a current or prospective employer</u>	4196
<u>of the commercial driver's license holder or commercial motor</u>	4197
<u>vehicle operator referenced in the records.</u>	4198
Sec. 4506.15. (A) No person who holds a commercial driver's	4199
license <u>or commercial driver's license temporary instruction</u>	4200
<u>permit</u> or <u>who</u> operates a motor vehicle for which a commercial	4201
driver's license <u>or permit</u> is required shall do any of the	4202
following:	4203
(1) Drive a commercial motor vehicle while having a	4204
measurable or detectable amount of alcohol or of a controlled	4205
substance in the person's blood, breath, or urine;	4206
(2) Drive a commercial motor vehicle while having an alcohol	4207
concentration of four-hundredths of one per cent or more by whole	4208
blood or breath;	4209
(3) Drive a commercial motor vehicle while having an alcohol	4210
concentration of forty-eight-thousandths of one per cent or more	4211
by blood serum or blood plasma;	4212
(4) Drive a commercial motor vehicle while having an alcohol	4213
concentration of fifty-six-thousandths of one per cent or more by	4214
urine;	4215
(5) Drive a motor vehicle while under the influence of a	4216
controlled substance;	4217
(6) Drive a motor vehicle in violation of section 4511.19 of	4218
the Revised Code or a municipal OVI ordinance as defined in	4219
section 4511.181 of the Revised Code;	4220
(7) Use a motor vehicle in the commission of a felony;	4221
(8) Refuse to submit to a test under section 4506.17 or	4222

4511.191 of the Revised Code;	4223
(9) Operate a commercial motor vehicle while the person's	4224
<u>commercial driver's license or permit or other</u> commercial driving	4225
privileges are revoked, suspended, canceled, or disqualified;	4226
(10) Cause a fatality through the negligent operation of a	4227
commercial motor vehicle, including, but not limited to, the	4228
offenses of aggravated vehicular homicide, vehicular homicide, and	4229
vehicular manslaughter;	4230
(11) Fail to stop after an accident in violation of sections	4231
4549.02 to 4549.03 of the Revised Code;	4232
(12) Drive a commercial motor vehicle in violation of any	4233
provision of sections 4511.61 to 4511.63 of the Revised Code or	4234
any federal or local law or ordinance pertaining to	4235
railroad-highway grade crossings;	4236
(13) Use a motor vehicle in the commission of a felony	4237
involving the manufacture, distribution, or dispensing of a	4238
controlled substance as defined in section 3719.01 of the Revised	4239
Code or the possession with intent to manufacture, distribute, or	4240
dispense a controlled substance.	4241
(B) Whoever violates this section is guilty of a misdemeanor	4242
of the first degree.	4243
Sec. 4506.16. (A) Any person who is found to have been	4244
convicted of a violation of an out-of-service order shall be	4245
disqualified by the registrar of motor vehicles as follows:	4246
(1) If the person has not been convicted previously of a	4247
violation of an out-of-service order, the period of	4248
disqualification is one hundred eighty days.	4249
(2) If, during any ten-year period, the driver is convicted	4250
of a second violation of an out-of-service order in an incident	4251
separate from the incident that resulted in the first violation,	4252

the period of disqualification is two years. 4253

(3) If, during any ten-year period, the driver is convicted 4254
of a third or subsequent violation of an out-of-service order in 4255
an incident separate from the incidents that resulted in the 4256
previous violations during that ten-year period, the period of 4257
disqualification is three years. 4258

(B)(1) A driver is disqualified for one hundred eighty days 4259
if the driver is convicted of a first violation of an 4260
out-of-service order while transporting hazardous materials 4261
required to be placarded under the "Hazardous Materials 4262
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 4263
amended, or while operating a motor vehicle designed to transport 4264
sixteen or more passengers, including the driver. 4265

(2) A driver is disqualified for a period of three years if, 4266
during any ten-year period, the driver is convicted of a second or 4267
subsequent violation, in an incident separate from the incident 4268
that resulted in a previous violation during that ten-year period, 4269
of an out-of-service order while transporting hazardous materials 4270
required to be placarded under that act, or while operating a 4271
motor vehicle designed to transport sixteen or more passengers, 4272
including the driver. 4273

(C) Whoever violates division (A)(1) of section 4506.15 of 4274
the Revised Code or a similar law of another state or a foreign 4275
jurisdiction, immediately shall be placed out-of-service for 4276
twenty-four hours, in addition to any disqualification required by 4277
this section and any other penalty imposed by the Revised Code. 4278

(D) The registrar of motor vehicles shall disqualify any 4279
holder of a commercial driver's license or commercial driver's 4280
license temporary instruction permit, or any operator of a 4281
commercial motor vehicle for which a commercial driver's license 4282
or permit is required, from operating a commercial motor vehicle 4283

as follows:	4284
(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;	4285 4286 4287 4288 4289 4290
(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;	4291 4292 4293 4294 4295 4296 4297 4298 4299 4300
(3) Upon a first conviction for any of the following violations while transporting hazardous materials, three years:	4301 4302
(a) Divisions (A)(2) to (12) of section 4506.15 of the Revised Code;	4303 4304
(b) A similar law of another state or a foreign jurisdiction.	4305
(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;	4306 4307 4308 4309
(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	4310 4311 4312 4313 4314

other separate disqualification imposed under division (D)(5) or 4315
(6) of this section; 4316

(b) Upon conviction of three or more serious traffic 4317
violations involving the operation of a commercial motor vehicle 4318
by the person and arising from separate incidents occurring in a 4319
three-year period, the person shall be disqualified for one 4320
hundred twenty days, which disqualification shall be imposed 4321
consecutively to any other separate disqualification imposed under 4322
division (D)(5) or (6) of this section; 4323

(6)(a) Upon conviction of two serious traffic violations 4324
involving the operation of a vehicle other than a commercial motor 4325
vehicle by the person and arising from separate incidents 4326
occurring in a three-year period, the person shall be disqualified 4327
for sixty days if the conviction results in the suspension, 4328
cancellation, or revocation of the holder's commercial driver's 4329
license or commercial driver's license temporary instruction 4330
permit, or noncommercial motor vehicle driving privileges, which 4331
disqualification shall be imposed consecutively to any other 4332
separate disqualification imposed under division (D)(5) or (6) of 4333
this section; 4334

(b) Upon conviction of three or more serious traffic 4335
violations involving the operation of a vehicle other than a 4336
commercial motor vehicle by the person and arising from separate 4337
incidents occurring in a three-year period, the person shall be 4338
disqualified for one hundred twenty days if the conviction results 4339
in the suspension, cancellation, or revocation of the holder's 4340
commercial driver's license or permit, or noncommercial motor 4341
vehicle driving privileges, which disqualification shall be 4342
imposed consecutively to any other separate disqualification 4343
imposed under division (D)(5) or (6) of this section. 4344

(7) Upon a first conviction involving the operation of a 4345
commercial motor vehicle in violation of any provisions of 4346

sections 4511.61 to 4511.63 of the Revised Code or a similar law 4347
of another state or foreign jurisdiction, not less than sixty 4348
days; 4349

(8) Upon a second conviction involving the operation of a 4350
commercial motor vehicle in violation of any provisions of 4351
sections 4511.61 to 4511.63 of the Revised Code or a similar law 4352
of another state or foreign jurisdiction within three years of the 4353
first such conviction, not less than one hundred twenty days; 4354

(9) Upon a third or subsequent conviction involving the 4355
operation of a commercial motor vehicle in violation of any 4356
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 4357
similar law of another state or foreign jurisdiction within three 4358
years of the first such conviction, not less than one year; 4359

(10) Upon receiving notification from the federal motor 4360
carrier safety administration, the registrar immediately, prior to 4361
any hearing, shall disqualify any commercial motor vehicle driver 4362
whose driving is determined to constitute an imminent hazard as 4363
defined under federal motor carrier safety regulation 49 C.F.R. 4364
383.52. 4365

(E) For the purposes of this section, conviction of a 4366
violation for which disqualification is required includes 4367
conviction under any municipal ordinance that is substantially 4368
similar to any section of the Revised Code that is set forth in 4369
division (D) of this section and may be evidenced by any of the 4370
following: 4371

(1) A judgment entry of a court of competent jurisdiction in 4372
this or any other state; 4373

(2) An administrative order of a state agency of this or any 4374
other state having statutory jurisdiction over commercial drivers; 4375

(3) A computer record obtained from or through the commercial 4376
driver's license information system; 4377

(4) A computer record obtained from or through a state agency 4378
of this or any other state having statutory jurisdiction over 4379
commercial drivers or the records of commercial drivers. 4380

(F) For purposes of this section, conviction of disqualifying 4381
offenses committed in a noncommercial motor vehicle are included 4382
if either of the following applies: 4383

(1) The offense occurred after the person obtained the 4384
person's commercial driver's license or commercial driver's 4385
license temporary instruction permit. 4386

(2) The offense occurs on or after September 30, 2005. 4387

(G) If a person commits a serious traffic violation by 4388
operating a commercial motor vehicle without having a commercial 4389
driver's license or commercial driver's license temporary 4390
instruction permit in the person's possession as described in 4391
division ~~(CC)~~(II)(3)(e) of section 4506.01 of the Revised Code and 4392
the person then submits proof to either the enforcement agency 4393
that issued the citation for the violation or to the court with 4394
jurisdiction over the case before the date of the person's initial 4395
appearance that shows that the person held a valid commercial 4396
driver's license or permit at the time of the violation, the 4397
violation shall not be deemed to be a serious traffic violation. 4398

(H) Any record described in division (C) of this section 4399
shall be deemed to be self-authenticating when it is received by 4400
the bureau of motor vehicles. 4401

(I) When disqualifying a driver, the registrar shall cause 4402
the records of the bureau to be updated to reflect that action 4403
within ten days after it occurs. 4404

(J) The registrar immediately shall notify a driver who is 4405
finally convicted of any offense described in section 4506.15 of 4406
the Revised Code or division ~~(B)~~(D)(4), (5), or (6) of this 4407
section and thereby is subject to disqualification, of the offense 4408

or offenses involved, of the length of time for which 4409
disqualification is to be imposed, and that the driver may request 4410
a hearing within thirty days of the mailing of the notice to show 4411
cause why the driver should not be disqualified from operating a 4412
commercial motor vehicle. If a request for such a hearing is not 4413
made within thirty days of the mailing of the notice, the order of 4414
disqualification is final. The registrar may designate hearing 4415
examiners who, after affording all parties reasonable notice, 4416
shall conduct a hearing to determine whether the disqualification 4417
order is supported by reliable evidence. The registrar shall adopt 4418
rules to implement this division. 4419

(K) Any person who is disqualified from operating a 4420
commercial motor vehicle under this section may apply to the 4421
registrar for a driver's license to operate a motor vehicle other 4422
than a commercial motor vehicle, provided the person's commercial 4423
driver's license is not otherwise suspended. A person whose 4424
commercial driver's license is suspended shall not apply to the 4425
registrar for or receive a driver's license under Chapter 4507. of 4426
the Revised Code during the period of suspension. 4427

(L) The disqualifications imposed under this section are in 4428
addition to any other penalty imposed by the Revised Code. 4429

(M) Any conviction for an offense that would lead to 4430
disqualification as specified in this section, whether committed 4431
in a commercial motor vehicle or a vehicle other than a commercial 4432
motor vehicle, shall be counted for the purposes of determining 4433
the number of violations and the appropriate disqualification 4434
period under this section. 4435

Sec. 4506.17. (A) Any person who holds a commercial driver's 4436
license or commercial driver's license temporary instruction 4437
permit, or who operates a commercial motor vehicle requiring a 4438
commercial driver's license or permit within this state, shall be 4439

deemed to have given consent to a test or tests of the person's 4440
whole blood, blood serum or plasma, breath, or urine for the 4441
purpose of determining the person's alcohol concentration or the 4442
presence of any controlled substance or a metabolite of a 4443
controlled substance. 4444

(B) A test or tests as provided in division (A) of this 4445
section may be administered at the direction of a peace officer 4446
having reasonable ground to stop or detain the person and, after 4447
investigating the circumstances surrounding the operation of the 4448
commercial motor vehicle, also having reasonable ground to believe 4449
the person was driving the commercial vehicle while having a 4450
measurable or detectable amount of alcohol or of a controlled 4451
substance or a metabolite of a controlled substance in the 4452
person's whole blood, blood serum or plasma, breath, or urine. Any 4453
such test shall be given within two hours of the time of the 4454
alleged violation. 4455

(C) A person requested by a peace officer to submit to a test 4456
under division (A) of this section shall be advised by the peace 4457
officer ~~requesting the test~~ that a refusal to submit to the test 4458
will result in the person immediately being placed out-of-service 4459
for a period of twenty-four hours and being disqualified from 4460
operating a commercial motor vehicle for a period of not less than 4461
one year, and that the person is required to surrender the 4462
person's commercial driver's license or permit to the peace 4463
officer. 4464

(D) If a person refuses to submit to a test after being 4465
warned as provided in division (C) of this section or submits to a 4466
test that discloses the presence of an amount of alcohol or a 4467
controlled substance prohibited by divisions (A)(1) to (5) of 4468
section 4506.15 of the Revised Code or a metabolite of a 4469
controlled substance, the person immediately shall surrender the 4470

person's commercial driver's license or permit to the peace 4471
officer. The peace officer shall forward the license or permit, 4472
together with a sworn report, to the registrar of motor vehicles 4473
certifying that the test was requested pursuant to division (A) of 4474
this section and that the person either refused to submit to 4475
testing or submitted to a test that disclosed the presence of one 4476
of the prohibited concentrations of a substance listed in 4477
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 4478
a metabolite of a controlled substance. The form and contents of 4479
the report required by this section shall be established by the 4480
registrar by rule, but shall contain the advice to be read to the 4481
driver and a statement to be signed by the driver acknowledging 4482
that the driver has been read the advice and that the form was 4483
shown to the driver. 4484

(E) Upon receipt of a sworn report from a peace officer as 4485
provided in division (D) of this section, or upon receipt of 4486
notification that a person has been disqualified under a similar 4487
law of another state or foreign jurisdiction, the registrar shall 4488
disqualify the person named in the report from driving a 4489
commercial motor vehicle for the period described below: 4490

(1) Upon a first incident, one year; 4491

(2) Upon an incident of refusal or of a prohibited 4492
concentration of alcohol, a controlled substance, or a metabolite 4493
of a controlled substance after one or more previous incidents of 4494
either refusal or of a prohibited concentration of alcohol, a 4495
controlled substance, or a metabolite of a controlled substance, 4496
the person shall be disqualified for life or such lesser period as 4497
prescribed by rule by the registrar. 4498

(F) A test of a person's whole blood or a person's blood 4499
serum or plasma given under this section shall comply with the 4500
applicable provisions of division (D) of section 4511.19 of the 4501
Revised Code and any physician, registered nurse, emergency 4502

medical technician-intermediate, emergency medical 4503
technician-paramedic, or qualified technician, chemist, or 4504
phlebotomist who withdraws whole blood or blood serum or plasma 4505
from a person under this section, and any hospital, first-aid 4506
station, clinic, or other facility at which whole blood or blood 4507
serum or plasma is withdrawn from a person pursuant to this 4508
section, is immune from criminal liability, and from civil 4509
liability that is based upon a claim of assault and battery or 4510
based upon any other claim of malpractice, for any act performed 4511
in withdrawing whole blood or blood serum or plasma from the 4512
person. The immunity provided in this division also extends to an 4513
emergency medical service organization that employs an emergency 4514
medical technician-intermediate or emergency medical 4515
technician-paramedic who withdraws blood under this section. 4516

(G) When a person submits to a test under this section, the 4517
results of the test, at the person's request, shall be made 4518
available to the person, the person's attorney, or the person's 4519
agent, immediately upon completion of the chemical test analysis. 4520
The person also may have an additional test administered by a 4521
physician, a registered nurse, or a qualified technician, chemist, 4522
or phlebotomist of the person's own choosing as provided in 4523
division (D) of section 4511.19 of the Revised Code for tests 4524
administered under that section, and the failure to obtain such a 4525
test has the same effect as in that division. 4526

(H) No person shall refuse to immediately surrender the 4527
person's commercial driver's license or permit to a peace officer 4528
when required to do so by this section. 4529

(I) A peace officer issuing an out-of-service order or 4530
receiving a commercial driver's license or permit surrendered 4531
under this section may remove or arrange for the removal of any 4532
commercial motor vehicle affected by the issuance of that order or 4533
the surrender of that license. 4534

(J)(1) Except for civil actions arising out of the operation 4535
of a motor vehicle and civil actions in which the state is a 4536
plaintiff, no peace officer of any law enforcement agency within 4537
this state is liable in compensatory damages in any civil action 4538
that arises under the Revised Code or common law of this state for 4539
an injury, death, or loss to person or property caused in the 4540
performance of official duties under this section and rules 4541
adopted under this section, unless the officer's actions were 4542
manifestly outside the scope of the officer's employment or 4543
official responsibilities, or unless the officer acted with 4544
malicious purpose, in bad faith, or in a wanton or reckless 4545
manner. 4546

(2) Except for civil actions that arise out of the operation 4547
of a motor vehicle and civil actions in which the state is a 4548
plaintiff, no peace officer of any law enforcement agency within 4549
this state is liable in punitive or exemplary damages in any civil 4550
action that arises under the Revised Code or common law of this 4551
state for any injury, death, or loss to person or property caused 4552
in the performance of official duties under this section of the 4553
Revised Code and rules adopted under this section, unless the 4554
officer's actions were manifestly outside the scope of the 4555
officer's employment or official responsibilities, or unless the 4556
officer acted with malicious purpose, in bad faith, or in a wanton 4557
or reckless manner. 4558

(K) When disqualifying a driver, the registrar shall cause 4559
the records of the bureau of motor vehicles to be updated to 4560
reflect the disqualification within ten days after it occurs. 4561

(L) The registrar immediately shall notify a driver who is 4562
subject to disqualification of the disqualification, of the length 4563
of the disqualification, and that the driver may request a hearing 4564
within thirty days of the mailing of the notice to show cause why 4565
the driver should not be disqualified from operating a commercial 4566

motor vehicle. If a request for such a hearing is not made within 4567
thirty days of the mailing of the notice, the order of 4568
disqualification is final. The registrar may designate hearing 4569
examiners who, after affording all parties reasonable notice, 4570
shall conduct a hearing to determine whether the disqualification 4571
order is supported by reliable evidence. The registrar shall adopt 4572
rules to implement this division. 4573

(M) Any person who is disqualified from operating a 4574
commercial motor vehicle under this section may apply to the 4575
registrar for a driver's license to operate a motor vehicle other 4576
than a commercial motor vehicle, provided the person's commercial 4577
driver's license or permit is not otherwise suspended. A person 4578
whose commercial driver's license or permit is suspended shall not 4579
apply to the registrar for or receive a driver's license under 4580
Chapter 4507. of the Revised Code during the period of suspension. 4581

(N) Whoever violates division (H) of this section is guilty 4582
of a misdemeanor of the first degree. 4583

(O) As used in this section, "emergency medical 4584
technician-intermediate" and "emergency medical 4585
technician-paramedic" have the same meanings as in section 4765.01 4586
of the Revised Code. 4587

Sec. 4506.20. (A) Each employer shall require every applicant 4588
for employment as a driver of a commercial motor vehicle to 4589
provide the applicant's employment history for the ten years 4590
preceding the date the employment application is submitted to the 4591
prospective employer. The following information shall be 4592
submitted: 4593

(1) A list of the names and addresses of the applicant's 4594
previous employers for which the applicant was the operator of a 4595
commercial motor vehicle; 4596

(2) The dates the applicant was employed by these employers; 4597

(3) The reason for leaving each of these employers. 4598

(B) No employer shall knowingly permit or authorize any 4599
driver employed by the employer to drive a commercial motor 4600
vehicle during any period in which any of the following apply: 4601

(1) The driver's commercial driver's license is suspended, 4602
revoked, or canceled by any state or a foreign jurisdiction; 4603

(2) The driver has lost the privilege to drive, or currently 4604
is disqualified from driving, a commercial motor vehicle in any 4605
state or foreign jurisdiction; 4606

(3) The driver, the commercial motor vehicle the driver is 4607
driving, or the motor carrier operation is subject to an 4608
out-of-service order in any state or foreign jurisdiction; 4609

(4) The driver has more than one driver's license. 4610

(C) No employer shall knowingly permit or authorize a driver 4611
to operate a commercial motor vehicle in violation of section 4612
4506.15 of the Revised Code. 4613

(D) No employer shall knowingly permit or authorize a driver 4614
to operate a commercial motor vehicle if the driver does not hold 4615
a valid, current commercial driver's license or commercial 4616
driver's license temporary instruction permit bearing the proper 4617
class or endorsements for the vehicle. No employer shall knowingly 4618
permit or authorize a driver to operate a commercial motor vehicle 4619
in violation of the restrictions on the driver's commercial 4620
driver's license or commercial driver's license temporary 4621
instruction permit. 4622

(E)(1) Whoever violates division (A) ~~or~~, (B), or (D) of this 4623
section is guilty of a misdemeanor of the first degree. 4624

(2) Whoever violates division (C) of this section may be 4625
assessed a fine not to exceed ten thousand dollars. 4626

Sec. 4506.21. Within ten days after receiving a report of the 4627
final judgment of a conviction of any nonresident the holder of an 4628
out-of-state commercial driver's license or commercial driver's 4629
license temporary instruction permit in any type of vehicle, or 4630
the conviction of the holder of an out-of-state noncommercial 4631
driver's license in a commercial motor vehicle for a violation of 4632
a state law or local ordinance or resolution relating to traffic 4633
control, other than parking violations, ~~committed in a commercial~~ 4634
~~motor vehicle,~~ the registrar of motor vehicles shall notify the 4635
driver licensing authority in the holder's state or jurisdiction 4636
~~in which the person resides and the driver licensing authority~~ 4637
~~that issued the nonresident's commercial driver's license, if~~ 4638
~~different from the state of residence of licensure.~~ For purposes 4639
of this section, a judgment of conviction is not final until it is 4640
entered into the court journal by the clerk of courts pursuant to 4641
Rule 32 of the Rules of Criminal Procedure. 4642

Sec. 4507.03. (A)(1) No person shall be required to obtain a 4643
driver's or commercial driver's license for the purpose of 4644
temporarily driving, operating, drawing, moving, or propelling a 4645
road roller or road machinery upon a street or highway. 4646

(2) No person shall be required to obtain a driver's or 4647
commercial driver's license for the purpose of temporarily 4648
driving, operating, drawing, moving, or propelling any 4649
agricultural tractor or implement of husbandry upon a street or 4650
highway at a speed of twenty-five miles per hour or less. 4651

(3) No person shall drive, operate, draw, move, or propel any 4652
agricultural tractor or implement of husbandry upon a street or 4653
highway at a speed greater than twenty-five miles per hour unless 4654
the person has a current, valid driver's or commercial driver's 4655
license. 4656

(4) No person having a valid driver's or commercial driver's license shall be required to have a motorcycle operator's endorsement to operate a motorcycle having three wheels with a motor of not more than fifty cubic centimeters piston displacement.

(5) No person having a valid driver's or commercial driver's license shall be required to have a motorcycle operator's endorsement to operate a cab-enclosed motorcycle.

(B) Every person on active duty in the armed forces of the United States, when furnished with a driver's permit and when operating an official motor vehicle in connection with such duty, is exempt from the license requirements of Chapters 4506. and 4507. of the Revised Code.

Every person on active duty in the armed forces of the United States or in service with the peace corps, volunteers in service to America, or the foreign service of the United States is exempt from the license requirements of those chapters for the period of the person's active duty or service and for six months thereafter, provided the person was a licensee under those chapters at the time the person commenced the person's active duty or service. The spouse or a dependent of any such person on active duty or in service also is exempt from the license requirements of those chapters for the period of the person's active duty or service and for six months thereafter, provided the spouse or dependent was a licensee under those chapters at the time the person commenced the active duty or service, and provided further that the person's active duty or service causes the spouse or dependent to relocate outside of this state during the period of the active duty or service.

This section does not prevent such a person or the person's spouse or dependent from making an application, as provided in division (C) of section 4507.10 of the Revised Code, for the

renewal of a driver's license or motorcycle operator's endorsement 4689
or as provided in section 4506.14 of the Revised Code for the 4690
renewal of a commercial driver's license during the period of the 4691
person's active duty or service. 4692

(C) Whoever violates division (A)(3) of this section is 4693
guilty of a misdemeanor of the first degree. 4694

Sec. 4507.071. (A) ~~No~~ The registrar of motor vehicles or any 4695
deputy registrar shall not issue a driver's license ~~shall be~~ 4696
~~issued~~ to any person under eighteen years of age, except that the 4697
registrar or a deputy registrar may issue a probationary license 4698
~~may be issued~~ to a person who is at least sixteen years of age and 4699
has held a temporary instruction permit for a period of at least 4700
six months. 4701

(B)(1)(a) No holder of a probationary driver's license who 4702
has ~~not attained~~ held the ~~age of seventeen years~~ license for less 4703
than twelve months shall operate a motor vehicle upon a highway or 4704
any public or private property used by the public for purposes of 4705
vehicular travel or parking between the hours of midnight and six 4706
a.m. unless the holder is accompanied by the holder's parent or 4707
guardian. 4708

(b) No holder of a probationary driver's license who has 4709
~~attained the age of seventeen years but has not attained the age~~ 4710
~~of eighteen years~~ held the license for twelve months or longer 4711
shall operate a motor vehicle upon a highway or any public or 4712
private property used by the public for purposes of vehicular 4713
travel or parking between the hours of one a.m. and five a.m. 4714
unless the holder is accompanied by the holder's parent or 4715
guardian. 4716

(2)(a) Subject to division (D)(1)(~~a~~) of this section, 4717
division (B)(1)(a) of this section does not apply to the holder of 4718
a probationary driver's license who is ~~traveling~~ doing either of 4719

the following: 4720

(i) Traveling to or from work between the hours of midnight and six a.m. and, provided that the holder has in the holder's immediate possession written documentation from the holder's employer. 4721
4722
4723
4724

(ii) Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school; 4725
4726
4727
4728
4729

(iii) Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event. 4730
4731
4732
4733
4734

(b) Division (B)(1)(b) of this section does not apply to the holder of a probationary driver's license who is ~~traveling~~ doing either of the following: 4735
4736
4737

(i) Traveling to or from work between the hours of one a.m. and five a.m. and, provided that the holder has in the holder's immediate possession written documentation from the holder's employer. 4738
4739
4740
4741

(ii) Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school; 4742
4743
4744
4745
4746

(iii) Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the 4747
4748
4749
4750

event. 4751

(3) An employer, school official, or official affiliated with 4752
a religious event is not liable in damages in a civil action for 4753
any injury, death, or loss to person or property that allegedly 4754
arises from, or is related to, the fact that the employer, school 4755
official, or official affiliated with a religious event provided 4756
~~an employee who is~~ the holder of a probationary driver's license 4757
with the written documentation described in division (B)(2) of 4758
this section. 4759

The registrar of motor vehicles shall make available at no 4760
cost a form to serve as the written documentation described in 4761
division (B)(2) of this section, and employers, school officials, 4762
officials affiliated with religious events, and holders of 4763
probationary driver's licenses may utilize that form or may choose 4764
to utilize any other written documentation to meet the 4765
requirements of that division. 4766

(4) No holder of a probationary driver's license who ~~is less~~ 4767
~~than seventeen years of age~~ has held the license for less than 4768
twelve months shall operate a motor vehicle upon a highway or any 4769
public or private property used by the public for purposes of 4770
vehicular travel or parking with more than one person who is not a 4771
family member occupying the vehicle unless the probationary 4772
license holder is accompanied by the probationary license holder's 4773
parent, guardian, or custodian. 4774

(C) It is an affirmative defense to a violation of division 4775
(B)(1)(a) or (b) of this section if, at the time of the violation, 4776
~~the holder of the probationary driver's license was traveling to~~ 4777
~~or from an official function sponsored by the school the holder~~ 4778
~~attends, or~~ an emergency existed that required the holder of the 4779
probationary driver's license to operate a motor vehicle in 4780
violation of division (B)(1)(a) or (b) of this section, or the 4781
holder was an emancipated minor. 4782

~~(D)(1)(a) Except as otherwise provided in division (D)(2) of~~ 4783
~~this section, if~~ If a person is issued a probationary driver's 4784
license prior to attaining the age of seventeen years and the 4785
person pleads guilty to, is convicted of, or is adjudicated in 4786
juvenile court of having committed a moving violation during the 4787
six-month period commencing on the date on which the person is 4788
issued the probationary driver's license, the court with 4789
jurisdiction over the violation may order that the holder must be 4790
accompanied by the holder's parent or guardian whenever the holder 4791
is operating a motor vehicle upon a highway or any public or 4792
private property used by the public for purposes of vehicular 4793
travel or parking ~~during whichever of the following time periods~~ 4794
~~applies:~~ 4795

~~(i) If, on the date the holder of the probationary driver's~~ 4796
~~license pleads guilty to, is convicted of, or is adjudicated in~~ 4797
~~juvenile court of having committed the moving violation, the~~ 4798
~~holder has not attained the age of sixteen years six months,~~ 4799
~~during the six month period commencing on that date;~~ 4800

~~(ii) If, on the date the holder pleads guilty to, is~~ 4801
~~convicted of, or is adjudicated in juvenile court of having~~ 4802
~~committed the moving violation, the holder has attained the age of~~ 4803
~~sixteen years six months but not seventeen years, until the person~~ 4804
~~attains the age of seventeen years.~~ 4805

~~(b) If the holder of a probationary driver's license commits~~ 4806
~~a moving violation during the six month period after the person is~~ 4807
~~issued the probationary driver's license and before the person~~ 4808
~~attains the age of seventeen years and on the date the person~~ 4809
~~pleads guilty to, is convicted of, or is adjudicated in juvenile~~ 4810
~~court of having committed the moving violation the person has~~ 4811
~~attained the age of seventeen years, or if the person commits the~~ 4812
~~moving violation during the six month period after the person is~~ 4813
~~issued the probationary driver's license and after the person~~ 4814

~~attains the age of seventeen years, the holder is not subject to~~ 4815
~~the restriction described in divisions (D)(1)(a)(i) and (ii) of~~ 4816
~~this section unless the court or juvenile court imposes such a~~ 4817
~~restriction upon the holder for a period not to exceed six months~~ 4818
~~or the date the holder attains the age of seventeen years,~~ 4819
~~whichever occurs first.~~ 4820

(2) Any person who is subject to the operating restrictions 4821
established under division (D)(1) of this section as a result of a 4822
first moving violation may petition the court for ~~occupational or~~ 4823
~~educational~~ driving privileges without being accompanied by the 4824
holder's parent or guardian during the period of time ~~specified in~~ 4825
~~determined by the court under~~ that division. ~~The court may grant~~ 4826
~~the person such driving privileges if the court finds reasonable~~ 4827
~~cause to believe that the restrictions established in division~~ 4828
~~(D)(1) will seriously affect the person's ability to continue in~~ 4829
~~employment or educational training or will cause undue hardship on~~ 4830
~~the license holder or a family member of the license holder.~~ In 4831
granting the driving privileges, the court shall specify the 4832
purposes, ~~times, and places~~ of the privileges and shall issue the 4833
person appropriate forms setting forth the privileges granted. 4834
~~Occupational or educational driving privileges under this division~~ 4835
~~shall not be granted to the same person more than once.~~ If a 4836
person is convicted of, pleads guilty to, or is adjudicated in 4837
juvenile court of having committed a second or subsequent moving 4838
violation, the court with jurisdiction over the violation may 4839
terminate any driving privileges previously granted under this 4840
division ~~are terminated upon the subsequent conviction, plea, or~~ 4841
~~adjudication.~~ 4842

(3) No person shall violate ~~division (D)(1)(a)~~ any operating 4843
restriction imposed under division (D)(1) or (2) of this section. 4844

(E) No holder of a probationary license shall operate a motor 4845
vehicle upon a highway or any public or private property used by 4846

the public for purposes of vehicular travel or parking unless the 4847
total number of occupants of the vehicle does not exceed the total 4848
number of occupant restraining devices originally installed in the 4849
motor vehicle by its manufacturer, and each occupant of the 4850
vehicle is wearing all of the available elements of a properly 4851
adjusted occupant restraining device. 4852

(F) A restricted license may be issued to a person who is 4853
fourteen or fifteen years of age upon proof of hardship 4854
satisfactory to the registrar of motor vehicles. 4855

(G) Notwithstanding any other provision of law to the 4856
contrary, no law enforcement officer shall cause the operator of a 4857
motor vehicle being operated on any street or highway to stop the 4858
motor vehicle for the sole purpose of determining whether each 4859
occupant of the motor vehicle is wearing all of the available 4860
elements of a properly adjusted occupant restraining device as 4861
required by division (E) of this section, or for the sole purpose 4862
of issuing a ticket, citation, or summons if the requirement in 4863
that division has been or is being violated, or for causing the 4864
arrest of or commencing a prosecution of a person for a violation 4865
of that requirement. 4866

(H) Notwithstanding any other provision of law to the 4867
contrary, no law enforcement officer shall cause the operator of a 4868
motor vehicle being operated on any street or highway to stop the 4869
motor vehicle for the sole purpose of determining whether a 4870
violation of division (B)(1)(a) or (b) of this section has been or 4871
is being committed or for the sole purpose of issuing a ticket, 4872
citation, or summons for such a violation or for causing the 4873
arrest of or commencing a prosecution of a person for such 4874
violation. 4875

(I) As used in this section: 4876

(1) "Occupant restraining device" has the same meaning as in 4877

section 4513.263 of the Revised Code. 4878

(2) "Family member" of a probationary license holder includes 4879
any of the following: 4880

(a) A spouse; 4881

(b) A child or stepchild; 4882

(c) A parent, stepparent, grandparent, or parent-in-law; 4883

(d) An aunt or uncle; 4884

(e) A sibling, whether of the whole or half blood or by 4885
adoption, a brother-in-law, or a sister-in-law; 4886

(f) A son or daughter of the probationary license holder's 4887
stepparent if the stepparent has not adopted the probationary 4888
license holder; 4889

(g) An eligible adult, as defined in section 4507.05 of the 4890
Revised Code. 4891

(3) "Moving violation" means any violation of any statute or 4892
ordinance that regulates the operation of vehicles, streetcars, or 4893
trackless trolleys on the highways or streets. "Moving violation" 4894
does not include a violation of section 4513.263 of the Revised 4895
Code or a substantially equivalent municipal ordinance, or a 4896
violation of any statute or ordinance regulating pedestrians or 4897
the parking of vehicles, vehicle size or load limitations, vehicle 4898
fitness requirements, or vehicle registration. 4899

(J) Whoever violates division (B)(1) or (4), (D)(3), or (E) 4900
of this section is guilty of a minor misdemeanor. 4901

Sec. 4507.11. (A)(1) The registrar of motor vehicles shall 4902
conduct all necessary examinations of applicants for temporary 4903
instruction permits, drivers' licenses, or motorcycle operators' 4904
endorsements. The examination shall include a test of the 4905
applicant's knowledge of motor vehicle laws, including the laws ~~on~~ 4906

governing stopping for school buses, a test of the applicant's 4907
physical fitness to drive, and a test of the applicant's ability 4908
to understand highway traffic control devices. The registrar may 4909
conduct the examination ~~may be conducted~~ in such a manner that 4910
applicants who are illiterate or limited in their knowledge of the 4911
English language ~~may be~~ are tested by methods that would indicate 4912
to the examining officer that the applicant has a reasonable 4913
knowledge of motor vehicle laws and understands highway traffic 4914
control devices. ~~An~~ 4915

(2) An applicant for a driver's license shall give an actual 4916
demonstration of the ability to exercise ordinary and reasonable 4917
control in the operation of a motor vehicle by driving ~~the same a~~ 4918
motor vehicle under the supervision of an examining officer. 4919
~~Except~~ The demonstration shall consist of a maneuverability test 4920
and a road test. The director of public safety shall determine the 4921
formats of the tests. 4922

(3) Except as provided in division (B) of this section, an 4923
applicant for a motorcycle operator's endorsement or a restricted 4924
license that permits only the operation of a motorcycle shall give 4925
an actual demonstration of the ability to exercise ordinary and 4926
reasonable control in the operation of a motorcycle by driving ~~the~~ 4927
~~same a~~ motorcycle under the supervision of an examining officer. 4928
~~Except~~ 4929

(4) Except as provided in section 4507.12 of the Revised 4930
Code, the registrar shall designate the highway patrol, any law 4931
enforcement body, or any other employee of the department of 4932
public safety to supervise and conduct examinations for temporary 4933
instruction permits, drivers' licenses, and motorcycle operators' 4934
endorsements and shall provide the necessary rules and forms to 4935
properly conduct the examinations. The A deputy registrar shall 4936
forward to the registrar the records of the examinations, together 4937
with the application for a temporary instruction permit, driver's 4938

license, or motorcycle operator's endorsement, ~~shall be forwarded~~ 4939
~~to the registrar by the deputy registrar, and, if.~~ If in the 4940
opinion of the registrar the applicant is qualified to operate a 4941
motor vehicle, the registrar shall issue the permit, license, or 4942
endorsement. 4943

(5) The registrar may authorize the highway patrol, other 4944
designated law enforcement body, or other designated employee of 4945
the department of public safety to issue an examiner's driving 4946
permit to an applicant who has passed the required examination, 4947
authorizing that applicant to operate a motor vehicle while the 4948
registrar is completing an investigation relative to that 4949
applicant's qualifications to receive a temporary instruction 4950
permit, driver's license, or motorcycle operator's endorsement. 4951
The applicant shall keep the examiner's driving permit ~~shall be~~ in 4952
the applicant's immediate possession ~~of the applicant~~ while 4953
operating a motor vehicle ~~and shall be.~~ The examiner's driving 4954
permit is effective until final action and notification has been 4955
given by the registrar, but in no event longer than sixty days 4956
from its date of issuance. 4957

(B)(1) An applicant for a motorcycle operator's endorsement 4958
or a restricted license that permits only the operation of a 4959
motorcycle who presents to the registrar of motor vehicles or a 4960
deputy registrar a form approved by the director of public safety 4961
attesting to the applicant's successful completion within the 4962
preceding sixty days of a course of basic instruction provided by 4963
the motorcycle safety and education program approved by the 4964
director pursuant to section 4508.08 of the Revised Code shall not 4965
be required to give an actual demonstration of the ability to 4966
operate a motorcycle by driving a motorcycle under the supervision 4967
of an examining officer, as described in division (A) of this 4968
section. Upon presentation of the form described in division 4969
(B)(1) of this section and compliance with all other requirements 4970

relating to the issuance of a motorcycle operator's endorsement or 4971
a restricted license that permits only the operation of a 4972
motorcycle, the registrar or deputy registrar shall issue to the 4973
applicant the endorsement or restricted license, as the case may 4974
be. 4975

(2) A person who has not attained eighteen years of age and 4976
presents an application for a motorcycle operator's endorsement or 4977
a restricted license under division (B)(1) of this section also 4978
shall comply with the requirements of section 4507.21 of the 4979
Revised Code. 4980

Sec. 4507.21. (A) Each applicant for a driver's license shall 4981
file an application in the office of the registrar of motor 4982
vehicles or of a deputy registrar. 4983

(B)(1) Each person under eighteen years of age applying for a 4984
driver's license issued in this state shall present satisfactory 4985
evidence of having successfully completed any one of the 4986
following: 4987

(a) A driver education course approved by the state 4988
department of education prior to December 31, 2003. 4989

(b) A driver training course approved by the director of 4990
public safety. 4991

(c) A driver training course comparable to a driver education 4992
or driver training course described in division (B)(1)(a) or (b) 4993
of this section and administered by a branch of the armed forces 4994
of the United States and completed by the applicant while residing 4995
outside this state for the purpose of being with or near any 4996
person serving in the armed forces of the United States. 4997

(2) Each person under eighteen years of age applying for a 4998
driver's license also shall present, on a form prescribed by the 4999
registrar, an affidavit signed by an eligible adult attesting that 5000

the person has acquired at least fifty hours of actual driving 5001
experience, with at least ten of those hours being at night. 5002

(C) Each applicant for an initial driver's license who is 5003
eighteen years of age or older and who failed the road or 5004
maneuverability test required under division (A)(2) of section 5005
4507.11 of the Revised Code shall present satisfactory evidence of 5006
having successfully completed an abbreviated driver training 5007
course for adults, approved by the director of public safety, 5008
prior to attempting the test a second or subsequent time. 5009

(D) If the registrar or deputy registrar determines that the 5010
applicant is entitled to the driver's license, it shall be issued. 5011
If the application shows that the applicant's license has been 5012
previously canceled or suspended, the deputy registrar shall 5013
forward the application to the registrar, who shall determine 5014
whether the license shall be granted. 5015

~~(D) All applications~~ (E) An applicant shall be filed file an 5016
application in duplicate, and the deputy registrar issuing the 5017
license shall immediately forward to the office of the registrar 5018
the original copy of the application, together with the duplicate 5019
copy of the any certificate, of completion if issued for purposes 5020
of division (B) of this section. The registrar shall prescribe 5021
rules as to the manner in which the deputy registrar files and 5022
maintains the applications and other records. The registrar shall 5023
file every application for a driver's or commercial driver's 5024
license and index them by name and number, and shall maintain a 5025
suitable record of all licenses issued, all convictions and bond 5026
forfeitures, all applications for licenses denied, and all 5027
licenses that have been suspended or canceled. 5028

~~(E)~~(F) For purposes of section 2313.06 of the Revised Code, 5029
the registrar shall maintain accurate and current lists of the 5030
residents of each county who are eighteen years of age or older, 5031
have been issued, on and after January 1, 1984, driver's or 5032

commercial driver's licenses that are valid and current, and would 5033
be electors if they were registered to vote, regardless of whether 5034
they actually are registered to vote. The lists shall contain the 5035
names, addresses, dates of birth, duration of residence in this 5036
state, citizenship status, and social security numbers, if the 5037
numbers are available, of the licensees, and may contain any other 5038
information that the registrar considers suitable. 5039

~~(F)~~(G) Each person under eighteen years of age applying for a 5040
motorcycle operator's endorsement or a restricted license enabling 5041
the applicant to operate a motorcycle shall present satisfactory 5042
evidence of having completed the courses of instruction in the 5043
motorcycle safety and education program described in section 5044
4508.08 of the Revised Code or a comparable course of instruction 5045
administered by a branch of the armed forces of the United States 5046
and completed by the applicant while residing outside this state 5047
for the purpose of being with or near any person serving in the 5048
armed forces of the United States. If the registrar or deputy 5049
registrar then determines that the applicant is entitled to the 5050
endorsement or restricted license, it shall be issued. 5051

~~(G)~~(H) No person shall knowingly make a false statement in an 5052
affidavit presented in accordance with division (B)(2) of this 5053
section. 5054

~~(H)~~(I) As used in this section, "eligible adult" means any of 5055
the following persons: 5056

(1) A parent, guardian, or custodian of the applicant; 5057

(2) A person over the age of twenty-one who acts in loco 5058
parentis of the applicant and who maintains proof of financial 5059
responsibility with respect to the operation of a motor vehicle 5060
owned by the applicant or with respect to the applicant's 5061
operation of any motor vehicle. 5062

~~(I)~~(J) Whoever violates division ~~(G)~~(H) of this section is 5063

guilty of a minor misdemeanor and shall be fined one hundred 5064
dollars. 5065

Sec. 4507.213. (A) Any person who becomes a resident of this 5066
state, within thirty days of becoming a resident, shall surrender 5067
any driver's license issued by another state to the registrar of 5068
motor vehicles or a deputy registrar. If such a person intends to 5069
operate a motor vehicle upon the public roads or highways, the 5070
person shall apply for a driver's license in this state. If the 5071
person fails to apply for a driver's license within thirty days of 5072
becoming a resident, the person shall not operate any motor 5073
vehicle in this state under a license issued by another state and 5074
the person's nonresident operating privileges established under 5075
section 4507.04 of the Revised Code are suspended. 5076

(B)(1) Whoever violates division (A) of this section is 5077
guilty of a minor misdemeanor. 5078

(2) The offense established under division (B)(1) of this 5079
section is a strict liability offense and strict liability is a 5080
culpable mental state for purposes of section 2901.20 of the 5081
Revised Code. The designation of this offense as a strict 5082
liability offense shall not be construed to imply that any other 5083
offense, for which there is no specified degree of culpability, is 5084
not a strict liability offense. 5085

(C) For purposes of division (A) of this section, "resident" 5086
means any person to whom any of the following applies: 5087

(1) The person has registered to vote in this state. 5088

(2) The person states the person's address, for purposes of 5089
federal or state income taxes, as being in this state. 5090

(3) The person maintains their principal residence in this 5091
state and does not reside in this state as a result of the 5092
person's active service in the United States armed forces. 5093

(4) 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.

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

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

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

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

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

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

following fees is applicable: 5124

(1) If the person is sixteen years of age or older, but less 5125
than seventeen years of age, a fee of seven dollars and 5126
twenty-five cents; 5127

(2) If the person is seventeen years of age or older, but 5128
less than eighteen years of age, a fee of six dollars; 5129

(3) If the person is eighteen years of age or older, but less 5130
than nineteen years of age, a fee of four dollars and seventy-five 5131
cents; 5132

(4) If the person is nineteen years of age or older, but less 5133
than twenty years of age, a fee of three dollars and fifty cents; 5134

(5) If the person is twenty years of age or older, but less 5135
than twenty-one years of age, a fee of two dollars and twenty-five 5136
cents. 5137

(F) Neither the registrar nor any deputy registrar shall 5138
charge a fee in excess of one dollar and fifty cents for 5139
laminating a driver's license, motorized bicycle license, or 5140
temporary instruction permit identification cards as required by 5141
sections 4507.13 and 4511.521 of the Revised Code. A deputy 5142
registrar laminating a driver's license, motorized bicycle 5143
license, or temporary instruction permit identification cards 5144
shall retain the entire amount of the fee charged for lamination, 5145
less the actual cost to the registrar of the laminating materials 5146
used for that lamination, as specified in the contract executed by 5147
the bureau for the laminating materials and laminating equipment. 5148
The deputy registrar shall forward the amount of the cost of the 5149
laminating materials to the registrar for deposit as provided in 5150
this section. 5151

(G) Except as provided in division (I) of this section, each 5152
transaction described in divisions (A), (B), (C), (D), and (E) of 5153
this section shall be accompanied by an additional fee of twelve 5154

dollars. The additional fee is for the purpose of defraying the 5155
department of public safety's costs associated with the 5156
administration and enforcement of the motor vehicle and traffic 5157
laws of Ohio. 5158

(H) At the time and in the manner provided by section 4503.10 5159
of the Revised Code, the deputy registrar shall transmit the fees 5160
collected under divisions (A), (B), (C), (D), and (E), those 5161
portions of the fees specified in and collected under division 5162
(F), and the additional fee under division (G) of this section to 5163
the registrar. The registrar shall pay two dollars and fifty cents 5164
of each fee collected under divisions (A), (B), (C)(1) and (2), 5165
(D), and (E)(1) to (4) of this section, and the entire fee 5166
collected under division (E)(5) of this section, into the state 5167
bureau of motor vehicles fund established in section 4501.25 of 5168
the Revised Code, and such fees shall be used for the sole purpose 5169
of supporting driver licensing activities. The registrar also 5170
shall pay five dollars of each fee collected under division (C)(2) 5171
of this section and the entire fee collected under division (G) of 5172
this section into the state highway safety fund created in section 5173
4501.06 of the Revised Code. The remaining fees collected by the 5174
registrar under this section shall be paid into the state bureau 5175
of motor vehicles fund established in section 4501.25 of the 5176
Revised Code. 5177

(I) A disabled veteran who has a service-connected disability 5178
rated at one hundred per cent by the veterans' administration may 5179
apply to the registrar or a deputy registrar for the issuance to 5180
that veteran, without the payment of any fee prescribed in this 5181
section, of any of the following items: 5182

(1) A temporary instruction permit and examination; 5183

(2) A new, renewal, or duplicate driver's or commercial 5184
driver's license; 5185

(3) A motorcycle operator's endorsement;	5186
(4) A motorized bicycle license or duplicate thereof;	5187
(5) Lamination of a driver's license, motorized bicycle license, or temporary instruction permit identification card as provided in division (F) of this section.	5188 5189 5190
An application made under division (I) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule.	5191 5192 5193
<u>(J)(1) The registrar of motor vehicles shall adopt rules that establish a prorated fee schedule that specifies the fee to be charged by the registrar or a deputy registrar for the issuance of a duplicate driver's license. The rules shall require the base fee to be equal to the fee for a duplicate driver's license that existed immediately prior to the effective date of this amendment. In order to determine the prorated amount for a duplicate license under the rules, the registrar shall reduce the base fee by an amount determined by the registrar that is correlated with the number of months between the date a person applies for the duplicate and the date of expiration of the license. The registrar shall allocate the money received from a prorated duplicate driver's license fee to the same funds and in the same proportion as the allocation of the base fee.</u>	5194 5195 5196 5197 5198 5199 5200 5201 5202 5203 5204 5205 5206 5207
<u>(2) Notwithstanding any other provision of law, after the registrar has adopted rules under division (J)(1) of this section, an applicant for a duplicate driver's license shall be required to pay only the appropriate prorated fee established under those rules.</u>	5208 5209 5210 5211 5212
Sec. 4508.01. As used in this chapter:	5213
(A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously	5214 5215

licensed to drive that motor vehicle by any state or country. 5216

(B) "Disabled person" means a person who, in the opinion of 5217
the registrar of motor vehicles, is afflicted with or suffering 5218
from a physical or mental disability or disease that prevents the 5219
person, in the absence of special training or equipment, from 5220
exercising reasonable and ordinary control over a motor vehicle 5221
while operating the vehicle upon the highways. "Disabled person" 5222
does not mean any person who is or has been subject to any 5223
condition resulting in episodic impairment of consciousness or 5224
loss of muscular control and whose condition, in the opinion of 5225
the registrar, is dormant or is sufficiently under medical control 5226
that the person is capable of exercising reasonable and ordinary 5227
control over a motor vehicle. 5228

(C) "Driver training school" or "school" means any of the 5229
following: 5230

(1) A private business enterprise conducted by an individual, 5231
association, partnership, or corporation for the education and 5232
training of persons to operate or drive motor vehicles, that ~~uses~~ 5233
does any of the following: 5234

(a) Uses public streets or highways to provide training, and 5235
~~that~~ charges a consideration or tuition for such services; 5236

(b) Provides an online driver education course approved by 5237
the director of public safety pursuant to division (A)(2) of 5238
section 4508.02 of the Revised Code and charges a consideration or 5239
tuition for the course; 5240

(c) Provides an abbreviated driver training course for adults 5241
that is approved by the director pursuant to division (F) of 5242
section 4508.02 of the Revised Code and charges a consideration or 5243
tuition for the course. 5244

(2) A lead school district as provided in section 4508.09 of 5245
the Revised Code; 5246

(3) A board of education of a city, exempted village, local, 5247
or joint vocational school district or the governing board of an 5248
educational service center that offers a driver education course 5249
for high school students enrolled in the district or in a district 5250
served by the educational service center. 5251

(D) "Instructor" means any person, whether acting for self as 5252
operator of a driver training school or for such a school for 5253
compensation, who teaches, conducts classes of, gives 5254
demonstrations to, or supervises practice of, persons learning to 5255
operate or drive motor vehicles. 5256

(E) "Lead school district" means a school district, including 5257
a joint vocational school district, designated by the department 5258
of education as either a vocational education planning district 5259
itself or as responsible for providing primary vocational 5260
education leadership within a vocational education planning 5261
district that is composed of a group of districts. A "vocational 5262
education planning district" is a school district or group of 5263
school districts designated by the department as responsible for 5264
planning and providing vocational education services to students 5265
within the district or group of districts. 5266

Sec. 4508.02. (A)(1) The director of public safety, subject 5267
to Chapter 119. of the Revised Code, shall adopt and prescribe 5268
such rules concerning the administration and enforcement of this 5269
chapter as are necessary to protect the public. The rules shall 5270
require an assessment of the holder of a probationary instructor 5271
license. The director shall inspect the school facilities and 5272
equipment of applicants and licensees and examine applicants for 5273
instructor's licenses. 5274

(2) The director shall adopt rules governing online driver 5275
education courses that may be completed via the internet to 5276
satisfy the classroom instruction under division (C) of this 5277

section. The rules shall do all of the following: 5278

(a) Establish standards that an online driver training 5279
enterprise must satisfy to be licensed to offer an online driver 5280
education course via the internet, including, at a minimum, proven 5281
expertise in providing driver education and an acceptable 5282
infrastructure capable of providing secure online driver education 5283
in accord with advances in internet technology. The rules shall 5284
allow an online driver training enterprise to be affiliated with a 5285
licensed driver training school offering in-person classroom 5286
instruction, but shall not require such an affiliation. 5287

(b) Establish content requirements that an online driver 5288
education course must satisfy to be approved as equivalent to 5289
twenty-four hours of in-person classroom instruction; 5290

(c) Establish attendance standards, including a maximum 5291
number of course hours that may be completed in a twenty-four-hour 5292
period; 5293

(d) Allow an enrolled applicant to begin the required eight 5294
hours of actual behind-the-wheel instruction upon completing at 5295
least two hours of course instruction and being issued a 5296
certificate of enrollment by a licensed online driver training 5297
enterprise; 5298

(e) Establish any other requirements necessary to regulate 5299
online driver education. 5300

(B) The director shall administer and enforce this chapter. 5301

(C) The rules shall require twenty-four hours of in-person 5302
classroom instruction or completion of an approved, equivalent 5303
online driver education course offered via the internet by a 5304
licensed online driver training enterprise, and eight hours of 5305
actual behind-the-wheel instruction conducted on public streets 5306
and highways of this state for all beginning drivers of 5307
noncommercial motor vehicles who are under age eighteen. The rules 5308

also shall require the classroom instruction or online driver 5309
education course for such drivers to include instruction in the 5310
dangers of driving a motor vehicle while using an electronic 5311
wireless communications device to write, send, or read a 5312
text-based communication. 5313

(D) The rules shall state the minimum hours for classroom and 5314
behind-the-wheel instruction required for beginning drivers of 5315
commercial trucks, commercial cars, buses, and commercial 5316
tractors, trailers, and semitrailers. 5317

(E)(1) The department of public safety may charge a fee to 5318
each online driver training enterprise in an amount sufficient to 5319
pay the actual expenses the department incurs in the regulation of 5320
online driver education courses. 5321

(2) The department shall supply to each licensed online 5322
driver training enterprise certificates to be used for certifying 5323
an applicant's enrollment in an approved online driver education 5324
course and a separate certificate to be issued upon successful 5325
completion of an approved online driver education course. The 5326
certificates shall be numbered serially. The department may charge 5327
a fee to each online driver training enterprise per certificate 5328
supplied to pay the actual expenses the department incurs in 5329
supplying the certificates. 5330

(F) The director shall adopt rules in accordance with Chapter 5331
119. of the Revised Code governing an abbreviated driver training 5332
course for adults that must be completed by any applicant for an 5333
initial driver's license who is eighteen years of age or older and 5334
who failed the road or maneuverability test required under 5335
division (A)(2) of section 4507.11 of the Revised Code prior to 5336
attempting the test a second or subsequent time. 5337

Sec. 4508.03. (A) No person shall establish a driver training 5338
school shall be established nor any such or continue the operation 5339

of an existing school ~~continued~~ unless the ~~school~~ person applies 5340
for and obtains from the director of public safety a license in 5341
the manner and form prescribed by the director. 5342

The director shall adopt rules ~~shall state that establish~~ the 5343
requirements for a school license, including requirements 5344
concerning location, equipment, courses of instruction, 5345
instructors, previous records of the school and instructors, 5346
financial statements, schedule of fees and charges, character and 5347
reputation of the operators, insurance in the sum and with those 5348
provisions as the director considers necessary to protect 5349
adequately the interests of the public, and any other matters as 5350
the director may prescribe for the protection of the public. The 5351
rules also shall require financial responsibility information as 5352
part of the driver education curriculum. 5353

(B) Any school that offers a driver training program for 5354
disabled persons shall provide specially trained instructors for 5355
the driver training of such persons. No school shall operate a 5356
driver training program for disabled persons after June 30, 1978, 5357
unless it has been licensed for such operation by the director. No 5358
person shall act as a specially trained instructor in a driver 5359
training program for disabled persons operated by a school after 5360
June 30, 1978, unless that person has been licensed by the 5361
director. 5362

(C) The director shall certify instructors to teach driver 5363
training to disabled persons in accordance with training program 5364
requirements established by the department of public safety. 5365

(D) No person shall operate a driver training school unless 5366
the person has a valid license issued by the director under this 5367
section. 5368

(E) Whoever violates division (D) of this section is guilty 5369
of operating a driver training school without a valid license, a 5370

~~minor~~ misdemeanor of the second degree. On a second or subsequent 5371
offense within two years after the first offense, the person is 5372
guilty of a misdemeanor of the ~~fourth~~ first degree. 5373

Sec. 4508.04. (A) No person shall act as a driver training 5374
instructor ~~and on and after June 30, 1978, and~~ no person shall act 5375
as a driver training instructor for disabled persons, unless such 5376
person applies for and obtains from the director of public safety 5377
a license in the manner and form prescribed by the director. The 5378
director shall provide by rule for instructors' license 5379
requirements including moral character, physical condition, 5380
knowledge of the courses of instruction, motor vehicle laws and 5381
safety principles, previous personal and employment records, and 5382
such other matters as the director may prescribe for the 5383
protection of the public. Driver training instructors for disabled 5384
persons shall meet such additional requirements and receive such 5385
additional classroom and practical instruction as the director 5386
shall prescribe by rule. 5387

(B)(1) ~~No~~ The director shall not issue a license ~~shall be~~ 5388
~~issued~~ under this section to a person if, within ten years of the 5389
date of application for the license, the person has pleaded guilty 5390
to or been convicted of a felony under the laws of this state or 5391
the comparable laws of another jurisdiction. 5392

(2) ~~No~~ The director shall not issue a license ~~shall be issued~~ 5393
under this section to a person if, within five years of the date 5394
of application for the license, the person has pleaded guilty to 5395
or been convicted of a misdemeanor of the first or second degree 5396
that is reasonably related to the person's fitness to be issued 5397
such a license. 5398

(C) No person shall knowingly make a false statement on a 5399
license application submitted under this section. 5400

(D) Upon successful completion of all requirements for an 5401

initial instructor license, the director shall issue an applicant 5402
a probationary license, which expires one hundred eighty days from 5403
the date of issuance. In order to receive a driver training 5404
instructor license, a person issued a probationary license shall 5405
pass an assessment prescribed in rules adopted by the director 5406
pursuant to section 4508.02 of the Revised Code. The person shall 5407
pass the assessment prior to expiration of the probationary 5408
license. If the person fails to pass the assessment, or fails to 5409
meet any standards required for a driver training instructor 5410
license, the director may extend the expiration date of the 5411
person's probationary license. Upon successful completion of the 5412
assessment and approval of the director, the director shall issue 5413
to the person a driver training instructor license. 5414

(E)(1) Whoever violates division (A) of this section is 5415
guilty of acting as a driver training instructor without a valid 5416
license, a misdemeanor of the ~~fourth~~ first degree. 5417

(2) Whoever violates division (C) of this section may be 5418
charged with falsification under section 2921.13 of the Revised 5419
Code. 5420

Sec. 4508.05. All nonprobationary licenses ~~shall~~ expire on 5421
the last day of the calendar year and a person may ~~be renewed~~ 5422
renew such a license upon application to the director of public 5423
safety, either annually or biennially, as prescribed in rules 5424
adopted by the director. ~~Each application~~ An applicant for an 5425
original school license shall ~~be accompanied by~~ include with the 5426
application a fee of two hundred fifty dollars, and ~~each~~ 5427
~~application~~ an applicant for a renewal school license shall ~~be~~ 5428
~~accompanied by~~ include with the application a fee of fifty dollars 5429
for each calendar year. ~~Each application~~ An applicant for an 5430
original instructor's license shall ~~be accompanied by~~ include with 5431
the application a fee of twenty-five dollars, and ~~each application~~ 5432

an applicant for a renewal instructor's license shall be 5433
accompanied by include with the application a fee of ten dollars 5434
for each calendar year. Such 5435

Such fees shall be are payable to the treasurer of state and 5436
shall be credited to the state highway safety fund established in 5437
section 4501.06 of the Revised Code. No The director of public 5438
safety shall not refund any license fees shall be refunded in the 5439
event any a license is rejected, suspended, or revoked. 5440

Sec. 4508.06. (A) The director of public safety may refuse to 5441
issue, or may suspend or revoke, a license or may impose a fine of 5442
not more than ten thousand dollars per occurrence in any case in 5443
which the director finds the applicant or licensee has violated 5444
any of the provisions of this chapter, or any of the rules adopted 5445
by the director, or has failed to pay a fine imposed under this 5446
division. No person whose license has been suspended or revoked 5447
under this section shall fail to return the license to the 5448
director. 5449

(B) In addition to the reasons for a suspension under 5450
division (A) of this section, the director may suspend a driver 5451
training instructor license without a prior hearing if the 5452
director believes there exists clear and convincing evidence of 5453
any of the following: 5454

(1) The license holder has engaged in conduct that presents a 5455
clear and present danger to a student or students. 5456

(2) The license holder has engaged in inappropriate contact 5457
with a student. "Inappropriate contact" means any of the 5458
following: 5459

(a) Causing or attempting to cause "physical harm," as 5460
defined in division (A)(3) of section 2901.01 of the Revised Code; 5461

(b) "Sexual activity," as defined in division (C) of section 5462

2907.01 of the Revised Code; 5463

(c) Engaging in any communication, either directly or through 5464
"telecommunication," as defined in division (X) of section 2913.01 5465
of the Revised Code, that is of a sexual nature or intended to 5466
abuse, threaten, or harass the student. 5467

(3) The license holder has been convicted of a felony, or a 5468
misdemeanor that directly relates to the fitness of that person to 5469
provide driving instruction. 5470

(C) In addition to the reasons for a suspension under 5471
division (A) of this section, the director may suspend a driver 5472
training school license without a prior hearing if the director 5473
believes there exists clear and convincing evidence of any of the 5474
following: 5475

(1) There exists a clear and present danger to the health, 5476
safety, or welfare of students should the school be permitted to 5477
continue operation. 5478

(2) At the time the contract for training was signed, there 5479
was no intention to provide training, or no ability to provide 5480
training to students. 5481

(3) Any school official knowingly allowed inappropriate 5482
contact, as defined in division (B)(2) of this section, between 5483
instructors and students. 5484

(D) Immediately following a decision to impose a suspension 5485
without a prior hearing under division (B) or (C) of this section, 5486
the director, in accordance with section 119.07 of the Revised 5487
Code, shall issue a written order of suspension, cause it to be 5488
delivered to the license holder, and notify the license holder of 5489
the opportunity for a hearing. If timely requested by the license 5490
holder, a hearing shall be conducted in accordance with Chapter 5491
119. of the Revised Code. 5492

(E) The director shall deposit all fines collected under 5493
division (A) of this section into the state treasury to the credit 5494
of the state highway safety fund created by section 4501.06 of the 5495
Revised Code. 5496

~~(C)~~(F) Whoever fails to return a license that has been 5497
suspended or revoked under division (A), (B), or (C) of this 5498
section is guilty of failing to return a suspended or revoked 5499
license, a minor misdemeanor or, on a second or subsequent offense 5500
within two years after the first offense, a misdemeanor of the 5501
fourth degree. 5502

Sec. 4508.10. (A) A driver training school shall issue a 5503
certificate of completion to each person who successfully 5504
completes a course of instruction necessary to obtain or maintain 5505
a driver's license. The department of public safety shall provide 5506
each driver training school with the certificate of completion 5507
forms. 5508

(B) The fee for each driver's license certificate of 5509
completion provided by the department to a driver training school 5510
is four dollars. A driver training school shall remit payment for 5511
certificates at the time they are requested from the department. 5512
Failure to timely remit payment to the department is grounds for 5513
the director of public safety to take action against the school 5514
pursuant to section 4508.06 of the Revised Code. The director of 5515
~~public safety~~ shall deposit the fees collected under this section 5516
into the state treasury to the credit of the state highway safety 5517
fund created in section 4501.06 of the Revised Code. 5518

(C) As used in this section, "driver's license" has the same 5519
meaning as in section 4507.01 of the Revised Code. 5520

Sec. 4508.11. The attorney general, the prosecuting attorney 5521
of the county, or the city director of law, upon complaint of the 5522

director of public safety, shall prosecute to termination or bring 5523
an action for injunction against any person violating this chapter 5524
or the rules adopted under it. The court of common pleas in which 5525
an action for an injunction is filed has jurisdiction to grant 5526
injunctive relief upon a showing that the respondent named in the 5527
complaint is in violation of this chapter or the rules adopted 5528
under it. 5529

Sec. 4509.05. (A) Upon request, the registrar of motor 5530
vehicles shall search and furnish a certified abstract of the 5531
following information with respect to any person: 5532

(1) An enumeration of the motor vehicle accidents in which 5533
such person has been involved except accidents certified as 5534
described in division (D) of section 3937.41 of the Revised Code; 5535

(2) Such person's record of convictions for violation of the 5536
motor vehicle laws. 5537

(B) The registrar shall collect for each abstract a fee of 5538
five dollars. 5539

(C) The registrar may permit deputy registrars to perform a 5540
search and furnish a certified abstract under this section. A 5541
deputy registrar performing this function shall comply with 5542
section 4501.27 of the Revised Code concerning the disclosure of 5543
personal information, shall collect and transmit to the registrar 5544
the five-dollar fee established under division (B) of this 5545
section, and may collect and retain a service fee of three dollars 5546
and fifty cents. 5547

~~Of each five dollar fee the registrar collects under this~~ 5548
~~division, the~~ The registrar shall pay two dollars each five-dollar 5549
fee collected under this section into the state treasury to the 5550
credit of the state bureau of motor vehicles fund established in 5551
section 4501.25 of the Revised Code, ~~sixty cents into the state~~ 5552

~~treasury to the credit of the trauma and emergency medical 5553
services fund established in section 4513.263 of the Revised Code, 5554
sixty cents into the state treasury to the credit of the homeland 5555
security fund established in section 5502.03 of the Revised Code, 5556
thirty cents into the state treasury to the credit of the 5557
investigations fund established in section 5502.131 of the Revised 5558
Code, one dollar and twenty five cents into the state treasury to 5559
the credit of the emergency management agency service and 5560
reimbursement fund established in section 5502.39 of the Revised 5561
Code, and twenty five cents into the state treasury to the credit 5562
of the justice program services fund established in section 5563
5502.67 of the Revised Code. 5564~~

Sec. 4509.101. (A)(1) No person shall operate, or permit the 5565
operation of, a motor vehicle in this state, unless proof of 5566
financial responsibility is maintained continuously throughout the 5567
registration period with respect to that vehicle, or, in the case 5568
of a driver who is not the owner, with respect to that driver's 5569
operation of that vehicle. 5570

(2) Whoever violates division (A)(1) of this section shall be 5571
subject to the following civil penalties: 5572

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 5573
class (F) suspension of the person's driver's license, commercial 5574
driver's license, temporary instruction permit, probationary 5575
license, or nonresident operating privilege for the period of time 5576
specified in division (B)(6) of section 4510.02 of the Revised 5577
Code and impoundment of the person's license. 5578

(b) If, within five years of the violation, the person's 5579
operating privileges are again suspended and the person's license 5580
again is impounded for a violation of division (A)(1) of this 5581
section, a class C suspension of the person's driver's license, 5582
commercial driver's license, temporary instruction permit, 5583

probationary license, or nonresident operating privilege for the 5584
period of time specified in division (B)(3) of section 4510.02 of 5585
the Revised Code. The court may grant limited driving privileges 5586
to the person only if the person presents proof of financial 5587
responsibility and has complied with division (A)(5) of this 5588
section, and no court may grant limited driving privileges for the 5589
first fifteen days of the suspension. 5590

(c) If, within five years of the violation, the person's 5591
operating privileges are suspended and the person's license is 5592
impounded two or more times for a violation of division (A)(1) of 5593
this section, a class B suspension of the person's driver's 5594
license, commercial driver's license, temporary instruction 5595
permit, probationary license, or nonresident operating privilege 5596
for the period of time specified in division (B)(2) of section 5597
4510.02 of the Revised Code. The court may grant limited driving 5598
privileges to the person only if the person presents proof of 5599
financial responsibility and has complied with division (A)(5) of 5600
this section, except that no court may grant limited driving 5601
privileges for the first thirty days of the suspension. 5602

(d) In addition to the suspension of an owner's license under 5603
division (A)(2)(a), (b), or (c) of this section, the suspension of 5604
the rights of the owner to register the motor vehicle and the 5605
impoundment of the owner's certificate of registration and license 5606
plates until the owner complies with division (A)(5) of this 5607
section. 5608

(3) A person to whom this state has issued a certificate of 5609
registration for a motor vehicle or a license to operate a motor 5610
vehicle or who is determined to have operated any motor vehicle or 5611
permitted the operation in this state of a motor vehicle owned by 5612
the person shall be required to verify the existence of proof of 5613
financial responsibility covering the operation of the motor 5614
vehicle or the person's operation of the motor vehicle under any 5615

of the following circumstances: 5616

(a) The person or a motor vehicle owned by the person is 5617
involved in a traffic accident that requires the filing of an 5618
accident report under section 4509.06 of the Revised Code. 5619

(b) The person receives a traffic ticket indicating that 5620
proof of the maintenance of financial responsibility was not 5621
produced upon the request of a peace officer or state highway 5622
patrol trooper made in accordance with division (D)(2) of this 5623
section. 5624

(c) Whenever, in accordance with rules adopted by the 5625
registrar, the person is randomly selected by the registrar and 5626
requested to provide such verification. 5627

(4) An order of the registrar that suspends and impounds a 5628
license or registration, or both, shall state the date on or 5629
before which the person is required to surrender the person's 5630
license or certificate of registration and license plates. The 5631
person is deemed to have surrendered the license or certificate of 5632
registration and license plates, in compliance with the order, if 5633
the person does either of the following: 5634

(a) On or before the date specified in the order, personally 5635
delivers the license or certificate of registration and license 5636
plates, or causes the delivery of the items, to the registrar; 5637

(b) Mails the license or certificate of registration and 5638
license plates to the registrar in an envelope or container 5639
bearing a postmark showing a date no later than the date specified 5640
in the order. 5641

(5) Except as provided in division (A)(6) or (L) of this 5642
section, the registrar shall not restore any operating privileges 5643
or registration rights suspended under this section, return any 5644
license, certificate of registration, or license plates impounded 5645
under this section, or reissue license plates under section 5646

4503.232 of the Revised Code, if the registrar destroyed the 5647
impounded license plates under that section, or reissue a license 5648
under section 4510.52 of the Revised Code, if the registrar 5649
destroyed the suspended license under that section, unless the 5650
rights are not subject to suspension or revocation under any other 5651
law and unless the person, in addition to complying with all other 5652
conditions required by law for reinstatement of the operating 5653
privileges or registration rights, complies with all of the 5654
following: 5655

(a) Pays to the registrar or an eligible deputy registrar a 5656
financial responsibility reinstatement fee of one hundred dollars 5657
for the first violation of division (A)(1) of this section, three 5658
hundred dollars for a second violation of that division, and six 5659
hundred dollars for a third or subsequent violation of that 5660
division; 5661

(b) If the person has not voluntarily surrendered the 5662
license, certificate, or license plates in compliance with the 5663
order, pays to the registrar or an eligible deputy registrar a 5664
financial responsibility nonvoluntary compliance fee in an amount, 5665
not to exceed fifty dollars, determined by the registrar; 5666

(c) Files and continuously maintains proof of financial 5667
responsibility under sections 4509.44 to 4509.65 of the Revised 5668
Code; 5669

(d) Pays a deputy registrar a service fee of ten dollars to 5670
compensate the deputy registrar for services performed under this 5671
section. The deputy registrar shall retain eight dollars of the 5672
service fee and shall transmit the reinstatement fee, any 5673
nonvoluntary compliance fee, and two dollars of the service fee to 5674
the registrar in the manner the registrar shall determine. 5675

(6) If the registrar issues an order under division (A)(2) of 5676
this section resulting from the failure of a person to respond to 5677

a financial responsibility random verification request under 5678
division (A)(3)(c) of this section and the person successfully 5679
maintains an affirmative defense to a violation of section 4510.16 5680
of the Revised Code or is determined by the registrar or a deputy 5681
registrar to have been in compliance with division (A)(1) of this 5682
section at the time of the initial financial responsibility random 5683
verification request, the registrar shall do both of the 5684
following: 5685

(a) Terminate the order of suspension or impoundment; 5686

(b) Restore the operating privileges and registration rights 5687
of the person without payment of the fees established in divisions 5688
(A)(5)(a) and (b) of this section and without a requirement to 5689
file proof of financial responsibility. 5690

(B)(1) Every party required to file an accident report under 5691
section 4509.06 of the Revised Code also shall include with the 5692
report a document described in division (G)(1) of this section. 5693

If the registrar determines, within forty-five days after the 5694
report is filed, that an operator or owner has violated division 5695
(A)(1) of this section, the registrar shall do all of the 5696
following: 5697

(a) Order the impoundment, with respect to the motor vehicle 5698
involved, required under division (A)(2)(d) of this section, of 5699
the certificate of registration and license plates of any owner 5700
who has violated division (A)(1) of this section; 5701

(b) Order the suspension required under division (A)(2)(a), 5702
(b), or (c) of this section of the license of any operator or 5703
owner who has violated division (A)(1) of this section; 5704

(c) Record the name and address of the person whose 5705
certificate of registration and license plates have been impounded 5706
or are under an order of impoundment, or whose license has been 5707
suspended or is under an order of suspension; the serial number of 5708

the person's license; the serial numbers of the person's 5709
certificate of registration and license plates; and the person's 5710
social security account number, if assigned, or, where the motor 5711
vehicle is used for hire or principally in connection with any 5712
established business, the person's federal taxpayer identification 5713
number. The information shall be recorded in such a manner that it 5714
becomes a part of the person's permanent record, and assists the 5715
registrar in monitoring compliance with the orders of suspension 5716
or impoundment. 5717

(d) Send written notification to every person to whom the 5718
order pertains, at the person's last known address as shown on the 5719
records of the bureau. The person, within ten days after the date 5720
of the mailing of the notification, shall surrender to the 5721
registrar, in a manner set forth in division (A)(4) of this 5722
section, any certificate of registration and registration plates 5723
under an order of impoundment, or any license under an order of 5724
suspension. 5725

(2) The registrar shall issue any order under division (B)(1) 5726
of this section without a hearing. Any person adversely affected 5727
by the order, within ten days after the issuance of the order, may 5728
request an administrative hearing before the registrar, who shall 5729
provide the person with an opportunity for a hearing in accordance 5730
with this paragraph. A request for a hearing does not operate as a 5731
suspension of the order. The scope of the hearing shall be limited 5732
to whether the person in fact demonstrated to the registrar proof 5733
of financial responsibility in accordance with this section. The 5734
registrar shall determine the date, time, and place of any 5735
hearing, provided that the hearing shall be held, and an order 5736
issued or findings made, within thirty days after the registrar 5737
receives a request for a hearing. If requested by the person in 5738
writing, the registrar may designate as the place of hearing the 5739
county seat of the county in which the person resides or a place 5740

within fifty miles of the person's residence. The person shall pay 5741
the cost of the hearing before the registrar, if the registrar's 5742
order of suspension or impoundment is upheld. 5743

(C) Any order of suspension or impoundment issued under this 5744
section or division (B) of section 4509.37 of the Revised Code may 5745
be terminated at any time if the registrar determines upon a 5746
showing of proof of financial responsibility that the operator or 5747
owner of the motor vehicle was in compliance with division (A)(1) 5748
of this section at the time of the traffic offense, motor vehicle 5749
inspection, or accident that resulted in the order against the 5750
person. A determination may be made without a hearing. This 5751
division does not apply unless the person shows good cause for the 5752
person's failure to present satisfactory proof of financial 5753
responsibility to the registrar prior to the issuance of the 5754
order. 5755

(D)(1) For the purpose of enforcing this section, every peace 5756
officer is deemed an agent of the registrar. 5757

(a) Except as provided in division (D)(1)(b) of this section, 5758
any peace officer who, in the performance of the peace officer's 5759
duties as authorized by law, becomes aware of a person whose 5760
license is under an order of suspension, or whose certificate of 5761
registration and license plates are under an order of impoundment, 5762
pursuant to this section, may confiscate the license, certificate 5763
of registration, and license plates, and return them to the 5764
registrar. 5765

(b) Any peace officer who, in the performance of the peace 5766
officer's duties as authorized by law, becomes aware of a person 5767
whose license is under an order of suspension, or whose 5768
certificate of registration and license plates are under an order 5769
of impoundment resulting from failure to respond to a financial 5770
responsibility random verification, shall not, for that reason, 5771
arrest the owner or operator or seize the vehicle or license 5772

plates. Instead, the peace officer shall issue a citation for a 5773
violation of section 4510.16 of the Revised Code specifying the 5774
circumstances as failure to respond to a financial responsibility 5775
random verification. 5776

(2) A peace officer shall request the owner or operator of a 5777
motor vehicle to produce proof of financial responsibility in a 5778
manner described in division (G) of this section at the time the 5779
peace officer acts to enforce the traffic laws of this state and 5780
during motor vehicle inspections conducted pursuant to section 5781
4513.02 of the Revised Code. 5782

(3) A peace officer shall indicate on every traffic ticket 5783
whether the person receiving the traffic ticket produced proof of 5784
the maintenance of financial responsibility in response to the 5785
officer's request under division (D)(2) of this section. The peace 5786
officer shall inform every person who receives a traffic ticket 5787
and who has failed to produce proof of the maintenance of 5788
financial responsibility that the person must submit proof to the 5789
traffic violations bureau with any payment of a fine and costs for 5790
the ticketed violation or, if the person is to appear in court for 5791
the violation, the person must submit proof to the court. 5792

(4)(a) If a person who has failed to produce proof of the 5793
maintenance of financial responsibility appears in court for a 5794
ticketed violation, the court may permit the defendant to present 5795
evidence of proof of financial responsibility to the court at such 5796
time and in such manner as the court determines to be necessary or 5797
appropriate. In a manner prescribed by the registrar, the clerk of 5798
courts shall provide the registrar with the identity of any person 5799
who fails to submit proof of the maintenance of financial 5800
responsibility pursuant to division (D)(3) of this section. 5801

(b) If a person who has failed to produce proof of the 5802
maintenance of financial responsibility also fails to submit that 5803
proof to the traffic violations bureau with payment of a fine and 5804

costs for the ticketed violation, the traffic violations bureau, 5805
in a manner prescribed by the registrar, shall notify the 5806
registrar of the identity of that person. 5807

(5)(a) Upon receiving notice from a clerk of courts or 5808
traffic violations bureau pursuant to division (D)(4) of this 5809
section, the registrar shall order the suspension of the license 5810
of the person required under division (A)(2)(a), (b), or (c) of 5811
this section and the impoundment of the person's certificate of 5812
registration and license plates required under division (A)(2)(d) 5813
of this section, effective thirty days after the date of the 5814
mailing of notification. The registrar also shall notify the 5815
person that the person must present the registrar with proof of 5816
financial responsibility in accordance with this section, 5817
surrender to the registrar the person's certificate of 5818
registration, license plates, and license, or submit a statement 5819
subject to section 2921.13 of the Revised Code that the person did 5820
not operate or permit the operation of the motor vehicle at the 5821
time of the offense. Notification shall be in writing and shall be 5822
sent to the person at the person's last known address as shown on 5823
the records of the bureau of motor vehicles. The person, within 5824
fifteen days after the date of the mailing of notification, shall 5825
present proof of financial responsibility, surrender the 5826
certificate of registration, license plates, and license to the 5827
registrar in a manner set forth in division (A)(4) of this 5828
section, or submit the statement required under this section 5829
together with other information the person considers appropriate. 5830

If the registrar does not receive proof or the person does 5831
not surrender the certificate of registration, license plates, and 5832
license, in accordance with this division, the registrar shall 5833
permit the order for the suspension of the license of the person 5834
and the impoundment of the person's certificate of registration 5835
and license plates to take effect. 5836

(b) In the case of a person who presents, within the 5837
fifteen-day period, documents to show proof of financial 5838
responsibility, the registrar shall terminate the order of 5839
suspension and the impoundment of the registration and license 5840
plates required under division (A)(2)(d) of this section and shall 5841
send written notification to the person, at the person's last 5842
known address as shown on the records of the bureau. 5843

(c) Any person adversely affected by the order of the 5844
registrar under division (D)(5)(a) or (b) of this section, within 5845
ten days after the issuance of the order, may request an 5846
administrative hearing before the registrar, who shall provide the 5847
person with an opportunity for a hearing in accordance with this 5848
paragraph. A request for a hearing does not operate as a 5849
suspension of the order. The scope of the hearing shall be limited 5850
to whether, at the time of the hearing, the person presents proof 5851
of financial responsibility covering the vehicle and whether the 5852
person is eligible for an exemption in accordance with this 5853
section or any rule adopted under it. The registrar shall 5854
determine the date, time, and place of any hearing; provided, that 5855
the hearing shall be held, and an order issued or findings made, 5856
within thirty days after the registrar receives a request for a 5857
hearing. If requested by the person in writing, the registrar may 5858
designate as the place of hearing the county seat of the county in 5859
which the person resides or a place within fifty miles of the 5860
person's residence. Such person shall pay the cost of the hearing 5861
before the registrar, if the registrar's order of suspension or 5862
impoundment under division (D)(5)(a) or (b) of this section is 5863
upheld. 5864

(6) A peace officer may charge an owner or operator of a 5865
motor vehicle with a violation of section 4510.16 of the Revised 5866
Code when the owner or operator fails to show proof of the 5867
maintenance of financial responsibility pursuant to a peace 5868

officer's request under division (D)(2) of this section, if a 5869
check of the owner or operator's driving record indicates that the 5870
owner or operator, at the time of the operation of the motor 5871
vehicle, is required to file and maintain proof of financial 5872
responsibility under section 4509.45 of the Revised Code for a 5873
previous violation of this chapter. 5874

(7) Any forms used by law enforcement agencies in 5875
administering this section shall be prescribed, supplied, and paid 5876
for by the registrar. 5877

(8) No peace officer, law enforcement agency employing a 5878
peace officer, or political subdivision or governmental agency 5879
that employs a peace officer shall be liable in a civil action for 5880
damages or loss to persons arising out of the performance of any 5881
duty required or authorized by this section. 5882

(9) As used in this division and divisions (E) and (G) of 5883
this section, "peace officer" has the meaning set forth in section 5884
2935.01 of the Revised Code. 5885

(E) All fees, except court costs, fees paid to a deputy 5886
registrar, and those portions of the financial responsibility 5887
reinstatement fees as otherwise specified in this division, 5888
collected under this section shall be paid into the state treasury 5889
to the credit of the ~~financial responsibility compliance fund. The~~ 5890
~~financial responsibility compliance fund shall be~~ state bureau of 5891
motor vehicles fund established in section 4501.25 of the Revised 5892
Code and used exclusively to cover costs incurred by the bureau in 5893
the administration of this section and sections 4503.20, 4507.212, 5894
and 4509.81 of the Revised Code, and by any law enforcement agency 5895
employing any peace officer who returns any license, certificate 5896
of registration, and license plates to the registrar pursuant to 5897
division (C) of this section, ~~except that the director of budget~~ 5898
~~and management may transfer excess money from the financial~~ 5899
~~responsibility compliance fund to the state bureau of motor~~ 5900

~~vehicles fund if the registrar determines that the amount of money 5901
in the financial responsibility compliance fund exceeds the amount 5902
required to cover such costs incurred by the bureau or a law 5903
enforcement agency and requests the director to make the transfer. 5904~~

Of each financial responsibility reinstatement fee the 5905
registrar collects pursuant to division (A)(5)(a) of this section 5906
or receives from a deputy registrar under division (A)(5)(d) of 5907
this section, the registrar shall deposit twenty-five dollars of 5908
each one-hundred-dollar reinstatement fee, fifty dollars of each 5909
three-hundred-dollar reinstatement fee, and one hundred dollars of 5910
each six-hundred-dollar reinstatement fee into the state treasury 5911
to the credit of the indigent defense support fund created by 5912
section 120.08 of the Revised Code. 5913

~~All investment earnings of the financial responsibility 5914
compliance fund shall be credited to the fund. 5915~~

(F) Chapter 119. of the Revised Code applies to this section 5916
only to the extent that any provision in that chapter is not 5917
clearly inconsistent with this section. 5918

(G)(1) The registrar, court, traffic violations bureau, or 5919
peace officer may require proof of financial responsibility to be 5920
demonstrated by use of a standard form prescribed by the 5921
registrar. If the use of a standard form is not required, a person 5922
may demonstrate proof of financial responsibility under this 5923
section by presenting to the traffic violations bureau, court, 5924
registrar, or peace officer any of the following documents or a 5925
copy of the documents: 5926

(a) A financial responsibility identification card as 5927
provided in section 4509.103 of the Revised Code; 5928

(b) A certificate of proof of financial responsibility on a 5929
form provided and approved by the registrar for the filing of an 5930
accident report required to be filed under section 4509.06 of the 5931

Revised Code;	5932
(c) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;	5933 5934 5935 5936
(d) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;	5937 5938
(e) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;	5939 5940
(f) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.	5941 5942
(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.	5943 5944 5945 5946 5947 5948
(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.	5949 5950 5951 5952 5953 5954
(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.	5955 5956 5957 5958 5959 5960
(b) The preparation and delivery of a financial	5961

responsibility identification card or any other document 5962
authorized to be used as proof of financial responsibility under 5963
this division does not do any of the following: 5964

(i) Create any liability or estoppel against an insurer or 5965
surety, or any of its officers, employees, agents, or 5966
representatives; 5967

(ii) Constitute an admission of the existence of, or of any 5968
liability or coverage under, any policy or bond; 5969

(iii) Waive any defenses or counterclaims available to an 5970
insurer, surety, agent, employee, or representative in an action 5971
commenced by an insured or third-party claimant upon a cause of 5972
action alleged to have arisen under an insurance policy or surety 5973
bond or by reason of the preparation and delivery of a document 5974
for use as proof of financial responsibility. 5975

(c) Whenever it is determined by a final judgment in a 5976
judicial proceeding that an insurer or surety, which has been 5977
named on a document accepted by a court or the registrar as proof 5978
of financial responsibility covering the operation of a motor 5979
vehicle at the time of an accident or offense, is not liable to 5980
pay a judgment for injuries or damages resulting from such 5981
operation, the registrar, notwithstanding any previous contrary 5982
finding, shall forthwith suspend the operating privileges and 5983
registration rights of the person against whom the judgment was 5984
rendered as provided in division (A)(2) of this section. 5985

(H) In order for any document described in division (G)(1)(b) 5986
of this section to be used for the demonstration of proof of 5987
financial responsibility under this section, the document shall 5988
state the name of the insured or obligor, the name of the insurer 5989
or surety company, and the effective and expiration dates of the 5990
financial responsibility, and designate by explicit description or 5991
by appropriate reference all motor vehicles covered which may 5992

include a reference to fleet insurance coverage. 5993

(I) For purposes of this section, "owner" does not include a 5994
licensed motor vehicle leasing dealer as defined in section 5995
4517.01 of the Revised Code, but does include a motor vehicle 5996
renting dealer as defined in section 4549.65 of the Revised Code. 5997
Nothing in this section or in section 4509.51 of the Revised Code 5998
shall be construed to prohibit a motor vehicle renting dealer from 5999
entering into a contractual agreement with a person whereby the 6000
person renting the motor vehicle agrees to be solely responsible 6001
for maintaining proof of financial responsibility, in accordance 6002
with this section, with respect to the operation, maintenance, or 6003
use of the motor vehicle during the period of the motor vehicle's 6004
rental. 6005

(J) The purpose of this section is to require the maintenance 6006
of proof of financial responsibility with respect to the operation 6007
of motor vehicles on the highways of this state, so as to minimize 6008
those situations in which persons are not compensated for injuries 6009
and damages sustained in motor vehicle accidents. The general 6010
assembly finds that this section contains reasonable civil 6011
penalties and procedures for achieving this purpose. 6012

(K) Nothing in this section shall be construed to be subject 6013
to section 4509.78 of the Revised Code. 6014

(L)(1) The registrar may terminate any suspension imposed 6015
under this section and not require the owner to comply with 6016
divisions (A)(5)(a), (b), and (c) of this section if the registrar 6017
with or without a hearing determines that the owner of the vehicle 6018
has established by clear and convincing evidence that all of the 6019
following apply: 6020

(a) The owner customarily maintains proof of financial 6021
responsibility. 6022

(b) Proof of financial responsibility was not in effect for 6023

the vehicle on the date in question for one of the following 6024
reasons: 6025

(i) The vehicle was inoperable. 6026

(ii) The vehicle is operated only seasonally, and the date in 6027
question was outside the season of operation. 6028

(iii) A person other than the vehicle owner or driver was at 6029
fault for the lapse of proof of financial responsibility through 6030
no fault of the owner or driver. 6031

(iv) The lapse of proof of financial responsibility was 6032
caused by excusable neglect under circumstances that are not 6033
likely to recur and do not suggest a purpose to evade the 6034
requirements of this chapter. 6035

(2) The registrar may grant an owner or driver relief for a 6036
reason specified in division (L)(1)(b)(i) or (ii) of this section 6037
whenever the owner or driver is randomly selected to verify the 6038
existence of proof of financial responsibility for such a vehicle. 6039
However, the registrar may grant an owner or driver relief for a 6040
reason specified in division (L)(1)(b)(iii) or (iv) of this 6041
section only if the owner or driver has not previously been 6042
granted relief under division (L)(1)(b)(iii) or (iv) of this 6043
section. 6044

(M) The registrar shall adopt rules in accordance with 6045
Chapter 119. of the Revised Code that are necessary to administer 6046
and enforce this section. The rules shall include procedures for 6047
the surrender of license plates upon failure to maintain proof of 6048
financial responsibility and provisions relating to reinstatement 6049
of registration rights, acceptable forms of proof of financial 6050
responsibility, and verification of the existence of financial 6051
responsibility during the period of registration. 6052

Sec. 4509.81. (A) Upon receipt of a notification of violation 6053

as provided in division (C) of section 4509.80 of the Revised Code; upon failure of a timely surrender of the livery license plate sticker as required by division (D) of section 4509.80 of the Revised Code; or if the registrar of motor vehicles, upon receipt of notification from an insurer of the imminent cancellation or termination of coverage required by section 4509.80 of the Revised Code, fails to receive evidence of a continuation or substitution of coverage prior to the cancellation or termination date, the registrar shall order the immediate suspension of the rights of the owner of the chauffeured limousine described in the notice to register the limousine and the impoundment of the certificate of registration and registration plates for the limousine. The registrar shall notify the owner that the owner must surrender the certificate of registration and registration plates to the registrar. The notification shall be in writing and sent to the owner at the owner's last known address as shown in the records of the bureau of motor vehicles. Proceedings under this section are deemed special, summary statutory proceedings.

(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 the registrar, who shall provide the owner with an opportunity for a hearing in accordance with this division. A request for a hearing does not operate as a suspension of the order unless the owner establishes to the satisfaction of the registrar that the operation of the owner's chauffeured limousine will be covered by proof of financial responsibility during the pendency of the appeal. The scope of the hearing shall be limited to whether the owner in fact demonstrated to the registrar proof of financial responsibility in accordance with section 4509.80 of the Revised Code. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held and an order issued or findings made within thirty days after the registrar

receives a request for a hearing. If requested by the owner in 6118
writing, the registrar may designate as the place of hearing the 6119
county seat of the county in which the owner resides or a place 6120
within fifty miles of the owner's residence. The owner shall pay 6121
the cost of the hearing before the registrar, if the registrar's 6122
order of suspension or impoundment is upheld. 6123

(E) Any order of suspension or impoundment issued under this 6124
section may be terminated at any time if the registrar determines 6125
upon a showing of proof of financial responsibility that the owner 6126
of the limousine was in compliance with section 4509.80 of the 6127
Revised Code at the time of the incident that resulted in the 6128
order against the owner. Such a determination may be made without 6129
a hearing. 6130

(F) All fees ~~except the two dollar service fee~~ transmitted to 6131
the registrar by a deputy registrar, that are collected by the 6132
registrar or transmitted to the registrar under this section shall 6133
be paid into the state treasury to the credit of the ~~financial~~ 6134
~~responsibility compliance~~ state bureau of motor vehicles fund 6135
created by section ~~4509.101~~ 4501.25 of the Revised Code. 6136

(G) Chapter 119. of the Revised Code applies to this section 6137
only to the extent that any provision in that chapter is not 6138
clearly inconsistent with this section. 6139

(H)(1) Proof of financial responsibility may be demonstrated 6140
by any of the methods authorized in section 4509.80 of the Revised 6141
Code. 6142

(2) Divisions (G)(4)(a) and (b) of section 4509.101 of the 6143
Revised Code apply to any finding by the registrar under this 6144
section that an owner is covered by proof of financial 6145
responsibility. 6146

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 6147

the Revised Code: 6148

(A) "Vehicle" means every device, including a motorized 6149
bicycle, in, upon, or by which any person or property may be 6150
transported or drawn upon a highway, except that "vehicle" does 6151
not include any motorized wheelchair, any electric personal 6152
assistive mobility device, any device that is moved by power 6153
collected from overhead electric trolley wires or that is used 6154
exclusively upon stationary rails or tracks, or any device, other 6155
than a bicycle, that is moved by human power. 6156

(B) "Motor vehicle" means every vehicle propelled or drawn by 6157
power other than muscular power or power collected from overhead 6158
electric trolley wires, except motorized bicycles, road rollers, 6159
traction engines, power shovels, power cranes, and other equipment 6160
used in construction work and not designed for or employed in 6161
general highway transportation, hole-digging machinery, 6162
well-drilling machinery, ditch-digging machinery, farm machinery, 6163
and trailers designed and used exclusively to transport a boat 6164
between a place of storage and a marina, or in and around a 6165
marina, when drawn or towed on a street or highway for a distance 6166
of no more than ten miles and at a speed of twenty-five miles per 6167
hour or less. 6168

~~(C)(1) Until January 1, 2017, "motorcycle" means every motor 6169
vehicle, other than a tractor, having a seat or saddle for the use 6170
of the operator and designed to travel on not more than three 6171
wheels in contact with the ground, including, but not limited to, 6172
motor vehicles known as "motor driven cycle," "motor scooter," or 6173
"motorcycle" without regard to weight or brake horsepower. 6174~~

~~(2) Effective January 1, 2017, "motorcycle" "Motorcycle" 6175
means every motor vehicle, other than a tractor, having a seat or 6176
saddle for the use of the operator and designed to travel on not 6177
more than three wheels in contact with the ground, including, but 6178
not limited to, motor vehicles known as "motor-driven cycle," 6179~~

"motor scooter," "cab-enclosed motorcycle," or "motorcycle" 6180
without regard to weight or brake horsepower. 6181

(D) "Emergency vehicle" means emergency vehicles of 6182
municipal, township, or county departments or public utility 6183
corporations when identified as such as required by law, the 6184
director of public safety, or local authorities, and motor 6185
vehicles when commandeered by a police officer. 6186

(E) "Public safety vehicle" means any of the following: 6187

(1) Ambulances, including private ambulance companies under 6188
contract to a municipal corporation, township, or county, and 6189
private ambulances and nontransport vehicles bearing license 6190
plates issued under section 4503.49 of the Revised Code; 6191

(2) Motor vehicles used by public law enforcement officers or 6192
other persons sworn to enforce the criminal and traffic laws of 6193
the state; 6194

(3) Any motor vehicle when properly identified as required by 6195
the director of public safety, when used in response to fire 6196
emergency calls or to provide emergency medical service to ill or 6197
injured persons, and when operated by a duly qualified person who 6198
is a member of a volunteer rescue service or a volunteer fire 6199
department, and who is on duty pursuant to the rules or directives 6200
of that service. The state fire marshal shall be designated by the 6201
director of public safety as the certifying agency for all public 6202
safety vehicles described in division (E)(3) of this section. 6203

(4) Vehicles used by fire departments, including motor 6204
vehicles when used by volunteer fire fighters responding to 6205
emergency calls in the fire department service when identified as 6206
required by the director of public safety. 6207

Any vehicle used to transport or provide emergency medical 6208
service to an ill or injured person, when certified as a public 6209
safety vehicle, shall be considered a public safety vehicle when 6210

transporting an ill or injured person to a hospital regardless of 6211
whether such vehicle has already passed a hospital. 6212

(5) Vehicles used by the motor carrier enforcement unit for 6213
the enforcement of orders and rules of the public utilities 6214
commission as specified in section 5503.34 of the Revised Code. 6215

(F) "School bus" means every bus designed for carrying more 6216
than nine passengers that is owned by a public, private, or 6217
governmental agency or institution of learning and operated for 6218
the transportation of children to or from a school session or a 6219
school function, or owned by a private person and operated for 6220
compensation for the transportation of children to or from a 6221
school session or a school function, provided "school bus" does 6222
not include a bus operated by a municipally owned transportation 6223
system, a mass transit company operating exclusively within the 6224
territorial limits of a municipal corporation, or within such 6225
limits and the territorial limits of municipal corporations 6226
immediately contiguous to such municipal corporation, nor a common 6227
passenger carrier certified by the public utilities commission 6228
unless such bus is devoted exclusively to the transportation of 6229
children to and from a school session or a school function, and 6230
"school bus" does not include a van or bus used by a licensed 6231
child day-care center or type A family day-care home to transport 6232
children from the child day-care center or type A family day-care 6233
home to a school if the van or bus does not have more than fifteen 6234
children in the van or bus at any time. 6235

(G) "Bicycle" means every device, other than a device that is 6236
designed solely for use as a play vehicle by a child, that is 6237
propelled solely by human power upon which a person may ride, and 6238
that has two or more wheels, any of which is more than fourteen 6239
inches in diameter. 6240

(H)(1) Until January 1, 2017, "motorized bicycle" means any 6241
vehicle having either two tandem wheels or one wheel in the front 6242

and two wheels in the rear, that is capable of being pedaled and 6243
is equipped with a helper motor of not more than fifty cubic 6244
centimeters piston displacement that produces no more than one 6245
brake horsepower and is capable of propelling the vehicle at a 6246
speed of no greater than twenty miles per hour on a level surface. 6247

(2) Effective January 1, 2017, "motorized bicycle" or "moped" 6248
means any vehicle having either two tandem wheels or one wheel in 6249
the front and two wheels in the rear, that may be pedaled, and 6250
that is equipped with a helper motor of not more than fifty cubic 6251
centimeters piston displacement that produces not more than one 6252
brake horsepower and is capable of propelling the vehicle at a 6253
speed of not greater than twenty miles per hour on a level 6254
surface. 6255

(I) "Commercial tractor" means every motor vehicle having 6256
motive power designed or used for drawing other vehicles and not 6257
so constructed as to carry any load thereon, or designed or used 6258
for drawing other vehicles while carrying a portion of such other 6259
vehicles, or load thereon, or both. 6260

(J) "Agricultural tractor" means every self-propelling 6261
vehicle designed or used for drawing other vehicles or wheeled 6262
machinery but having no provision for carrying loads independently 6263
of such other vehicles, and used principally for agricultural 6264
purposes. 6265

(K) "Truck" means every motor vehicle, except trailers and 6266
semitrailers, designed and used to carry property. 6267

(L) "Bus" means every motor vehicle designed for carrying 6268
more than nine passengers and used for the transportation of 6269
persons other than in a ridesharing arrangement, and every motor 6270
vehicle, automobile for hire, or funeral car, other than a taxicab 6271
or motor vehicle used in a ridesharing arrangement, designed and 6272
used for the transportation of persons for compensation. 6273

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or regulate traffic, or to make arrests for violations of traffic regulations. 6336
6337

(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. 6338
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(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. 6341
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(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. 6344
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(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. 6350
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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively. 6354
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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. 6359
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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. 6362
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(HH) "Through highway" means every street or highway as 6365

provided in section 4511.65 of the Revised Code. 6366

(II) "State highway" means a highway under the jurisdiction 6367
of the department of transportation, outside the limits of 6368
municipal corporations, provided that the authority conferred upon 6369
the director of transportation in section 5511.01 of the Revised 6370
Code to erect state highway route markers and signs directing 6371
traffic shall not be modified by sections 4511.01 to 4511.79 and 6372
4511.99 of the Revised Code. 6373

(JJ) "State route" means every highway that is designated 6374
with an official state route number and so marked. 6375

(KK) "Intersection" means: 6376

(1) The area embraced within the prolongation or connection 6377
of the lateral curb lines, or, if none, the lateral boundary lines 6378
of the roadways of two highways that join one another at, or 6379
approximately at, right angles, or the area within which vehicles 6380
traveling upon different highways that join at any other angle 6381
might come into conflict. The junction of an alley or driveway 6382
with a roadway or highway does not constitute an intersection 6383
unless the roadway or highway at the junction is controlled by a 6384
traffic control device. 6385

(2) If a highway includes two roadways that are thirty feet 6386
or more apart, then every crossing of each roadway of such divided 6387
highway by an intersecting highway constitutes a separate 6388
intersection. If both intersecting highways include two roadways 6389
thirty feet or more apart, then every crossing of any two roadways 6390
of such highways constitutes a separate intersection. 6391

(3) At a location controlled by a traffic control signal, 6392
regardless of the distance between the separate intersections as 6393
described in division (KK)(2) of this section: 6394

(a) If a stop line, yield line, or crosswalk has not been 6395
designated on the roadway within the median between the separate 6396

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

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

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

(LL) "Crosswalk" means:

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

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

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

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

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

more of the frontage for a distance of three hundred feet or more 6427
is occupied by buildings in use for business, and the character of 6428
such territory is indicated by official traffic control devices. 6429

(OO) "Residence district" means the territory, not comprising 6430
a business district, fronting on a street or highway, including 6431
the street or highway, where, for a distance of three hundred feet 6432
or more, the frontage is improved with residences or residences 6433
and buildings in use for business. 6434

(PP) "Urban district" means the territory contiguous to and 6435
including any street or highway which is built up with structures 6436
devoted to business, industry, or dwelling houses situated at 6437
intervals of less than one hundred feet for a distance of a 6438
quarter of a mile or more, and the character of such territory is 6439
indicated by official traffic control devices. 6440

(QQ) "Traffic control device" means a flagger, sign, signal, 6441
marking, or other device used to regulate, warn, or guide traffic, 6442
placed on, over, or adjacent to a street, highway, private road 6443
open to public travel, pedestrian facility, or shared-use path by 6444
authority of a public agency or official having jurisdiction, or, 6445
in the case of a private road open to public travel, by authority 6446
of the private owner or private official having jurisdiction. 6447

(RR) "Traffic control signal" means any highway traffic 6448
signal by which traffic is alternately directed to stop and 6449
permitted to proceed. 6450

(SS) "Railroad sign or signal" means any sign, signal, or 6451
device erected by authority of a public body or official or by a 6452
railroad and intended to give notice of the presence of railroad 6453
tracks or the approach of a railroad train. 6454

(TT) "Traffic" means pedestrians, ridden or herded animals, 6455
vehicles, streetcars, trackless trolleys, and other devices, 6456
either singly or together, while using for purposes of travel any 6457

highway or private road open to public travel. 6458

(UU) "Right-of-way" means either of the following, as the 6459
context requires: 6460

(1) The right of a vehicle, streetcar, trackless trolley, or 6461
pedestrian to proceed uninterruptedly in a lawful manner in the 6462
direction in which it or the individual is moving in preference to 6463
another vehicle, streetcar, trackless trolley, or pedestrian 6464
approaching from a different direction into its or the 6465
individual's path; 6466

(2) A general term denoting land, property, or the interest 6467
therein, usually in the configuration of a strip, acquired for or 6468
devoted to transportation purposes. When used in this context, 6469
right-of-way includes the roadway, shoulders or berm, ditch, and 6470
slopes extending to the right-of-way limits under the control of 6471
the state or local authority. 6472

(VV) "Rural mail delivery vehicle" means every vehicle used 6473
to deliver United States mail on a rural mail delivery route. 6474

(WW) "Funeral escort vehicle" means any motor vehicle, 6475
including a funeral hearse, while used to facilitate the movement 6476
of a funeral procession. 6477

(XX) "Alley" means a street or highway intended to provide 6478
access to the rear or side of lots or buildings in urban districts 6479
and not intended for the purpose of through vehicular traffic, and 6480
includes any street or highway that has been declared an "alley" 6481
by the legislative authority of the municipal corporation in which 6482
such street or highway is located. 6483

(YY) "Freeway" means a divided multi-lane highway for through 6484
traffic with all crossroads separated in grade and with full 6485
control of access. 6486

(ZZ) "Expressway" means a divided arterial highway for 6487

through traffic with full or partial control of access with an 6488
excess of fifty per cent of all crossroads separated in grade. 6489

(AAA) "Thruway" means a through highway whose entire roadway 6490
is reserved for through traffic and on which roadway parking is 6491
prohibited. 6492

(BBB) "Stop intersection" means any intersection at one or 6493
more entrances of which stop signs are erected. 6494

(CCC) "Arterial street" means any United States or state 6495
numbered route, controlled access highway, or other major radial 6496
or circumferential street or highway designated by local 6497
authorities within their respective jurisdictions as part of a 6498
major arterial system of streets or highways. 6499

(DDD) "Ridesharing arrangement" means the transportation of 6500
persons in a motor vehicle where such transportation is incidental 6501
to another purpose of a volunteer driver and includes ridesharing 6502
arrangements known as carpools, vanpools, and buspools. 6503

(EEE) "Motorized wheelchair" means any self-propelled vehicle 6504
designed for, and used by, a handicapped person and that is 6505
incapable of a speed in excess of eight miles per hour. 6506

(FFF) "Child day-care center" and "type A family day-care 6507
home" have the same meanings as in section 5104.01 of the Revised 6508
Code. 6509

(GGG) "Multi-wheel agricultural tractor" means a type of 6510
agricultural tractor that has two or more wheels or tires on each 6511
side of one axle at the rear of the tractor, is designed or used 6512
for drawing other vehicles or wheeled machinery, has no provision 6513
for carrying loads independently of the drawn vehicles or 6514
machinery, and is used principally for agricultural purposes. 6515

(HHH) "Operate" means to cause or have caused movement of a 6516
vehicle, streetcar, or trackless trolley. 6517

(III) "Predicate motor vehicle or traffic offense" means any 6518
of the following: 6519

(1) A violation of section 4511.03, 4511.051, 4511.12, 6520
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 6521
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 6522
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 6523
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 6524
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 6525
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 6526
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 6527
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 6528
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 6529
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 6530

(2) A violation of division (A)(2) of section 4511.17, 6531
divisions (A) to (D) of section 4511.51, or division (A) of 6532
section 4511.74 of the Revised Code; 6533

(3) A violation of any provision of sections 4511.01 to 6534
4511.76 of the Revised Code for which no penalty otherwise is 6535
provided in the section that contains the provision violated; 6536

(4) Until January 1, 2017, a violation of a municipal 6537
ordinance that is substantially similar to any section or 6538
provision set forth or described in division (III)(1), (2), or (3) 6539
of this section; 6540

(5) Effective January 1, 2017, a violation of section 6541
4511.214 of the Revised Code; 6542

(6) Effective January 1, 2017, a violation of a municipal 6543
ordinance that is substantially similar to any section or 6544
provision set forth or described in division (III) (1), (2), (3), 6545
or (5) of this section. 6546

(JJJ) "Road service vehicle" means wreckers, utility repair 6547
vehicles, and state, county, and municipal service vehicles 6548

equipped with visual signals by means of flashing, rotating, or 6549
oscillating lights. 6550

(KKK) "Beacon" means a highway traffic signal with one or 6551
more signal sections that operate in a flashing mode. 6552

(LLL) "Hybrid beacon" means a type of beacon that is 6553
intentionally placed in a dark mode between periods of operation 6554
where no indications are displayed and, when in operation, 6555
displays both steady and flashing traffic control signal 6556
indications. 6557

(MMM) "Highway traffic signal" means a power-operated traffic 6558
control device by which traffic is warned or directed to take some 6559
specific action. "Highway traffic signal" does not include a 6560
power-operated sign, steadily illuminated pavement marker, warning 6561
light, or steady burning electric lamp. 6562

(NNN) "Median" means the area between two roadways of a 6563
divided highway, measured from edge of traveled way to edge of 6564
traveled way, but excluding turn lanes. The width of a median may 6565
be different between intersections, between interchanges, and at 6566
opposite approaches of the same intersection. 6567

(OOO) "Private road open to public travel" means a private 6568
toll road or road, including any adjacent sidewalks that generally 6569
run parallel to the road, within a shopping center, airport, 6570
sports arena, or other similar business or recreation facility 6571
that is privately owned but where the public is allowed to travel 6572
without access restrictions. "Private road open to public travel" 6573
includes a gated toll road but does not include a road within a 6574
private gated property where access is restricted at all times, a 6575
parking area, a driving aisle within a parking area, or a private 6576
grade crossing. 6577

(PPP) "Shared-use path" means a bikeway outside the traveled 6578
way and physically separated from motorized vehicular traffic by 6579

an open space or barrier and either within the highway 6580
right-of-way or within an independent alignment. A shared-use path 6581
also may be used by pedestrians, including skaters, joggers, users 6582
of manual and motorized wheelchairs, and other authorized 6583
motorized and non-motorized users. 6584

(QQQ) "Highway maintenance vehicle" means a vehicle used in 6585
snow and ice removal or road surface maintenance, including a snow 6586
plow, traffic line striper, road sweeper, mowing machine, asphalt 6587
distributing vehicle, or other such vehicle designed for use in 6588
specific highway maintenance activities. 6589

Sec. 4511.351. (A) The department of transportation shall 6590
include sign R4-16 of the federal manual of uniform traffic 6591
control devices that states "keep right except to pass" in the 6592
department's manual for a uniform system of traffic control 6593
devices adopted under section 4511.09 of the Revised Code. 6594

(B) The director of transportation shall erect "keep right 6595
except to pass" signs along the right-hand roadway of a freeway 6596
that consists of at least three lanes and is part of the 6597
interstate system. 6598

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 6599
has the same meaning as given that term in section 4519.01 of the 6600
Revised Code. 6601

(B) No person operating a bicycle shall ride other than upon 6602
or astride the permanent and regular seat attached thereto or 6603
carry any other person upon such bicycle other than upon a firmly 6604
attached and regular seat thereon, and no person shall ride upon a 6605
bicycle other than upon such a firmly attached and regular seat. 6606

No person operating a motorcycle shall ride other than upon 6607
or astride the permanent and regular seat or saddle attached 6608
thereto, or carry any other person upon such motorcycle other than 6609

upon a firmly attached and regular seat or saddle thereon, and no 6610
person shall ride upon a motorcycle other than upon such a firmly 6611
attached and regular seat or saddle. 6612

No person shall ride upon a motorcycle that is equipped with 6613
a saddle other than while sitting astride the saddle, facing 6614
forward, with one leg on each side of the motorcycle. 6615

No person shall ride upon a motorcycle that is equipped with 6616
a seat other than while sitting upon the seat. 6617

No person operating a bicycle shall carry any package, 6618
bundle, or article that prevents the driver from keeping at least 6619
one hand upon the handle bars. 6620

No bicycle or motorcycle shall be used to carry more persons 6621
at one time than the number for which it is designed and equipped, 6622
nor shall any motorcycle be operated on a highway when the handle 6623
bars or grips are more than fifteen inches higher than the seat or 6624
saddle for the operator. 6625

~~No (C)(1) Except as provided in division (C)(3) of this~~ 6626
~~section, no~~ person shall operate or be a passenger on a snowmobile 6627
or motorcycle without using safety glasses or other protective eye 6628
device. ~~No Except as provided in division (C)(3) of this section,~~ 6629
~~no~~ person who is under the age of eighteen years, or who holds a 6630
motorcycle operator's endorsement or license bearing a "novice" 6631
designation that is currently in effect as provided in section 6632
4507.13 of the Revised Code, shall operate a motorcycle on a 6633
highway, or be a passenger on a motorcycle, unless wearing a 6634
protective helmet on the person's head, and no other person shall 6635
be a passenger on a motorcycle operated by such a person unless 6636
similarly wearing a protective helmet. The helmet, safety glasses, 6637
or other protective eye device shall conform with rules adopted by 6638
the director of public safety. The provisions of this paragraph or 6639
a violation thereof shall not be used in the trial of any civil 6640

action. 6641

~~(C)(1) No (2)(a) Except as provided in division (C)(3) of~~ 6642
~~this section, no~~ person shall operate a motorcycle with a valid 6643
temporary instruction permit and temporary instruction permit 6644
identification card issued by the registrar of motor vehicles 6645
pursuant to section 4507.05 of the Revised Code unless the person, 6646
at the time of such operation, is wearing on the person's head a 6647
protective helmet that conforms with rules adopted by the 6648
director. 6649

~~(2)(b)~~ No person shall operate a motorcycle with a valid 6650
temporary instruction permit and temporary instruction permit 6651
identification card issued by the registrar pursuant to section 6652
4507.05 of the Revised Code in any of the following circumstances: 6653

~~(a)(i)~~ At any time when lighted lights are required by 6654
division (A)(1) of section 4513.03 of the Revised Code; 6655

~~(b)(ii)~~ While carrying a passenger; 6656

~~(c)(iii)~~ On any limited access highway. 6657

(3) Divisions (C)(1) and (2)(a) of this section do not apply 6658
to a person who operates or is a passenger in a cab-enclosed 6659
motorcycle when the occupant compartment top is in place enclosing 6660
the occupants. 6661

(D) Nothing in this section shall be construed as prohibiting 6662
the carrying of a child in a seat or trailer that is designed for 6663
carrying children and is firmly attached to the bicycle. 6664

(E) Except as otherwise provided in this division, whoever 6665
violates division (B) or (C)(1) or (2) of this section is guilty 6666
of a minor misdemeanor. If, within one year of the offense, the 6667
offender previously has been convicted of or pleaded guilty to one 6668
predicate motor vehicle or traffic offense, whoever violates 6669
division (B) or (C)(1) or (2) of this section is guilty of a 6670

misdemeanor of the fourth degree. If, within one year of the 6671
offense, the offender previously has been convicted of two or more 6672
predicate motor vehicle or traffic offenses, whoever violates 6673
division (B) or (C)(1) or (2) of this section is guilty of a 6674
misdemeanor of the third degree. 6675

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 6676
roadway where there is an adjacent curb shall be stopped or parked 6677
with the right-hand wheels of the vehicle parallel with and not 6678
more than twelve inches from the right-hand curb, unless it is 6679
impossible to approach so close to the curb; in such case the stop 6680
shall be made as close to the curb as possible and only for the 6681
time necessary to discharge and receive passengers or to load or 6682
unload merchandise. Local authorities by ordinance may permit 6683
angle parking on any roadway under their jurisdiction, except that 6684
angle parking shall not be permitted on a state route within a 6685
municipal corporation unless an unoccupied roadway width of not 6686
less than twenty-five feet is available for free-moving traffic. 6687

(B) Local authorities by ordinance may permit parking of 6688
vehicles with the left-hand wheels adjacent to and within twelve 6689
inches of the left-hand curb of a one-way roadway. 6690

(C)(1)(a) Except as provided in division (C)(1)(b) of this 6691
section, no vehicle or trackless trolley shall be stopped or 6692
parked on a road or highway with the vehicle or trackless trolley 6693
facing in a direction other than the direction of travel on that 6694
side of the road or highway. 6695

(b) The operator of a motorcycle may back the motorcycle into 6696
an angled parking space so that when the motorcycle is parked it 6697
is facing in a direction other than the direction of travel on the 6698
side of the road or highway. 6699

(2) The operator of a motorcycle may back the motorcycle into 6700
a parking space that is located on the side of, and parallel to, a 6701

road or highway. The motorcycle may face any direction when so 6702
parked. Not more than two motorcycles at a time shall be parked in 6703
a parking space as described in division (C)(2) of this section 6704
irrespective of whether or not the space is metered. 6705

(D) Notwithstanding any statute or any rule, resolution, or 6706
ordinance adopted by any local authority, air compressors, 6707
tractors, trucks, and other equipment, while being used in the 6708
construction, reconstruction, installation, repair, or removal of 6709
facilities near, on, over, or under a street or highway, may stop, 6710
stand, or park where necessary in order to perform such work, 6711
provided a flagperson is on duty or warning signs or lights are 6712
displayed as may be prescribed by the director of transportation. 6713

(E) Special parking locations and privileges for persons with 6714
disabilities that limit or impair the ability to walk, also known 6715
as handicapped parking spaces or disability parking spaces, shall 6716
be provided and designated by all political subdivisions and by 6717
the state and all agencies and instrumentalities thereof at all 6718
offices and facilities, where parking is provided, whether owned, 6719
rented, or leased, and at all publicly owned parking garages. The 6720
locations shall be designated through the posting of an elevated 6721
sign, whether permanently affixed or movable, imprinted with the 6722
international symbol of access and shall be reasonably close to 6723
exits, entrances, elevators, and ramps. All elevated signs posted 6724
in accordance with this division and division (C) of section 6725
3781.111 of the Revised Code shall be mounted on a fixed or 6726
movable post, and the distance from the ground to the bottom edge 6727
of the sign shall measure not less than five feet. If a new sign 6728
or a replacement sign designating a special parking location is 6729
posted on or after October 14, 1999, there also shall be affixed 6730
upon the surface of that sign or affixed next to the designating 6731
sign a notice that states the fine applicable for the offense of 6732
parking a motor vehicle in the special designated parking location 6733

if the motor vehicle is not legally entitled to be parked in that 6734
location. 6735

(F)(1)(a) No person shall stop, stand, or park any motor 6736
vehicle at special parking locations provided under division (E) 6737
of this section or at special clearly marked parking locations 6738
provided in or on privately owned parking lots, parking garages, 6739
or other parking areas and designated in accordance with that 6740
division, unless one of the following applies: 6741

~~(a)~~(i) The motor vehicle is being operated by or for the 6742
transport of a person with a disability that limits or impairs the 6743
ability to walk and is displaying a valid removable windshield 6744
placard or special license plates; 6745

~~(b)~~(ii) The motor vehicle is being operated by or for the 6746
transport of a handicapped person and is displaying a parking card 6747
or special handicapped license plates. 6748

~~(2)~~(b) Any motor vehicle that is parked in a special marked 6749
parking location in violation of division (F)(1)(a)(i) or ~~(b)~~(ii) 6750
of this section may be towed or otherwise removed from the parking 6751
location by the law enforcement agency of the political 6752
subdivision in which the parking location is located. A motor 6753
vehicle that is so towed or removed shall not be released to its 6754
owner until the owner presents proof of ownership of the motor 6755
vehicle and pays all towing and storage fees normally imposed by 6756
that political subdivision for towing and storing motor vehicles. 6757
If the motor vehicle is a leased vehicle, it shall not be released 6758
to the lessee until the lessee presents proof that that person is 6759
the lessee of the motor vehicle and pays all towing and storage 6760
fees normally imposed by that political subdivision for towing and 6761
storing motor vehicles. 6762

~~(3)~~(c) If a person is charged with a violation of division 6763
(F)(1)(a)(i) or ~~(b)~~(ii) of this section, it is an affirmative 6764

defense to the charge that the person suffered an injury not more 6765
than seventy-two hours prior to the time the person was issued the 6766
ticket or citation and that, because of the injury, the person 6767
meets at least one of the criteria contained in division (A)(1) of 6768
section 4503.44 of the Revised Code. 6769

(2) No person shall stop, stand, or park any motor vehicle in 6770
an area that is commonly known as an access aisle, which area is 6771
marked by diagonal stripes and is located immediately adjacent to 6772
a special parking location provided under division (E) of this 6773
section or at a special clearly marked parking location provided 6774
in or on a privately owned parking lot, parking garage, or other 6775
parking area and designated in accordance with that division. 6776

(G) When a motor vehicle is being operated by or for the 6777
transport of a person with a disability that limits or impairs the 6778
ability to walk and is displaying a removable windshield placard 6779
or a temporary removable windshield placard or special license 6780
plates, or when a motor vehicle is being operated by or for the 6781
transport of a handicapped person and is displaying a parking card 6782
or special handicapped license plates, the motor vehicle is 6783
permitted to park for a period of two hours in excess of the legal 6784
parking period permitted by local authorities, except where local 6785
ordinances or police rules provide otherwise or where the vehicle 6786
is parked in such a manner as to be clearly a traffic hazard. 6787

(H) No owner of an office, facility, or parking garage where 6788
special parking locations are required to be designated in 6789
accordance with division (E) of this section shall fail to 6790
properly mark the special parking locations in accordance with 6791
that division or fail to maintain the markings of the special 6792
locations, including the erection and maintenance of the fixed or 6793
movable signs. 6794

(I) Nothing in this section shall be construed to require a 6795
person or organization to apply for a removable windshield placard 6796

or special license plates if the parking card or special license
plates issued to the person or organization under prior law have
not expired or been surrendered or revoked.

(J)(1) Whoever violates division (A) or (C) of this section
is guilty of a minor misdemeanor.

(2)(a) Whoever violates division (F)(1)(a)(i) or ~~(b)(ii)~~ of
this section is guilty of a misdemeanor and shall be punished as
provided in division (J)(2)(a) and (b) of this section. Except as
otherwise provided in division (J)(2)(a) of this section, an
offender who violates division (F)(1)(a)(i) or ~~(b)(ii)~~ of this
section shall be fined not less than two hundred fifty nor more
than five hundred dollars. An offender who violates division
(F)(1)(a)(i) or ~~(b)(ii)~~ of this section shall be fined not more
than one hundred dollars if the offender, prior to sentencing,
proves either of the following to the satisfaction of the court:

(i) At the time of the violation of division (F)(1)(a)(i) of
this section, the offender or the person for whose transport the
motor vehicle was being operated had been issued a removable
windshield placard that then was valid or special license plates
that then were valid but the offender or the person neglected to
display the placard or license plates as described in division
(F)(1)(a)(i) of this section.

(ii) At the time of the violation of division
(F)(1)~~(b)~~(a)(ii) of this section, the offender or the person for
whose transport the motor vehicle was being operated had been
issued a parking card that then was valid or special handicapped
license plates that then were valid but the offender or the person
neglected to display the card or license plates as described in
division (F)(1)~~(b)~~(a)(ii) of this section.

(b) In no case shall an offender who violates division
(F)(1)(a)(i) or ~~(b)(ii)~~ of this section be sentenced to any term

of imprisonment. 6828

An arrest or conviction for a violation of division 6829
(F)(1)(a)(~~i~~) or (~~b~~)(ii) of this section does not constitute a 6830
criminal record and need not be reported by the person so arrested 6831
or convicted in response to any inquiries contained in any 6832
application for employment, license, or other right or privilege, 6833
or made in connection with the person's appearance as a witness. 6834

The clerk of the court shall pay every fine collected under 6835
~~division~~ divisions (J)(2) and (3) of this section to the political 6836
subdivision in which the violation occurred. Except as provided in 6837
division (J)(2) of this section, the political subdivision shall 6838
use the fine moneys it receives under ~~division~~ divisions (J)(2) 6839
and (3) of this section to pay the expenses it incurs in complying 6840
with the signage and notice requirements contained in division (E) 6841
of this section. The political subdivision may use up to fifty per 6842
cent of each fine it receives under ~~division~~ divisions (J)(2) and 6843
(3) of this section to pay the costs of educational, advocacy, 6844
support, and assistive technology programs for persons with 6845
disabilities, and for public improvements within the political 6846
subdivision that benefit or assist persons with disabilities, if 6847
governmental agencies or nonprofit organizations offer the 6848
programs. 6849

(3) Whoever violates division (F)(2) of this section shall be 6850
fined not less than two hundred fifty nor more than five hundred 6851
dollars. 6852

In no case shall an offender who violates division (F)(2) of 6853
this section be sentenced to any term of imprisonment. An arrest 6854
or conviction for a violation of division (F)(2) of this section 6855
does not constitute a criminal record and need not be reported by 6856
the person so arrested or convicted in response to any inquiries 6857
contained in any application for employment, license, or other 6858
right or privilege, or made in connection with the person's 6859

appearance as a witness. 6860

(4) Whoever violates division (H) of this section shall be 6861
punished as follows: 6862

(a) Except as otherwise provided in division (J)~~(3)~~(4) of 6863
this section, the offender shall be issued a warning. 6864

(b) If the offender previously has been convicted of or 6865
pleaded guilty to a violation of division (H) of this section or 6866
of a municipal ordinance that is substantially similar to that 6867
division, the offender shall not be issued a warning but shall be 6868
fined not more than twenty-five dollars for each parking location 6869
that is not properly marked or whose markings are not properly 6870
maintained. 6871

(K) As used in this section: 6872

(1) "Handicapped person" means any person who has lost the 6873
use of one or both legs or one or both arms, who is blind, deaf, 6874
or so severely handicapped as to be unable to move without the aid 6875
of crutches or a wheelchair, or whose mobility is restricted by a 6876
permanent cardiovascular, pulmonary, or other handicapping 6877
condition. 6878

(2) "Person with a disability that limits or impairs the 6879
ability to walk" has the same meaning as in section 4503.44 of the 6880
Revised Code. 6881

(3) "Special license plates" and "removable windshield 6882
placard" mean any license plates or removable windshield placard 6883
or temporary removable windshield placard issued under section 6884
4503.41 or 4503.44 of the Revised Code, and also mean any 6885
substantially similar license plates or removable windshield 6886
placard or temporary removable windshield placard issued by a 6887
state, district, country, or sovereignty. 6888

Sec. 4513.263. (A) As used in this section and in section 6889

4513.99 of the Revised Code: 6890

(1) "Automobile" means any commercial tractor, passenger car, 6891
commercial car, or truck that is required to be factory-equipped 6892
with an occupant restraining device for the operator or any 6893
passenger by regulations adopted by the United States secretary of 6894
transportation pursuant to the "National Traffic and Motor Vehicle 6895
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 6896

(2) "Occupant restraining device" means a seat safety belt, 6897
shoulder belt, harness, or other safety device for restraining a 6898
person who is an operator of or passenger in an automobile and 6899
that satisfies the minimum federal vehicle safety standards 6900
established by the United States department of transportation. 6901

(3) "Passenger" means any person in an automobile, other than 6902
its operator, who is occupying a seating position for which an 6903
occupant restraining device is provided. 6904

(4) "Commercial tractor," "passenger car," and "commercial 6905
car" have the same meanings as in section 4501.01 of the Revised 6906
Code. 6907

(5) "Vehicle" and "motor vehicle," as used in the definitions 6908
of the terms set forth in division (A)(4) of this section, have 6909
the same meanings as in section 4511.01 of the Revised Code. 6910

(6) "Tort action" means a civil action for damages for 6911
injury, death, or loss to person or property. "Tort action" 6912
includes a product liability claim, as defined in section 2307.71 6913
of the Revised Code, and an asbestos claim, as defined in section 6914
2307.91 of the Revised Code, but does not include a civil action 6915
for damages for breach of contract or another agreement between 6916
persons. 6917

(B) No person shall do any of the following: 6918

(1) Operate an automobile on any street or highway unless 6919

that person is wearing all of the available elements of a properly
adjusted occupant restraining device, or operate a school bus that
has an occupant restraining device installed for use in its
operator's seat unless that person is wearing all of the available
elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless
each passenger in the automobile who is subject to the requirement
set forth in division (B)(3) of this section is wearing all of the
available elements of a properly adjusted occupant restraining
device;

(3) Occupy, as a passenger, a seating position on the front
seat of an automobile being operated on any street or highway
unless that person is wearing all of the available elements of a
properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all
factory-equipped occupant restraining devices in the taxicab are
maintained in usable form.

(C) Division (B)(3) of this section does not apply to a
person who is required by section 4511.81 of the Revised Code to
be secured in a child restraint device or booster seat. Division
(B)(1) of this section does not apply to a person who is an
employee of the United States postal service or of a newspaper
home delivery service, during any period in which the person is
engaged in the operation of an automobile to deliver mail or
newspapers to addressees. Divisions (B)(1) and (3) of this section
do not apply to a person who has an affidavit signed by a
physician licensed to practice in this state under Chapter 4731.
of the Revised Code or a chiropractor licensed to practice in this
state under Chapter 4734. of the Revised Code that states that the
person has a physical impairment that makes use of an occupant
restraining device impossible or impractical.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) All fines collected for violations of division (B) of this section, or for violations of any ordinance or resolution of a political subdivision that is substantively comparable to that division, shall be forwarded to the treasurer of state for deposit into the state treasury to the credit of the trauma and emergency medical services fund, which is hereby created. In addition, ~~sixty cents of each fee collected under sections 4501.34, 4503.26, 4505.14, 4506.08, 4509.05, and 4519.63 of the Revised Code as specified in those sections, plus~~ the portion of the driver's license reinstatement fee described in division (F)(2)(g) of section 4511.191 of the Revised Code, plus all fees collected under section 4765.11 of the Revised Code, plus all fines imposed under section 4765.55 of the Revised Code, plus the fees and other moneys specified in section 4766.05 of the Revised Code, and plus five per cent of fines and moneys arising from bail forfeitures as directed by section 5503.04 of the Revised Code, also shall be deposited into the trauma and emergency medical services fund. All money deposited into the trauma and emergency medical services fund shall be used by the department of public safety for the administration and operation of the division of emergency medical services and the state board of emergency medical, fire, and

transportation services, and by the state board of emergency 6984
medical, fire, and transportation services to make grants, in 6985
accordance with section 4765.07 of the Revised Code and rules the 6986
board adopts under section 4765.11 of the Revised Code. The 6987
director of budget and management may transfer excess money from 6988
the trauma and emergency medical services fund to the state 6989
highway safety fund if the director of public safety determines 6990
that the amount of money in the trauma and emergency medical 6991
services fund exceeds the amount required to cover such costs 6992
incurred by the emergency medical services agency and the grants 6993
made by the state board of emergency medical, fire, and 6994
transportation services and requests the director of budget and 6995
management to make the transfer. 6996

(F)(1) Subject to division (F)(2) of this section, the 6997
failure of a person to wear all of the available elements of a 6998
properly adjusted occupant restraining device in violation of 6999
division (B)(1) or (3) of this section or the failure of a person 7000
to ensure that each minor who is a passenger of an automobile 7001
being operated by that person is wearing all of the available 7002
elements of a properly adjusted occupant restraining device in 7003
violation of division (B)(2) of this section shall not be 7004
considered or used by the trier of fact in a tort action as 7005
evidence of negligence or contributory negligence. But, the trier 7006
of fact may determine based on evidence admitted consistent with 7007
the Ohio Rules of Evidence that the failure contributed to the 7008
harm alleged in the tort action and may diminish a recovery of 7009
compensatory damages that represents noneconomic loss, as defined 7010
in section 2307.011 of the Revised Code, in a tort action that 7011
could have been recovered but for the plaintiff's failure to wear 7012
all of the available elements of a properly adjusted occupant 7013
restraining device. Evidence of that failure shall not be used as 7014
a basis for a criminal prosecution of the person other than a 7015
prosecution for a violation of this section; and shall not be 7016

admissible as evidence in a criminal action involving the person 7017
other than a prosecution for a violation of this section. 7018

(2) If, at the time of an accident involving a passenger car 7019
equipped with occupant restraining devices, any occupant of the 7020
passenger car who sustained injury or death was not wearing an 7021
available occupant restraining device, was not wearing all of the 7022
available elements of such a device, or was not wearing such a 7023
device as properly adjusted, then, consistent with the Rules of 7024
Evidence, the fact that the occupant was not wearing the available 7025
occupant restraining device, was not wearing all of the available 7026
elements of such a device, or was not wearing such a device as 7027
properly adjusted is admissible in evidence in relation to any 7028
claim for relief in a tort action to the extent that the claim for 7029
relief satisfies all of the following: 7030

(a) It seeks to recover damages for injury or death to the 7031
occupant. 7032

(b) The defendant in question is the manufacturer, designer, 7033
distributor, or seller of the passenger car. 7034

(c) The claim for relief against the defendant in question is 7035
that the injury or death sustained by the occupant was enhanced or 7036
aggravated by some design defect in the passenger car or that the 7037
passenger car was not crashworthy. 7038

(G)(1) Whoever violates division (B)(1) of this section shall 7039
be fined thirty dollars. 7040

(2) Whoever violates division (B)(3) of this section shall be 7041
fined twenty dollars. 7042

(3) Except as otherwise provided in this division, whoever 7043
violates division (B)(4) of this section is guilty of a minor 7044
misdemeanor. If the offender previously has been convicted of or 7045
pleaded guilty to a violation of division (B)(4) of this section, 7046
whoever violates division (B)(4) of this section is guilty of a 7047

misdemeanor of the third degree. 7048

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 7049
police of a municipal corporation, township, or township or joint 7050
police district, within the sheriff's or chief's respective 7051
territorial jurisdiction, upon complaint of any person adversely 7052
affected, may order into storage any motor vehicle, other than an 7053
abandoned junk motor vehicle as defined in section 4513.63 of the 7054
Revised Code, that has been left on private residential or private 7055
agricultural property for at least four hours without the 7056
permission of the person having the right to the possession of the 7057
property. The sheriff or chief of police, upon complaint of the 7058
owner of a repair garage or place of storage, may order into 7059
storage any motor vehicle, other than an abandoned junk motor 7060
vehicle, that has been left at the garage or place of storage for 7061
a longer period than that agreed upon. When ordering a motor 7062
vehicle into storage pursuant to this division, a sheriff or chief 7063
of police may arrange for the removal of the motor vehicle by a 7064
towing service and shall designate a storage facility. 7065

(2) A towing service towing a motor vehicle under division 7066
(A)(1) of this section shall remove the motor vehicle in 7067
accordance with that division. The towing service shall deliver 7068
the motor vehicle to the location designated by the sheriff or 7069
chief of police not more than two hours after the time it is 7070
removed from the private property. 7071

(3) Subject to division (B) of this section, the owner of a 7072
motor vehicle that has been removed pursuant to this division may 7073
recover the vehicle only in accordance with division (D) of this 7074
section. 7075

(4) As used in this section, "private residential property" 7076
means private property on which is located one or more structures 7077
that are used as a home, residence, or sleeping place by one or 7078

more persons, if no more than three separate households are 7079
maintained in the structure or structures. "Private residential 7080
property" does not include any private property on which is 7081
located one or more structures that are used as a home, residence, 7082
or sleeping place by two or more persons, if more than three 7083
separate households are maintained in the structure or structures. 7084

(B) If the owner or operator of a motor vehicle that has been 7085
ordered into storage pursuant to division (A)(1) of this section 7086
arrives after the motor vehicle has been prepared for removal, but 7087
prior to its actual removal from the property, the towing service 7088
shall give the owner or operator oral or written notification at 7089
the time of such arrival that the vehicle owner or operator may 7090
pay a fee of not more than one-half of the fee for the removal of 7091
the motor vehicle under division (D)(1) of this section, in order 7092
to obtain release of the motor vehicle. Upon payment of that fee, 7093
the towing service shall give the vehicle owner or operator a 7094
receipt showing both the full amount normally assessed and the 7095
actual amount received and shall release the motor vehicle to the 7096
owner or operator. Upon its release, the owner or operator 7097
immediately shall move it so that it is not on the private 7098
residential or private agricultural property without the 7099
permission of the person having the right to possession of the 7100
property, or is not at the garage or place of storage without the 7101
permission of the owner, whichever is applicable. 7102

(C)(1) Each county sheriff and each chief of police of a 7103
municipal corporation, township, or township or joint police 7104
district shall maintain a record of motor vehicles that the 7105
sheriff or chief orders into storage pursuant to division (A)(1) 7106
of this section. The record shall include an entry for each such 7107
motor vehicle that identifies the motor vehicle's license number, 7108
make, model, and color, the location from which it was removed, 7109
the date and time of its removal, the telephone number of the 7110

person from whom it may be recovered, and the address of the place 7111
to which it has been taken and from which it may be recovered. A 7112
sheriff or chief of police shall provide any information in the 7113
record that pertains to a particular motor vehicle to any person 7114
who, either in person or pursuant to a telephone call, identifies 7115
self as the owner or operator of the motor vehicle and requests 7116
information pertaining to its location. 7117

(2) Any person who registers a complaint that is the basis of 7118
a sheriff's or police chief's order for the removal and storage of 7119
a motor vehicle under division (A)(1) of this section shall 7120
provide the identity of the law enforcement agency with which the 7121
complaint was registered to any person who identifies self as the 7122
owner or operator of the motor vehicle and requests information 7123
pertaining to its location. 7124

(D)(1) The owner or lienholder of a motor vehicle that is 7125
ordered into storage pursuant to division (A)(1) of this section 7126
may reclaim it upon both of the following: 7127

(a) Payment of the following fees: 7128

(i) Not more than ninety dollars for the removal of the motor 7129
vehicle. However, if the motor vehicle has a manufacturer's gross 7130
vehicle weight rating in excess of ten thousand pounds and is a 7131
truck, bus, or a combination of a commercial tractor and trailer 7132
or semitrailer, not more than one hundred fifty dollars for the 7133
removal. 7134

(ii) Not more than twelve dollars per twenty-four-hour period 7135
for the storage of the motor vehicle. However, if the motor 7136
vehicle has a manufacturer's gross vehicle weight rating in excess 7137
of ten thousand pounds and is a truck, bus, or a combination of a 7138
commercial tractor and trailer or semitrailer, not more than 7139
twenty dollars per twenty-four-hour period for storage. 7140

(b) Presentation of proof of ownership, which may be 7141

evidenced by a certificate of title to the motor vehicle, a 7142
certificate of registration for the motor vehicle, or a lease 7143
agreement. 7144

(2) Upon presentation of proof of ownership as required under 7145
division (D)(1)(b) of this section, the owner of a motor vehicle 7146
that is ordered into storage under division (A)(1) of this section 7147
may retrieve any personal items from the motor vehicle without 7148
retrieving the vehicle and without paying any fee. However, the 7149
owner may not retrieve any personal item that has been determined 7150
by the sheriff or chief of police, as applicable, to be necessary 7151
to a criminal investigation. For purposes of division (D)(2) of 7152
this section, "personal items" do not include any items that are 7153
attached to the motor vehicle. 7154

(3) If a motor vehicle that is ordered into storage pursuant 7155
to division (A)(1) of this section remains unclaimed by the owner 7156
for thirty days, the procedures established by sections 4513.61 7157
and 4513.62 of the Revised Code apply. 7158

(E)(1) No person shall remove, or cause the removal of, any 7159
motor vehicle from any private residential or private agricultural 7160
property other than in accordance with division (A)(1) of this 7161
section or sections 4513.61 to 4513.65 of the Revised Code. 7162

(2) No towing service or storage facility shall fail to 7163
comply with the requirements of this section. 7164

(F) This section does not apply to any private residential or 7165
private agricultural property that is established as a private 7166
tow-away zone in accordance with section 4513.601 of the Revised 7167
Code. 7168

(G) The owner of any towing service or storage facility that 7169
violates division (E) of this section is guilty of a minor 7170
misdemeanor. 7171

Sec. 4513.601. (A) The owner of private property may 7172
establish a private tow-away zone, but may do so only if all of 7173
the following conditions are satisfied: 7174

(1) The owner posts on the owner's property a sign, that is 7175
at least eighteen inches by twenty-four inches in size, that is 7176
visible from all entrances to the property, and that includes all 7177
of the following information: 7178

(a) A statement that the property is a tow-away zone; 7179

(b) A description of persons authorized to park on the 7180
property. If the property is a residential property, the owner of 7181
the private property may include on the sign a statement that only 7182
tenants and guests may park in the private tow-away zone, subject 7183
to the terms of the property owner. If the property is a 7184
commercial property, the owner of the private property may include 7185
on the sign a statement that only customers may park in the 7186
private tow-away zone. In all cases, if it is not apparent which 7187
persons may park in the private tow-away zone, the owner shall 7188
include on the sign the address of the property on which the 7189
private tow-away zone is located or the name of the business that 7190
is located on the property designated as a private tow-away zone. 7191

(c) If the private tow-away zone is not enforceable at all 7192
times, the times during which the parking restrictions are 7193
enforced; 7194

(d) The telephone number and the address of the place from 7195
which a towed vehicle may be recovered at any time during the day 7196
or night; 7197

(e) A statement that the failure to recover a towed vehicle 7198
may result in the loss of title to the vehicle as provided in 7199
division (B) of section 4505.101 of the Revised Code. 7200

Any owner of property that has been established as a private 7201

tow-away zone under section 4513.60 of the Revised Code as that 7202
section existed prior to ~~the effective date of this section~~ March 7203
23, 2015, who does not have a contract with a towing service for 7204
the removal of vehicles from the property may retain existing 7205
private tow-away zone signs that comply with that section for up 7206
to six months after ~~the effective date of this section~~ March 23, 7207
2015. At any time, in order to comply with the requirements of 7208
division (B)(1) of this section, such a property owner may modify 7209
the existing sign by affixing to the existing sign stickers or an 7210
addendum in lieu of replacing the sign. 7211

(2) A towing service ensures that a vehicle towed under this 7212
section is taken to a location from which it may be recovered that 7213
complies with all of the following: 7214

(a) It is located within twenty linear miles of the location 7215
of the private tow-away zone, unless it is not practicable to take 7216
the vehicle to a place of storage within twenty linear miles. 7217

(b) It is well-lighted. 7218

(c) It is on or within a reasonable distance of a regularly 7219
scheduled route of one or more modes of public transportation, if 7220
any public transportation is available in the municipal 7221
corporation or township in which the private tow-away zone is 7222
located. 7223

(B)(1) If a vehicle is parked on private property that is 7224
established as a private tow-away zone in accordance with division 7225
(A) of this section, without the consent of the owner of the 7226
property or in violation of any posted parking condition or 7227
regulation, the owner may cause the removal of the vehicle by a 7228
towing service. The towing service shall remove the vehicle in 7229
accordance with this section. The vehicle owner and the operator 7230
of the vehicle are considered to have consented to the removal and 7231
storage of the vehicle, to the payment of the applicable fees 7232

established under division (G) of this section, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in section 4505.101 of the Revised Code. The owner or lienholder of a vehicle that has been removed under this section, subject to division (C) of this section, may recover the vehicle in accordance with division (G) of this section.

(2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (B) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(C) If the owner or operator of a vehicle that is being removed under authority of division (B) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established under division (G) of this section in order to obtain release of the vehicle. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual 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 7265
tow-away zone established under division (A) of this section. 7266

The towing service shall record the time and date of the 7267
photographs taken under this section. The towing service shall 7268
retain the photographs and the record of the time and date, in 7269
electronic or printed form, for at least thirty days after the 7270
date on which the vehicle is recovered by the owner or lienholder 7271
or at least two years after the date on which the vehicle was 7272
towed, whichever is earlier. 7273

(2) A towing service shall deliver a vehicle towed under 7274
division (B) of this section to the location from which it may be 7275
recovered not more than two hours after the time it was removed 7276
from the private tow-away zone. 7277

(E)(1) If an owner of private property that is established as 7278
a private tow-away zone in accordance with division (A) of this 7279
section causes the removal of a vehicle from that property by a 7280
towing service under division (B) of this section, the towing 7281
service, within two hours of removing the vehicle, shall provide 7282
notice to the sheriff of the county or the police department of 7283
the municipal corporation, township, or township or joint police 7284
district in which the property is located concerning all of the 7285
following: 7286

(a) The vehicle's license number, make, model, and color; 7287

(b) The location from which the vehicle was removed; 7288

(c) The date and time the vehicle was removed; 7289

(d) The telephone number of the person from whom the vehicle 7290
may be recovered; 7291

(e) The address of the place from which the vehicle may be 7292
recovered. 7293

(2) Each county sheriff and each chief of police of a 7294

municipal corporation, township, or township or joint police 7295
district shall maintain a record of any vehicle removed from 7296
private property in the sheriff's or chief's jurisdiction that is 7297
established as a private tow-away zone of which the sheriff or 7298
chief has received notice under this section. The record shall 7299
include all information submitted by the towing service. The 7300
sheriff or chief shall provide any information in the record that 7301
pertains to a particular vehicle to a person who, either in person 7302
or pursuant to a telephone call, identifies self as the owner, 7303
operator, or lienholder of the vehicle and requests information 7304
pertaining to the vehicle. 7305

(F)(1) When a vehicle is removed from private property in 7306
accordance with this section, the owner of the towing service or 7307
storage facility from which the vehicle may be recovered shall 7308
immediately cause a search to be made of the records of the bureau 7309
of motor vehicles to ascertain the identity of the owner and any 7310
lienholder of the motor vehicle. Subject to division (F)(4) of 7311
this section, the owner of the towing service or storage facility 7312
shall send notice to the vehicle owner and any known lienholder as 7313
follows: 7314

(a) Within five business days of removal of the vehicle from 7315
the private tow-away zone, if the vehicle has not yet been 7316
recovered, to the owner's and lienholder's last known address by 7317
certified or express mail with return receipt requested or by a 7318
commercial carrier service utilizing any form of delivery 7319
requiring a signed receipt; 7320

(b) If the vehicle remains unclaimed thirty days after the 7321
first notice is sent, in the manner authorized in division 7322
(F)(1)(a) of this section; 7323

(c) If the vehicle remains unclaimed forty-five days after 7324
the first notice is sent, in the manner authorized in division 7325
(F)(1)(a) of this section. 7326

(2) Sixty days after any notice sent pursuant to division 7327
(F)(1) of this section is received, as evidenced by a receipt 7328
signed by any person, or the towing service or storage facility 7329
has been notified that delivery was not possible, the owner of a 7330
towing service or storage facility, if authorized under division 7331
(B) of section 4505.101 of the Revised Code, may initiate the 7332
process for obtaining a certificate of title to the motor vehicle 7333
as provided in that section. 7334

(3) A towing service or storage facility that does not 7335
receive a signed receipt of notice, or a notification that 7336
delivery was not possible, shall not obtain, and shall not attempt 7337
to obtain, a certificate of title to the motor vehicle under 7338
division (B) of section 4505.101 of the Revised Code. 7339

(4) With respect to a vehicle concerning which a towing 7340
service or storage facility is not eligible to obtain title under 7341
section 4505.101 of the Revised Code, the towing service or 7342
storage facility need only comply with the initial notice required 7343
under division (F)(1)(a) of this section. 7344

(G)(1) The owner or lienholder of a vehicle that is removed 7345
under division (B) of this section may reclaim it upon all of the 7346
following: 7347

(a) Presentation of proof of ownership, which may be 7348
evidenced by a certificate of title to the vehicle, a certificate 7349
of registration for the motor vehicle, or a lease agreement; 7350

(b) Payment of the following fees: 7351

(i) Not more than ninety dollars for the removal of the 7352
vehicle. However, if the vehicle has a manufacturer's gross 7353
vehicle weight rating in excess of ten thousand pounds and is a 7354
truck, bus, or a combination of a commercial tractor and trailer 7355
or semitrailer, not more than one hundred fifty dollars for the 7356
removal. 7357

(ii) Not more than twelve dollars per twenty-four-hour period 7358
for the storage of the vehicle. However, if the vehicle has a 7359
manufacturer's gross vehicle weight rating in excess of ten 7360
thousand pounds and is a truck, bus, or a combination of a 7361
commercial tractor and trailer or semitrailer, not more than 7362
twenty dollars per twenty-four-hour period for storage. 7363

(iii) If notice has been sent to the owner and lienholder as 7364
described in division (F) of this section, a processing fee of 7365
twenty-five dollars. 7366

(2) A towing service or storage facility in possession of a 7367
vehicle that is removed under authority of division (B) of this 7368
section shall show the vehicle owner, operator, or lienholder who 7369
contests the removal of the vehicle all photographs taken under 7370
division (D) of this section. Upon request, the towing service or 7371
storage facility shall provide copies of all photographs in the 7372
medium in which the photographs are stored, whether paper, 7373
electronic, or otherwise. 7374

(3) Upon presentation of proof of ownership, which may be 7375
evidenced by a certificate of title to the vehicle, a certificate 7376
of registration for the motor vehicle, or a lease agreement, the 7377
owner of a vehicle that is removed under authority of division (B) 7378
of this section may retrieve any personal items from the vehicle 7379
without retrieving the vehicle and without paying any fee. For 7380
purposes of division (G)(3) of this section, "personal items" do 7381
not include any items that are attached to the vehicle. 7382

(H) No towing service or storage facility shall remove, or 7383
cause the removal of, any vehicle from private property that is 7384
established as a private tow-away zone under this section, store 7385
such a vehicle other than in accordance with this section, or 7386
otherwise fail to comply with any applicable requirement of this 7387
section. 7388

(I) This section does not affect or limit the operation of 7389
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 7390
as they relate to property other than private property that is 7391
established as a private tow-away zone under division (A) of this 7392
section. 7393

(J) The owner of any towing service or storage facility or 7394
property owner that violates division (H) of this section is 7395
guilty of a minor misdemeanor. 7396

Sec. 4513.61. (A) The sheriff of a county or chief of police 7397
of a municipal corporation, township, or township or joint police 7398
district, within the sheriff's or chief's respective territorial 7399
jurisdiction, or a state highway patrol trooper, upon notification 7400
to the sheriff or chief of police of such action and of the 7401
location of the place of storage, may order into storage any motor 7402
vehicle, including an abandoned junk motor vehicle as defined in 7403
section 4513.63 of the Revised Code, that: 7404

(1) Has come into the possession of the sheriff, chief of 7405
police, or state highway patrol trooper as a result of the 7406
performance of the sheriff's, chief's, or trooper's duties; or 7407

(2) Has been left on a public street or other property open 7408
to the public for purposes of vehicular travel, or upon or within 7409
the right-of-way of any road or highway, for forty-eight hours or 7410
longer without notification to the sheriff or chief of police of 7411
the reasons for leaving the motor vehicle in such place. However, 7412
when such a motor vehicle constitutes an obstruction to traffic it 7413
may be ordered into storage immediately unless either of the 7414
following applies:— 7415

(a) The vehicle was involved in an accident and is subject to 7416
section 4513.66 of the Revised Code; 7417

(b) The vehicle is a commercial motor vehicle. If the vehicle 7418

is a commercial motor vehicle, the sheriff, chief of police, or 7419
state highway patrol trooper shall allow the owner or operator of 7420
the vehicle the opportunity to arrange for the removal of the 7421
motor vehicle within a period of time specified by the sheriff, 7422
chief of police, or state highway patrol trooper. If the sheriff, 7423
chief of police, or state highway patrol trooper determines that 7424
the vehicle cannot be removed within the specified period of time, 7425
the sheriff, chief of police, or state highway patrol trooper 7426
shall order the removal of the vehicle. 7427

Subject to division (C) of this section, the sheriff or chief 7428
of police shall designate the place of storage of any motor 7429
vehicle so ordered removed. 7430

(B) If the sheriff, chief of police, or a state highway 7431
patrol trooper issues an order under division (A) of this section 7432
and arranges for the removal of a motor vehicle by a towing 7433
service, the towing service shall deliver the motor vehicle to the 7434
location designated by the sheriff or chief of police not more 7435
than two hours after the time it is removed. 7436

(C)(1) The sheriff or chief of police immediately shall cause 7437
a search to be made of the records of the bureau of motor vehicles 7438
to ascertain the identity of the owner and any lienholder of a 7439
motor vehicle ordered into storage by the sheriff or chief of 7440
police, or by a state highway patrol trooper. Upon obtaining such 7441
identity, the sheriff or chief of police shall send or cause to be 7442
sent to the owner or lienholder at the owner's or lienholder's 7443
last known address by certified mail with return receipt 7444
requested, notice that informs the owner or lienholder that the 7445
motor vehicle will be declared a nuisance and disposed of if not 7446
claimed within ten days of the date of mailing of the notice. 7447

(2) The owner or lienholder of the motor vehicle may reclaim 7448
the motor vehicle upon payment of any expenses or charges incurred 7449
in its removal and storage, and presentation of proof of 7450

ownership, which may be evidenced by a certificate of title or 7451
memorandum certificate of title to the motor vehicle, a 7452
certificate of registration for the motor vehicle, or a lease 7453
agreement. Upon presentation of proof of ownership evidenced as 7454
provided above, the owner of the motor vehicle also may retrieve 7455
any personal items from the vehicle without retrieving the vehicle 7456
and without paying any fee. However, the owner may not retrieve 7457
any personal item that has been determined by the sheriff, chief 7458
of police, or a state highway patrol trooper, as applicable, to be 7459
necessary to a criminal investigation. For purposes of division 7460
(C)(2) of this section, "personal items" do not include any items 7461
that are attached to the vehicle. 7462

(3) If the owner or lienholder of the motor vehicle reclaims 7463
it after a search of the records of the bureau has been conducted 7464
and after notice has been sent to the owner or lienholder as 7465
described in this section, and the search was conducted by the 7466
owner of the place of storage or the owner's employee, and the 7467
notice was sent to the motor vehicle owner by the owner of the 7468
place of storage or the owner's employee, the owner or lienholder 7469
shall pay to the place of storage a processing fee of twenty-five 7470
dollars, in addition to any expenses or charges incurred in the 7471
removal and storage of the vehicle. 7472

(D) If the owner or lienholder makes no claim to the motor 7473
vehicle within ten days of the date of mailing of the notice, and 7474
if the vehicle is to be disposed of at public auction as provided 7475
in section 4513.62 of the Revised Code, the sheriff or chief of 7476
police, without charge to any party, shall file with the clerk of 7477
courts of the county in which the place of storage is located an 7478
affidavit showing compliance with the requirements of this 7479
section. Upon presentation of the affidavit, the clerk, without 7480
charge, shall issue a salvage certificate of title, free and clear 7481
of all liens and encumbrances, to the sheriff or chief of police. 7482

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.

Sec. 4513.68. (A) ~~Except as provided in division (B) of this section~~ If a towing service is removing a motor vehicle, and the removal was not authorized under section 4513.60, 4513.601, 4513.61, or 4513.66 of the Revised Code, prior to removing a the motor vehicle from an accident scene on any street or highway or any other property open to the public for purposes of vehicular travel or parking, a the towing service shall provide an a written estimate of the price for the removal to the person who was

~~operating operator of~~ the motor vehicle ~~at the time of the~~ 7514
~~accident unless that person the operator~~ is incapacitated, 7515
seriously injured, or otherwise unavailable to accept the 7516
estimate. The towing service shall not submit such an estimate to 7517
~~the any~~ repair facility or storage facility to which the motor 7518
vehicle is transported unless the ~~person who was operating~~ 7519
~~operator of~~ the motor vehicle ~~at the time of the accident~~ meets 7520
one of the conditions specified above. 7521

(B) The towing service shall ensure that any estimate 7522
provided under division (A) of this section includes the fees, 7523
services to be rendered, and destination of the vehicle. 7524

~~(C) Division (A) of this section does not apply if all of the~~ 7525
~~following are applicable:~~ 7526

~~(1) The towing service removes a motor vehicle from an~~ 7527
~~accident scene.~~ 7528

~~(2) The removal is conducted pursuant to a contract between~~ 7529
~~the towing service and the issuer of a policy of motor vehicle~~ 7530
~~insurance covering the motor vehicle.~~ 7531

~~(3) The contract requires the towing service to be paid~~ 7532
~~directly by issuer of the policy.~~ 7533

~~(D)~~ If a towing service fails to provide an a written 7534
estimate ~~at an accident scene~~ as required by this section, the 7535
towing service shall not charge fees for the towing and storage of 7536
the motor vehicle ~~removed from the accident scene~~ that exceed 7537
twenty-five per cent of the fees authorized under division 7538
(G)(1)(b) of section 4513.601 of the Revised Code for a motor 7539
vehicle removed from a private tow-away zone. 7540

~~(E)~~(D) Any storage facility that accepts towed vehicles ~~towed~~ 7541
~~from accident scenes~~ shall conspicuously post a notice at the 7542
entrance to the storage facility that states the limitation on 7543

fees established under division ~~(D)~~(C) of this section. 7544

Sec. 4513.69. (A) The owner of a storage facility shall 7545
ensure that the facility remains open during both of the following 7546
periods of time to allow a vehicle owner or lienholder to retrieve 7547
a vehicle in the possession of the storage facility: 7548

(1) Any time during which a towing service is towing a 7549
vehicle pursuant to section 4513.60, 4513.601, or 4513.61 of the 7550
Revised Code and the vehicle will be held by the storage facility; 7551

(2) Between nine o'clock in the morning and noon on the day 7552
after any day during which the storage facility accepted for 7553
storage a vehicle towed under section 4513.60, 4513.601, or 7554
4513.61 of the Revised Code. 7555

(B)(1) The owner of a storage facility that accepts for 7556
storage vehicles towed under section 4513.60, 4513.601, or 4513.61 7557
of the Revised Code shall ensure that a notice is conspicuously 7558
posted at the entrance to the storage facility that states the 7559
telephone number at which the owner or lienholder of a vehicle may 7560
contact the owner or a representative of the storage facility for 7561
the purpose of retrieving a vehicle when the storage facility is 7562
closed. The owner of the storage facility also shall provide that 7563
telephone number to the sheriff of a county or chief of police of 7564
a municipal corporation, township, or township or joint police 7565
district. The owner of the storage facility shall ensure that a 7566
process is in place for purposes of answering calls at all times 7567
day or night. 7568

(2) After receiving a call from the owner or lienholder of a 7569
vehicle who seeks to recover the vehicle, the owner of the storage 7570
facility shall ensure that, within three hours of receiving the 7571
phone call, a representative of the storage facility is available 7572
to release the vehicle upon being presented with proof of 7573
ownership of the vehicle, which may be evidenced by a certificate 7574

of title to the vehicle, a certificate of registration for the 7575
motor vehicle, or a lease agreement, and payment of an after-hours 7576
vehicle retrieval fee established under section 4921.25 of the 7577
Revised Code and all other applicable fees. 7578

(C) No owner of a storage facility shall fail to comply with 7579
division (A) or (B) of this section. 7580

Sec. 4517.03. (A) A place of business that is used for 7581
selling, displaying, offering for sale, or dealing in motor 7582
vehicles shall be considered as used exclusively for those 7583
purposes even though snowmobiles, farm machinery, outdoor power 7584
equipment, watercraft and related products, or products 7585
manufactured or distributed by a motor vehicle manufacturer with 7586
which the motor vehicle dealer has a franchise agreement are sold 7587
or displayed there, or if repair, accessory, gasoline and oil, 7588
storage, parts, service, or paint departments are maintained 7589
there, or such products or services are provided there, if the 7590
departments are operated or the products or services are provided 7591
for the business of selling, displaying, offering for sale, or 7592
dealing in motor vehicles. Places of business or departments in a 7593
place of business used to dismantle, salvage, or rebuild motor 7594
vehicles by means of using used parts, are not considered as being 7595
maintained for the purpose of assisting or furthering the selling, 7596
displaying, offering for sale, or dealing in motor vehicles. A 7597
place of business shall be considered as used exclusively for 7598
selling, displaying, offering for sale, or dealing in motor 7599
vehicles even though a business owned by a motor vehicle leasing 7600
dealer or a motor vehicle renting dealer is located at the place 7601
of business. 7602

(B)(1)(a) No new motor vehicle dealer shall sell, display, 7603
offer for sale, or deal in motor vehicles at any place except an 7604
established place of business that is used exclusively for the 7605

purpose of selling, displaying, offering for sale, or dealing in 7606
motor vehicles. The place of business shall have space, under 7607
roof, for the display of at least one new motor vehicle. The 7608
established place of business or, if the dealer operates a remote 7609
service facility, the dealer's remote service facility shall have 7610
facilities and space for the inspection, servicing, and repair of 7611
at least one motor vehicle. However a new motor vehicle dealer 7612
selling manufactured or mobile homes is exempt from the 7613
requirement that a place of business have space, under roof, for 7614
the display of at least one new motor vehicle and facilities and 7615
space for the inspection, servicing, and repair of at least one 7616
motor vehicle. 7617

(b) A new motor vehicle dealer does not violate division 7618
(B)(1) of this section if a customer of the new motor vehicle 7619
dealer executes purchase or lease documentation at a location 7620
other than the new motor vehicle dealer's established place of 7621
business. 7622

(c) A commercial transaction involving the sale or lease by a 7623
new motor vehicle dealer of a new or used heavy duty vehicle, as 7624
defined in 49 C.F.R. 523.6, is deemed to have taken place at the 7625
new motor vehicle dealer's established place of business if the 7626
sale or lease is negotiated and the documents are executed at the 7627
customer's business location. 7628

(2) A licensed new motor vehicle dealer may operate a remote 7629
service facility with the consent of the manufacturer and only to 7630
perform repairs, warranty work, recall work, and maintenance on 7631
motor vehicles as part of the dealer's franchised and licensed new 7632
motor vehicle dealership. The remote service facility shall be 7633
included on the new motor vehicle dealer's license and be deemed 7634
to be part of the dealer's licensed location. 7635

(3) No person shall use a remote service facility for 7636
selling, displaying, or offering for sale motor vehicles. 7637

(C) No used motor vehicle dealer shall sell, display, offer for sale, or deal in motor vehicles at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.

(D) No motor vehicle leasing dealer shall make a motor vehicle available for use by another, in the manner described in division (M) of section 4517.01 of the Revised Code, at any place except an established place of business that is used for leasing motor vehicles; except that a motor vehicle leasing dealer who is also a new motor vehicle dealer or used motor vehicle dealer may lease motor vehicles at the same place of business at which the dealer sells, offers for sale, or deals in new or used motor vehicles.

(E) No motor vehicle leasing dealer or motor vehicle renting dealer shall sell a motor vehicle within ninety days after a certificate of title to the motor vehicle is issued to the dealer, except as follows:

(1) A salvage certificate of title may be issued to replace the original certificate of title.

(2) A motor vehicle leasing dealer may sell a motor vehicle to another motor vehicle leasing dealer at the end of a sublease pursuant to that sublease.

(3) A motor vehicle leasing dealer may sell a motor vehicle previously titled to an ultimate purchaser to another licensed motor vehicle dealer.

(4) A motor vehicle leasing dealer may sell a motor vehicle when the motor vehicle has been titled in the dealer's name or in the name of an entity affiliated with the dealer in this state or another state for a cumulative period of ninety days.

(F) No distributor shall distribute new motor vehicles to new

motor vehicle dealers at any place except an established place of 7669
business that is used exclusively for the purpose of distributing 7670
new motor vehicles to new motor vehicle dealers; except that a 7671
distributor who is also a new motor vehicle dealer may distribute 7672
new motor vehicles at the same place of business at which the 7673
distributor sells, displays, offers for sale, or deals in new 7674
motor vehicles. 7675

(G) No person, firm, or corporation that sells, displays, or 7676
offers for sale tent-type fold-out camping trailers is subject to 7677
the requirement that the person's, firm's, or corporation's place 7678
of business be used exclusively for the purpose of selling, 7679
displaying, offering for sale, or dealing in motor vehicles. No 7680
person, firm, or corporation that sells, displays, or offers for 7681
sale tent-type fold-out camping trailers, trailers, semitrailers, 7682
or park trailers is subject to the requirement that the place of 7683
business have space, under roof, for the display of at least one 7684
new motor vehicle and facilities and space for the inspection, 7685
servicing, and repair of at least one motor vehicle. 7686

(H) Nothing in this section shall be construed to prohibit 7687
persons licensed under this chapter from making sales calls. 7688

(I) Whoever violates this section is guilty of a misdemeanor 7689
of the fourth degree. 7690

(J) As used in this section: 7691

(1) "Motor vehicle leasing dealer" has the same meaning as in 7692
section 4517.01 of the Revised Code. 7693

(2) "Motor vehicle renting dealer" has the same meaning as in 7694
section 4549.65 of the Revised Code. 7695

(3) "Watercraft" has the same meaning as in section 1547.01 7696
of the Revised Code. 7697

Sec. 4517.10. At the time the registrar of motor vehicles 7698

grants the application of any person for a license as motor 7699
vehicle dealer, motor vehicle leasing dealer, distributor, motor 7700
vehicle auction owner, or motor vehicle salesperson, the registrar 7701
shall issue to the person a license. The registrar shall prescribe 7702
different forms for the licenses of motor vehicle dealers, motor 7703
vehicle leasing dealers, distributors, motor vehicle auction 7704
owners, and motor vehicle salespersons, and all licenses shall 7705
include the name and post-office address of the person licensed. 7706

The fee for a motor vehicle dealer's license and a motor 7707
vehicle leasing dealer's license shall be fifty dollars. In 7708
addition to the license fee, the registrar shall collect from each 7709
applicant for an initial motor vehicle dealer's license and motor 7710
vehicle leasing dealer's license a separate fee in an amount equal 7711
to the last assessment required by section 4505.181 of the Revised 7712
Code for all motor vehicle dealers and motor vehicle leasing 7713
dealers. The registrar shall deposit the separate fee into the 7714
state treasury to the credit of the title defect ~~rescision~~ 7715
recision fund created in section 1345.52 of the Revised Code. The 7716
fee for a salesperson's license shall be ten dollars. The fee for 7717
a motor vehicle auction owner's license shall be one hundred 7718
dollars for each location. The fee for a distributor's license 7719
shall be one hundred dollars for each distributorship. In all 7720
cases, the fee shall accompany the application for license. 7721

The registrar may require each applicant for a license issued 7722
under this chapter to pay an additional fee, which shall be used 7723
by the registrar to pay the costs of obtaining a record of any 7724
arrests and convictions of the applicant from the Ohio bureau of 7725
identification and investigation. The amount of the fee shall be 7726
equal to that paid by the registrar to obtain such record. 7727

If a motor vehicle dealer or a motor vehicle leasing dealer 7728
has more than one place of business in the county, the dealer 7729
shall make application, in such form as the registrar prescribes, 7730

for a certified copy of the license issued to the dealer for each 7731
place of business operated. In the event of the loss, mutilation, 7732
or destruction of a license issued under sections 4517.01 to 7733
4517.65 of the Revised Code, any licensee may make application to 7734
the registrar, in such form as the registrar prescribes, for a 7735
duplicate copy thereof. The fee for a certified or duplicate copy 7736
of a motor vehicle dealer's, motor vehicle leasing dealer's, 7737
distributor's, or auction owner's license, is two dollars, and the 7738
fee for a duplicate copy of a salesperson's license is one dollar. 7739
All fees for such copies shall accompany the applications. 7740

Beginning on September 16, 2004, all motor vehicle dealers' 7741
licenses, motor vehicle leasing dealers' licenses, distributors' 7742
licenses, auction owners' licenses, and all salespersons' licenses 7743
issued or renewed shall expire biennially on a day within the 7744
two-year cycle that is prescribed by the registrar, unless sooner 7745
suspended or revoked. Before the first day after the day 7746
prescribed by the registrar in the year that the license expires, 7747
each licensed motor vehicle dealer, motor vehicle leasing dealer, 7748
distributor, and auction owner and each licensed salesperson, in 7749
the year in which the license will expire, shall file an 7750
application, in such form as the registrar prescribes, for the 7751
renewal of such license. The fee for renewing a motor vehicle 7752
dealer's license and a motor vehicle leasing dealer's license 7753
shall be fifty dollars. The fee for renewing a salesperson's 7754
license shall be ten dollars. The fee for renewing a motor vehicle 7755
auction owner's license shall be one hundred dollars for each 7756
location. The fee for renewing a distributor's license shall be 7757
one hundred dollars for each distributorship. In all cases the 7758
license renewal fee shall accompany the renewal application. 7759

Any salesperson's license shall be suspended upon the 7760
termination, suspension, or revocation of the license of the motor 7761
vehicle dealer for whom the salesperson is acting, or upon the 7762

salesperson leaving the service of the motor vehicle dealer; 7763
provided that upon the termination, suspension, or revocation of 7764
the license of the motor vehicle dealer for whom the salesperson 7765
is acting, or upon the salesperson leaving the service of a 7766
licensed motor vehicle dealer, the licensed salesperson, upon 7767
entering the service of any other licensed motor vehicle dealer, 7768
shall make application to the registrar, in such form as the 7769
registrar prescribes, to have the salesperson's license 7770
reinstated, transferred, and registered as a salesperson for the 7771
other dealer. If the information contained in the application is 7772
satisfactory to the registrar, the registrar shall have the 7773
salesperson's license reinstated, transferred, and registered as a 7774
salesperson for the other dealer. The fee for the reinstatement 7775
and transfer of license shall be two dollars. No license issued to 7776
a motor vehicle dealer, motor vehicle leasing dealer, auction 7777
owner, or salesperson, under sections 4517.01 to 4517.65 of the 7778
Revised Code shall be transferable to any other person. 7779

Each motor vehicle dealer, motor vehicle leasing dealer, 7780
distributor, and auction owner shall keep the dealer's or auction 7781
owner's license or a certified copy thereof ~~and, in the case of a~~ 7782
~~dealer, a current list of the dealer's licensed salespersons,~~ 7783
~~showing the names, addresses, and serial numbers of their~~ 7784
~~licenses,~~ posted in a conspicuous place in each place of business. 7785
A dealer shall keep a current list of the dealer's licensed 7786
salespersons, showing the names, addresses, and serial numbers of 7787
their licenses and shall make the list available upon request. 7788
Each salesperson shall ~~carry~~ keep the salesperson's license or a 7789
certified copy thereof at the salesperson's place of business and 7790
shall ~~exhibit~~ provide such license or copy upon demand to any 7791
inspector of the bureau of motor vehicles, state highway patrol 7792
trooper, police officer, or person with whom the salesperson seeks 7793
to transact business as a motor vehicle salesperson. 7794

The notice of refusal to grant a license shall disclose the 7795
reason for refusal. 7796

Sec. 4519.63. (A) The registrar of motor vehicles or the 7797
clerk of the court of common pleas, upon the application of any 7798
person and payment of the proper fee, may prepare and furnish 7799
title information regarding off-highway motorcycles and 7800
all-purpose vehicles in the form and subject to any territorial 7801
division or other classification as they may direct. The registrar 7802
or the clerk may search the records of the bureau of motor 7803
vehicles regarding off-highway motorcycles and all-purpose 7804
vehicles and furnish reports of those records under the signature 7805
of the registrar or the clerk. 7806

(B)(1) Fees for lists containing title information shall be 7807
charged and collected as follows: 7808

(a) For lists containing three thousand titles or more, 7809
twenty-five dollars per thousand or part thereof; 7810

(b) For each report of a search of the records, ~~two dollars~~ 7811
~~per copy except that on and after October 1, 2009, the fee shall~~ 7812
~~be~~ is five dollars per copy. The registrar and clerk may certify 7813
copies of records generated by an automated title processing 7814
system. 7815

(2) A copy of any such report shall be taken as prima-facie 7816
evidence of the facts therein stated in any court of the state. 7817
The registrar and the clerk shall furnish information on any title 7818
without charge to state highway patrol troopers, sheriffs, chiefs 7819
of police, or the attorney general. The clerk also may provide a 7820
copy of a certificate of title to a public agency without charge. 7821

(C)(1) Those fees collected by the registrar as provided in 7822
division (B)(1)(a) of this section shall be paid to the treasurer 7823
of state to the credit of the state bureau of motor vehicles fund 7824

established in section 4501.25 of the Revised Code. Those fees 7825
collected by the clerk as provided in division (B)(1)(a) of this 7826
section shall be paid to the certificate of title administration 7827
fund created by section 325.33 of the Revised Code. 7828

~~(2) Prior to October 1, 2009, the registrar shall pay those 7829
fees the registrar collects under division (B)(1)(b) of this 7830
section into the state treasury to the credit of the state bureau 7831
of motor vehicles fund established in section 4501.25 of the 7832
Revised Code. Prior to October 1, 2009, the clerk shall pay those 7833
fees the clerk collects under division (B)(1)(b) of this section 7834
to the certificate of title administration fund created by section 7835
325.33 of the Revised Code. 7836~~

~~(3) On and after October 1, 2009, the The registrar shall pay 7837
two dollars of each five-dollar fee the registrar collects under 7838
division (B)(1)(b) of this section into the state treasury to the 7839
credit of the state bureau of motor vehicles fund established in 7840
section 4501.25 of the Revised Code. ~~Of the remaining three 7841
dollars of each such fee the registrar collects, the registrar 7842
shall deposit sixty cents into the state treasury to the credit of 7843
the trauma and emergency medical services fund established in 7844
section 4513.263 of the Revised Code, sixty cents into the state 7845
treasury to the credit of the homeland security fund established 7846
under section 5502.03 of the Revised Code, thirty cents into the 7847
state treasury to the credit of the investigations fund 7848
established in section 5502.131 of the Revised Code, one dollar 7849
and twenty five cents into the state treasury to the credit of the 7850
emergency management agency service and reimbursement fund 7851
established in section 5502.39 of the Revised Code, and 7852
twenty five cents into the state treasury to the credit of the 7853
justice program services fund established in section 5502.67 of 7854
the Revised Code. 7855~~~~

~~(4) On and after October 1, 2009, the (3) The clerk of the 7856~~

court of common pleas shall retain two dollars of each fee the 7857
clerk collects under division (B)(1)(b) of this section and 7858
deposit that two dollars into the certificate of title 7859
administration fund created by section 325.33 of the Revised Code. 7860
The clerk shall forward the remaining three dollars to the 7861
registrar not later than the fifth day of the month next 7862
succeeding that in which the transaction occurred. ~~Of that~~ 7863
~~remaining three dollars, the~~ The registrar shall deposit ~~sixty~~ 7864
~~cents~~ the three-dollar portion of each fee into the state treasury 7865
to the credit of the ~~trauma and emergency medical services state~~ 7866
bureau of motor vehicles fund established in section ~~4513.263~~ 7867
4501.25 of the Revised Code, ~~sixty cents into the state treasury~~ 7868
~~to the credit of the homeland security fund established under~~ 7869
~~section 5502.03 of the Revised Code, thirty cents into the state~~ 7870
~~treasury to the credit of the investigations fund established in~~ 7871
~~section 5502.131 of the Revised Code, one dollar and twenty five~~ 7872
~~cents into the state treasury to the credit of the emergency~~ 7873
~~management agency service and reimbursement fund established in~~ 7874
~~section 5502.39 of the Revised Code, and twenty five cents into~~ 7875
~~the state treasury to the credit of the justice program services~~ 7876
~~fund established in section 5502.67 of the Revised Code.~~ 7877

Sec. 4582.06. (A) A port authority created in accordance with 7878
section 4582.02 of the Revised Code may: 7879

(1) Acquire, construct, furnish, equip, maintain, repair, 7880
sell, exchange, lease to or from, lease with an option to 7881
purchase, convey other interests in, or operate real or personal 7882
property, or any combination thereof, related to, useful for, or 7883
in furtherance of any authorized purpose, and make charges for the 7884
use of any port authority facility, which shall be not less than 7885
the charges established for the same services furnished by a 7886
public utility or common carrier in the jurisdiction of the 7887
particular port authority; 7888

(2) Straighten, deepen, and improve any canal, channel, 7889
river, stream, or other water course or way that may be necessary 7890
or proper in the development of the facilities of the port 7891
authority; 7892

(3) Issue bonds or notes for the acquisition, construction, 7893
furnishing, or equipping of any real or personal property, or any 7894
combination thereof, related to, useful for, or in furtherance of 7895
any authorized purpose, in compliance with Chapter 133. of the 7896
Revised Code, except that the bonds or notes only may be issued 7897
pursuant to a vote of the electors residing within the territory 7898
of the port authority. The net indebtedness incurred by a port 7899
authority shall never exceed two per cent of the total value of 7900
all property within the territory comprising the authority as 7901
listed and assessed for taxation. 7902

(4) By resolution of its board of directors, issue revenue 7903
bonds beyond the limit of bonded indebtedness provided by law, for 7904
the acquisition, construction, furnishing, or equipping of any 7905
real or personal property, or any combination thereof, related to, 7906
useful for, or in furtherance of any authorized purpose, including 7907
all costs in connection with or incidental thereto. 7908

The revenue bonds of the port authority shall be secured only 7909
by a pledge of and a lien on the revenues of the port authority 7910
derived from those loan payments, rentals, fees, charges, or other 7911
revenues that are designated in the resolution, including, but not 7912
limited to, any property to be acquired, constructed, furnished, 7913
or equipped with the proceeds of the bond issue, after provision 7914
only for the reasonable cost of operating, maintaining, and 7915
repairing the property of the port authority so designated. The 7916
bonds may further be secured by the covenant of the port authority 7917
to maintain rates or charges that will produce revenues sufficient 7918
to meet the costs of operating, maintaining, and repairing such 7919
property and to meet the interest and principal requirements of 7920

the bonds and to establish and maintain reserves for the foregoing 7921
purposes. The board of directors, by resolution, may provide for 7922
the issuance of additional revenue bonds from time to time, to be 7923
secured equally and ratably, without preference, priority, or 7924
distinction, with outstanding revenue bonds, but subject to the 7925
terms and limitations of any trust agreement described in this 7926
section, and of any resolution authorizing bonds then outstanding. 7927
The board of directors, by resolution, may designate additional 7928
property of the port authority, the revenues of which shall be 7929
pledged and be subject to a lien for the payment of the debt 7930
charges on revenue bonds theretofore authorized by resolution of 7931
the board of directors, to the same extent as the revenues above 7932
described. 7933

In the discretion of the board of directors, the revenue 7934
bonds of the port authority may be secured by a trust agreement 7935
between the board of directors on behalf of the port authority and 7936
a corporate trustee, that may be any trust company or bank having 7937
powers of a trust company, within or without the state. 7938

The trust agreement may provide for the pledge or assignment 7939
of the revenues to be received, but shall not pledge the general 7940
credit and taxing power of the port authority. A trust agreement 7941
securing revenue bonds issued to acquire, construct, furnish, or 7942
equip real property, plants, factories, offices, and other 7943
structures and facilities for authorized purposes consistent with 7944
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 7945
the real or personal property, or a combination thereof, to be 7946
acquired, constructed, furnished, or equipped from the proceeds of 7947
such revenue bonds, as further security for the bonds. The trust 7948
agreement or the resolution providing for the issuance of revenue 7949
bonds may set forth the rights and remedies of the bondholders and 7950
trustee, and may contain other provisions for protecting and 7951
enforcing their rights and remedies that are determined in the 7952

discretion of the board of directors to be reasonable and proper. 7953
The agreement or resolution may provide for the custody, 7954
investment, and disbursement of all moneys derived from the sale 7955
of such bonds, or from the revenues of the port authority, other 7956
than those moneys received from taxes levied pursuant to section 7957
4582.14 of the Revised Code, and may provide for the deposit of 7958
such funds without regard to section 4582.15 of the Revised Code. 7959

All bonds issued under authority of this chapter, regardless 7960
of form or terms and regardless of any other law to the contrary, 7961
shall have all qualities and incidents of negotiable instruments, 7962
subject to provisions for registration, and may be issued in 7963
coupon, fully registered, or other form, or any combination 7964
thereof, as the board of directors determines. Provision may be 7965
made for the registration of any coupon bonds as to principal 7966
alone or as to both principal and interest, and for the conversion 7967
into coupon bonds of any fully registered bonds or bonds 7968
registered as to both principal and interest. 7969

The revenue bonds shall bear interest at such rate or rates, 7970
shall bear such date or dates, and shall mature within forty-five 7971
years following the date of issuance and in such amount, at such 7972
time or times, and in such number of installments, as may be 7973
provided in or pursuant to the resolution authorizing their 7974
issuance. The final maturity of any original issue of revenue 7975
bonds shall not be later than forty-five years from their date of 7976
issue. Such resolution also shall provide for the execution of the 7977
bonds, which may be by facsimile signatures unless prohibited by 7978
the resolution, and the manner of sale of the bonds. The 7979
resolution shall provide for, or provide for the determination of, 7980
any other terms and conditions relative to the issuance, sale, and 7981
retirement of the bonds that the board of directors in its 7982
discretion determines to be reasonable and proper. 7983

Whenever a port authority considers it expedient, it may 7984

issue renewal notes and refund any bonds, whether the bonds to be 7985
refunded have or have not matured. The final maturity of any 7986
notes, including any renewal notes, shall not be later than five 7987
years from the date of issue of the original issue of notes. The 7988
final maturity of any refunding bonds shall not be later than the 7989
later of forty-five years from the date of issue of the original 7990
issue of bonds. The refunding bonds shall be sold and the proceeds 7991
applied to the purchase, redemption, or payment of the bonds to be 7992
refunded and the costs of issuance of the refunding bonds. The 7993
bonds and notes issued under this chapter, their transfer, and the 7994
income therefrom, shall at all times be free from taxation within 7995
the state. 7996

(5) Do any of the following, in regard to any interests in 7997
any real or personal property, or any combination thereof, 7998
including, without limitation, machinery, equipment, plants, 7999
factories, offices, and other structures and facilities related 8000
to, useful for, or in furtherance of any authorized purpose, for 8001
such consideration and in such manner, consistent with Article 8002
VIII, Ohio Constitution, as the board in its sole discretion may 8003
determine: 8004

(a) Loan moneys to any person or governmental entity for the 8005
acquisition, construction, furnishing, and equipping of the 8006
property; 8007

(b) Acquire, construct, maintain, repair, furnish, and equip 8008
the property; 8009

(c) Sell to, exchange with, lease, convey other interests in, 8010
or lease with an option to purchase the same or any lesser 8011
interest in the property to the same or any other person or 8012
governmental entity; 8013

(d) Guarantee the obligations of any person or governmental 8014
entity. 8015

A port authority may accept and hold as consideration for the 8016
conveyance of property or any interest therein such property or 8017
interests therein as the board in its discretion may determine, 8018
notwithstanding any restrictions that apply to the investment of 8019
funds by a port authority. 8020

(6) Construct, maintain, repair, furnish, equip, sell, 8021
exchange, lease, or lease with an option to purchase, any property 8022
that it is authorized to acquire. A port authority that is subject 8023
to this section also may operate any property in connection with 8024
transportation, recreational, governmental operations, or cultural 8025
activities. 8026

(a) Any purchase, exchange, sale, lease, lease with an option 8027
to purchase, conveyance of other interests in, or other contract 8028
with a person or governmental entity that pertains to the 8029
acquisition, construction, maintenance, repair, furnishing, 8030
equipping, or operation of any real or personal property, or any 8031
combination thereof, related to, useful for, or in furtherance of 8032
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 8033
Constitution, shall be made in such manner and subject to such 8034
terms and conditions as may be determined by the board of 8035
directors in its discretion. 8036

(b) Division (A)(6)(a) of this section applies to all 8037
contracts that are subject to the division, notwithstanding any 8038
other provision of law that might otherwise apply, including, 8039
without limitation, any requirement of notice, any requirement of 8040
competitive bidding or selection, or any requirement for the 8041
provision of security. 8042

(c) Divisions (A)(6)(a) and (b) of this section do not apply 8043
to either of the following: 8044

(i) Any contract secured by or to be paid from moneys raised 8045
by taxation or the proceeds of obligations secured by a pledge of 8046

moneys raised by taxation; 8047

(ii) Any contract secured exclusively by or to be paid 8048
exclusively from the general revenues of the port authority. For 8049
the purposes of this section, any revenues derived by the port 8050
authority under a lease or other agreement that, by its terms, 8051
contemplates the use of amounts payable under the agreement either 8052
to pay the costs of the improvement that is the subject of the 8053
contract or to secure obligations of the port authority issued to 8054
finance costs of such improvement, are excluded from general 8055
revenues. 8056

(7) Apply to the proper authorities of the United States 8057
pursuant to appropriate law for the right to establish, operate, 8058
and maintain foreign trade zones and to establish, operate, and 8059
maintain foreign trade zones; and to acquire land or property 8060
therefor, in a manner consistent with section 4582.17 of the 8061
Revised Code; 8062

(8) Exercise the right of eminent domain to appropriate any 8063
land, rights, rights-of-way, franchises, easements, or other 8064
property, necessary or proper for any authorized purpose, pursuant 8065
to the procedure provided in sections 163.01 to 163.22 of the 8066
Revised Code, if funds equal to the appraised value of the 8067
property to be acquired as a result of such proceedings are 8068
available for that purpose, except that nothing contained in 8069
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 8070
port authority to take or disturb property or facilities belonging 8071
to any agency or political subdivision of this state, public 8072
utility, or common carrier, which property or facilities are 8073
necessary and convenient in the operation of the agency or 8074
political subdivision, public utility, or common carrier, unless 8075
provision is made for the restoration, relocation, or duplication 8076
of the property or facilities, or upon the election of the agency 8077
or political subdivision, public utility, or common carrier, for 8078

the payment of compensation, if any, at the sole cost of the port authority, provided that:

(a) If any restoration or duplication proposed to be made pursuant to this section involves a relocation of such property or facilities, the new facilities and location shall be of at least comparable utilitarian value and effectiveness, and the relocation shall not impair the ability of the public utility or common carrier to compete in its original area of operation.

(b) If any restoration or duplication made pursuant to this section involves a relocation of such property or facilities, the port authority shall acquire no interest or right in or to the appropriated property or facilities, except as provided in division (A)(11) of this section, until the relocated property or facilities are available for use and until marketable title thereto has been transferred to the public utility or common carrier.

(c) Provisions for restoration or duplication shall be described in detail in the resolution for appropriation passed by the port authority.

(9) Enjoy and possess the same rights, privileges, and powers granted municipal corporations under sections 721.04 to 721.11 of the Revised Code;

(10) Maintain such funds as it considers necessary;

(11) Direct its agents or employees, when properly identified in writing, and after at least five days' written notice, to enter upon lands within the confines of its jurisdiction in order to make surveys and examinations preliminary to location and construction of works for the purposes of the port authority, without liability of the port authority or its agents or employees except for actual damage done;

(12) Sell, lease, or convey other interests in real and

personal property and grant easements or rights-of-way over 8110
property of the port authority. The board of directors shall 8111
specify the consideration and any terms thereof for the sale, 8112
lease, or conveyance of other interests in real and personal 8113
property. Any determinations made by the board of directors under 8114
this division shall be conclusive. The sale, lease, or conveyance 8115
may be made without advertising and the receipt of bids. 8116

(13) Promote, advertise, and publicize the port authority 8117
facilities and its authorized purposes, provide information to 8118
persons with an interest in transportation and other port 8119
authority activities, and appear before rate-making authorities to 8120
represent and promote the interests of the port authority and its 8121
authorized purposes; 8122

(14) Adopt rules, not in conflict with general law, governing 8123
the use of and the safeguarding of its property, grounds, 8124
buildings, equipment, and facilities, safeguarding persons and 8125
their property located on or in port authority property, and 8126
governing the conduct of its employees and the public, in order to 8127
promote the public safety and convenience in and about its 8128
terminals and grounds, and to maintain order. Any such regulation 8129
shall be posted at no less than five public places in the port 8130
authority, as determined by the board of directors, for a period 8131
of not fewer than fifteen days, and shall be available for public 8132
inspection at the principal office of the port authority during 8133
regular business hours. No person shall violate any lawful 8134
regulation adopted and posted as provided in this division. 8135

(15) Establish and administer one or more payment card 8136
programs for purposes of paying expenses related to port authority 8137
business. Any obligation incurred as a result of the use of such a 8138
payment card shall be paid from port authority funds. 8139

(16) Do all acts necessary or appropriate to carry out its 8140
authorized purposes. The port authority shall have the powers and 8141

rights granted to other subdivisions under section 9.20 of the Revised Code. 8142
8143

(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. 8144
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8146
8147

(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor. 8148
8149

Sec. 4582.31. (A) A port authority created in accordance with section 4582.22 of the Revised Code may: 8150
8151

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 8152
8153

(2) Adopt an official seal; 8154

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require; 8155
8156

(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; 8157
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(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; 8164
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8166

(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; 8167
8168
8169

(7) Issue bonds or notes for the acquisition, construction, 8170

furnishing, or equipping of any port authority facility or other 8171
permanent improvement that a port authority is authorized to 8172
acquire, construct, furnish, or equip, in compliance with Chapter 8173
133. of the Revised Code, except that such bonds or notes may only 8174
be issued pursuant to a vote of the electors residing within the 8175
area of jurisdiction of the port authority. The net indebtedness 8176
incurred by a port authority shall never exceed two per cent of 8177
the total value of all property within the territory comprising 8178
the port authority as listed and assessed for taxation. 8179

(8) Issue port authority revenue bonds beyond the limit of 8180
bonded indebtedness provided by law, payable solely from revenues 8181
as provided in section 4582.48 of the Revised Code, for the 8182
purpose of providing funds to pay the costs of any port authority 8183
facility or facilities or parts thereof; 8184

(9) Apply to the proper authorities of the United States 8185
pursuant to appropriate law for the right to establish, operate, 8186
and maintain foreign trade zones and establish, operate, and 8187
maintain foreign trade zones and to acquire, exchange, sell, lease 8188
to or from, lease with an option to purchase, or operate 8189
facilities, land, or property therefor in accordance with the 8190
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 8191
81u; 8192

(10) Enjoy and possess the same rights, privileges, and 8193
powers granted municipal corporations under sections 721.04 to 8194
721.11 of the Revised Code; 8195

(11) Maintain such funds as it considers necessary; 8196

(12) Direct its agents or employees, when properly identified 8197
in writing, and after at least five days' written notice, to enter 8198
upon lands within the confines of its jurisdiction in order to 8199
make surveys and examinations preliminary to location and 8200
construction of works for the purposes of the port authority, 8201

without liability of the port authority or its agents or employees 8202
except for actual damage done; 8203

(13) Promote, advertise, and publicize the port authority and 8204
its facilities; provide information to shippers and other 8205
commercial interests; and appear before rate-making authorities to 8206
represent and promote the interests of the port authority; 8207

(14) Adopt rules, not in conflict with general law, it finds 8208
necessary or incidental to the performance of its duties and the 8209
execution of its powers under sections 4582.21 to 4582.54 of the 8210
Revised Code. Any such rule shall be posted at no less than five 8211
public places in the port authority, as determined by the board of 8212
directors, for a period of not fewer than fifteen days, and shall 8213
be available for public inspection at the principal office of the 8214
port authority during regular business hours. No person shall 8215
violate any lawful rule adopted and posted as provided in this 8216
division. 8217

(15) Do any of the following, in regard to any interests in 8218
any real or personal property, or any combination thereof, 8219
including, without limitation, machinery, equipment, plants, 8220
factories, offices, and other structures and facilities related 8221
to, useful for, or in furtherance of any authorized purpose, for 8222
such consideration and in such manner, consistent with Article 8223
VIII of the Ohio Constitution, as the board in its sole discretion 8224
may determine: 8225

(a) Loan moneys to any person or governmental entity for the 8226
acquisition, construction, furnishing, and equipping of the 8227
property; 8228

(b) Acquire, construct, maintain, repair, furnish, and equip 8229
the property; 8230

(c) Sell to, exchange with, lease, convey other interests in, 8231
or lease with an option to purchase the same or any lesser 8232

interest in the property to the same or any other person or 8233
governmental entity; 8234

(d) Guarantee the obligations of any person or governmental 8235
entity. 8236

A port authority may accept and hold as consideration for the 8237
conveyance of property or any interest therein such property or 8238
interests therein as the board in its discretion may determine, 8239
notwithstanding any restrictions that apply to the investment of 8240
funds by a port authority. 8241

(16) Sell, lease, or convey other interests in real and 8242
personal property, and grant easements or rights-of-way over 8243
property of the port authority. The board of directors shall 8244
specify the consideration and any terms for the sale, lease, or 8245
conveyance of other interests in real and personal property. Any 8246
determination made by the board under this division shall be 8247
conclusive. The sale, lease, or conveyance may be made without 8248
advertising and the receipt of bids. 8249

(17) Exercise the right of eminent domain to appropriate any 8250
land, rights, rights-of-way, franchises, easements, or other 8251
property, necessary or proper for any authorized purpose, pursuant 8252
to the procedure provided in sections 163.01 to 163.22 of the 8253
Revised Code, if funds equal to the appraised value of the 8254
property to be acquired as a result of such proceedings are 8255
available for that purpose. However, nothing contained in sections 8256
4582.201 to 4582.59 of the Revised Code shall authorize a port 8257
authority to take or disturb property or facilities belonging to 8258
any agency or political subdivision of this state, public utility, 8259
cable operator, or common carrier, which property or facilities 8260
are necessary and convenient in the operation of the agency or 8261
political subdivision, public utility, cable operator, or common 8262
carrier, unless provision is made for the restoration, relocation, 8263
or duplication of such property or facilities, or upon the 8264

election of the agency or political subdivision, public utility, 8265
cable operator, or common carrier, for the payment of 8266
compensation, if any, at the sole cost of the port authority, 8267
provided that: 8268

(a) If any restoration or duplication proposed to be made 8269
under this section involves a relocation of the property or 8270
facilities, the new facilities and location shall be of at least 8271
comparable utilitarian value and effectiveness and shall not 8272
impair the ability of the public utility, cable operator, or 8273
common carrier to compete in its original area of operation; 8274

(b) If any restoration or duplication made under this section 8275
involves a relocation of the property or facilities, the port 8276
authority shall acquire no interest or right in or to the 8277
appropriated property or facilities, except as provided in 8278
division (A)(15) of this section, until the relocated property or 8279
facilities are available for use and until marketable title 8280
thereto has been transferred to the public utility, cable 8281
operator, or common carrier. 8282

As used in division (A)(17) of this section, "cable operator" 8283
has the same meaning as in the "Cable Communications Policy Act of 8284
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 8285
amended by the "Telecommunications Act of 1996," Pub. L. No. 8286
104-104, 110 Stat. 56. 8287

(18)(a) Make and enter into all contracts and agreements and 8288
execute all instruments necessary or incidental to the performance 8289
of its duties and the execution of its powers under sections 8290
4582.21 to 4582.59 of the Revised Code. 8291

(b)(i) Except as provided in division (A)(18)(c) of this 8292
section or except when the port authority elects to construct a 8293
building, structure, or other improvement pursuant to a contract 8294
made with a construction manager at risk under sections 9.33 to 8295

9.335 of the Revised Code or with a design-build firm under 8296
section 153.65 to 153.73 of the Revised Code, when the cost of a 8297
contract for the construction of any building, structure, or other 8298
improvement undertaken by a port authority involves an expenditure 8299
exceeding the higher of one hundred thousand dollars or the amount 8300
as adjusted under division (A)(18)(b)(ii) of this section, and the 8301
port authority is the contracting entity, the port authority shall 8302
make a written contract after notice calling for bids for the 8303
award of the contract has been given by publication twice, with at 8304
least seven days between publications, in a newspaper of general 8305
circulation in the area of the port authority or as provided in 8306
section 7.16 of the Revised Code. Each such contract shall be let 8307
to the lowest responsive and responsible bidder in accordance with 8308
section 9.312 of the Revised Code. Every contract shall be 8309
accompanied by or shall refer to plans and specifications for the 8310
work to be done, prepared for and approved by the port authority, 8311
signed by an authorized officer of the port authority and by the 8312
contractor, and shall be executed in triplicate. 8313

Each bid shall be awarded in accordance with sections 153.54, 8314
153.57, and 153.571 of the Revised Code. The port authority may 8315
reject any and all bids. 8316

(ii) On January 1, 2012, and the first day of January of 8317
every even-numbered year thereafter, the director of commerce 8318
shall adjust the threshold level for contracts subject to the 8319
bidding requirements contained in division (A)(18)(b)(i) of this 8320
section. The director shall adjust this amount according to the 8321
average increase for each of the two years immediately preceding 8322
the adjustment as set forth in the producer price index for 8323
material and supply inputs for new nonresidential construction as 8324
determined by the bureau of labor statistics of the United States 8325
department of labor or, if that index no longer is published, a 8326
generally available comparable index. If there is no resulting 8327

increase, the threshold shall remain the same until the next 8328
scheduled adjustment on the first day of January of the next 8329
even-numbered year. 8330

(c) The board of directors by rule may provide criteria for 8331
the negotiation and award without competitive bidding of any 8332
contract as to which the port authority is the contracting entity 8333
for the construction of any building or structure or other 8334
improvement under any of the following circumstances: 8335

(i) There exists a real and present emergency that threatens 8336
damage or injury to persons or property of the port authority or 8337
other persons, provided that a statement specifying the nature of 8338
the emergency that is the basis for the negotiation and award of a 8339
contract without competitive bidding shall be signed by the 8340
officer of the port authority that executes that contract at the 8341
time of the contract's execution and shall be attached to the 8342
contract. 8343

(ii) A commonly recognized industry or other standard or 8344
specification does not exist and cannot objectively be articulated 8345
for the improvement. 8346

(iii) The contract is for any energy conservation measure as 8347
defined in section 307.041 of the Revised Code. 8348

(iv) With respect to material to be incorporated into the 8349
improvement, only a single source or supplier exists for the 8350
material. 8351

(v) A single bid is received by the port authority after 8352
complying with the provisions of division (A)(18)(b) of this 8353
section. 8354

(d)(i) If a contract is to be negotiated and awarded without 8355
competitive bidding for the reason set forth in division 8356
(A)(18)(c)(ii) of this section, the port authority shall publish a 8357
notice calling for technical proposals twice, with at least seven 8358

days between publications, in a newspaper of general circulation 8359
in the area of the port authority or as provided in section 7.16 8360
of the Revised Code. After receipt of the technical proposals, the 8361
port authority may negotiate with and award a contract for the 8362
improvement to the proposer making the proposal considered to be 8363
the most advantageous to the port authority. 8364

(ii) If a contract is to be negotiated and awarded without 8365
competitive bidding for the reason set forth in division 8366
(A)(18)(c)(iv) of this section, any construction activities 8367
related to the incorporation of the material into the improvement 8368
also may be provided without competitive bidding by the source or 8369
supplier of that material. 8370

(e)(i) Any purchase, exchange, sale, lease, lease with an 8371
option to purchase, conveyance of other interests in, or other 8372
contract with a person or governmental entity that pertains to the 8373
acquisition, construction, maintenance, repair, furnishing, 8374
equipping, or operation of any real or personal property, or any 8375
combination thereof, related to, useful for, or in furtherance of 8376
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 8377
Constitution, shall be made in such manner and subject to such 8378
terms and conditions as may be determined by the board of 8379
directors in its discretion. 8380

(ii) Division (A)(18)(e)(i) of this section applies to all 8381
contracts that are subject to the division, notwithstanding any 8382
other provision of law that might otherwise apply, including, 8383
without limitation, any requirement of notice, any requirement of 8384
competitive bidding or selection, or any requirement for the 8385
provision of security. 8386

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 8387
apply to either of the following: any contract secured by or to be 8388
paid from moneys raised by taxation or the proceeds of obligations 8389
secured by a pledge of moneys raised by taxation; or any contract 8390

secured exclusively by or to be paid exclusively from the general 8391
revenues of the port authority. For the purposes of this section, 8392
any revenues derived by the port authority under a lease or other 8393
agreement that, by its terms, contemplates the use of amounts 8394
payable under the agreement either to pay the costs of the 8395
improvement that is the subject of the contract or to secure 8396
obligations of the port authority issued to finance costs of such 8397
improvement, are excluded from general revenues. 8398

(19) Employ managers, superintendents, and other employees 8399
and retain or contract with consulting engineers, financial 8400
consultants, accounting experts, architects, attorneys, and any 8401
other consultants and independent contractors as are necessary in 8402
its judgment to carry out this chapter, and fix the compensation 8403
thereof. All expenses thereof shall be payable from any available 8404
funds of the port authority or from funds appropriated for that 8405
purpose by a political subdivision creating or participating in 8406
the creation of the port authority. 8407

(20) Receive and accept from any state or federal agency 8408
grants and loans for or in aid of the construction of any port 8409
authority facility or for research and development with respect to 8410
port authority facilities, and receive and accept aid or 8411
contributions from any source of money, property, labor, or other 8412
things of value, to be held, used, and applied only for the 8413
purposes for which the grants and contributions are made; 8414

(21) Engage in research and development with respect to port 8415
authority facilities; 8416

(22) Purchase fire and extended coverage and liability 8417
insurance for any port authority facility and for the principal 8418
office and branch offices of the port authority, insurance 8419
protecting the port authority and its officers and employees 8420
against liability for damage to property or injury to or death of 8421
persons arising from its operations, and any other insurance the 8422

port authority may agree to provide under any resolution 8423
authorizing its port authority revenue bonds or in any trust 8424
agreement securing the same; 8425

(23) Charge, alter, and collect rentals and other charges for 8426
the use or services of any port authority facility as provided in 8427
section 4582.43 of the Revised Code; 8428

(24) Provide coverage for its employees under Chapters 145., 8429
4123., and 4141. of the Revised Code; 8430

(25) Establish and administer one or more payment card 8431
programs for purposes of paying expenses related to port authority 8432
business. Any obligation incurred as a result of the use of such a 8433
payment card shall be paid from port authority funds. 8434

(26) Do all acts necessary or proper to carry out the powers 8435
expressly granted in sections 4582.21 to 4582.59 of the Revised 8436
Code. 8437

(B) Any instrument by which real property is acquired 8438
pursuant to this section shall identify the agency of the state 8439
that has the use and benefit of the real property as specified in 8440
section 5301.012 of the Revised Code. 8441

(C) Whoever violates division (A)(14) of this section is 8442
guilty of a minor misdemeanor. 8443

Sec. 4749.07. (A) After refund of any license fees as 8444
required by section 4749.03 of the Revised Code, the department of 8445
public safety shall pay all fees and penalties received pursuant 8446
to this chapter to the treasurer of state, to be credited to the 8447
private investigator and security guard provider fund, which is 8448
hereby created. 8449

(B) Moneys received in payment of fines levied pursuant to 8450
section 4749.99 of the Revised Code shall be distributed as 8451
follows: 8452

(1) One-third to the general fund of the municipal corporation or township in which the prosecution occurs; 8453
8454

(2) One-third to the general fund of the county in which the prosecution occurs; 8455
8456

(3) One-third to the private investigator and security guard provider fund. 8457
8458

Sec. 5501.08. The department of transportation, in order to 8459
assist in statewide strategic transportation planning, shall 8460
develop metrics that allow the comparison of data across 8461
transportation modes and that also incorporate the full spectrum 8462
of state strategic transportation goals, including all of the 8463
following: 8464

(A) Anticipated future costs of maintaining infrastructure in 8465
acceptable condition, both short-term and long-term; 8466

(B) Short-term economic impact, one to five years, and 8467
long-term economic impact, thirty years and longer; 8468

(C) Economic impact on a region's future rate of job growth 8469
and job retention; 8470

(D) Motorist, bicyclist, and pedestrian counts, and number of 8471
accidents by mode. 8472

Sec. 5501.491. There is hereby created the department of 8473
transportation Ohio bridge partnership program. Under the program, 8474
the department shall work with counties and local jurisdictions 8475
to, at the discretion of the director of transportation, either 8476
pay the full cost of, or match local expenditures with regard to, 8477
the rehabilitation or reconstruction of selected bridges that are 8478
located on county roads or within municipal corporations and are 8479
owned by a county or municipal corporation, as applicable. The 8480
program also shall apply to embankments, drainage, and other 8481

issues related to a subject bridge. The director shall confer with 8482
the appropriate county or municipal corporation officials in 8483
determining what bridges will be part of the program. A bridge 8484
must meet all of the following criteria in order to be eligible 8485
for the program: 8486

(A) The bridge must be not less than twenty feet in length. 8487

(B) The bridge must be "structurally deficient" in that the 8488
bridge, while safe for use, is in need of repair. 8489

(C) The bridge must be open currently and be carrying 8490
vehicular traffic. 8491

Sec. 5501.55. (A) The department of transportation is the 8492
designated state agency responsible for overseeing the safety 8493
practices of rail fixed guideway systems and the administration of 8494
49 U.S.C. 5329 and 5330. The director of transportation shall 8495
develop any guidelines necessary to oversee the safety practices 8496
of rail fixed guideway systems that are consistent with the 8497
federal act and rules adopted thereunder. 8498

(B) In accordance with guidelines developed by the director, 8499
the department shall do all of the following: 8500

(1) Establish a safety program ~~plan~~ documentation standard 8501
for transit agencies operating ~~a~~, implementing, or significantly 8502
enhancing an applicable rail fixed guideway system within the 8503
state; 8504

(2) ~~Adopt~~ Oversee adoption of standards and oversee 8505
enforcement of laws for the personal safety and security of 8506
passengers and employees of rail fixed guideway systems; 8507

(3) Review and approve or disapprove the annual internal 8508
safety audit conducted by a transit agency under section 5501.56 8509
of the Revised Code; 8510

(4) Periodically, conduct an on-site safety review of each transit agency safety program based on the agency's safety program documentation and make recommendations ~~based on the review of~~ for changes or enhancements to the ~~system~~ transit agency safety program plan;

(5)(a) Establish procedures for the investigation of accidents and ~~unacceptable~~ hazardous conditions, and for coordinating and addressing immediate conditions at a transit agency, as defined in the guidelines developed by the director;

(b) Investigate accidents and ~~unacceptable~~ hazardous conditions at transit agencies;

(c) Approve or disapprove any corrective action plan of a transit agency intended to minimize, control, correct, or eliminate any investigated hazard;

(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.

(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;

(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.

(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.

(D)(1) Reports of any investigation or audit conducted by the

department, a transit agency operating a rail fixed guideway 8541
system, or a contractor acting on behalf of the department or such 8542
a transit agency are confidential and are not subject to 8543
disclosure, inspection, or copying under section 149.43 of the 8544
Revised Code. Information contained in investigative files shall 8545
be disclosed only at the discretion of the director or as 8546
otherwise provided in this section. 8547

(2) Reports of any investigation or audit conducted by the 8548
department, a transit agency operating a rail fixed guideway 8549
system, or a contractor acting on behalf of the department or such 8550
a transit agency shall not be admitted in evidence or used for any 8551
purpose in any action or proceeding arising out of any matter 8552
referred to in the investigation or audit, except in actions or 8553
proceedings instituted by the state or by the department on behalf 8554
of the state, nor shall any member of the department or its 8555
employees, a transit agency acting on behalf of the department, or 8556
a contractor acting on behalf of the department or such a transit 8557
agency be required to testify to any facts ascertained in, or 8558
information obtained by reason of, the person's official capacity, 8559
or to testify as an expert witness in any action or proceeding 8560
involving or pertaining to rail fixed guideway systems to which 8561
the state is not a party. 8562

(E) In accordance with the guidelines developed by the 8563
director, the department may establish such programs, procedures, 8564
and administrative mandates as may be necessary to carry out its 8565
duties under this section and section 5501.56 of the Revised Code 8566
and 49 U.S.C. 5329 and 5330 and the rules adopted ~~under it~~ 8567
thereunder. 8568

(F) As used in this section and in section 5501.56 of the 8569
Revised Code: 8570

(1) "Rail fixed guideway system" means any light, heavy, or 8571
rapid rail system, monorail, inclined plane, funicular, trolley, 8572

or automated guideway that is included in the federal transit 8573
administration's calculation of fixed guideway route miles or 8574
receives funding for urbanized areas under 49 U.S.C. 5336 and is 8575
not regulated by the federal railroad administration. 8576

(2) "Transit agency" means an entity operating a rail fixed 8577
guideway system. 8578

Sec. 5501.56. (A) Each transit agency shall do all of the 8579
following: 8580

(1) Develop a system safety program ~~plan~~ documentation that 8581
complies with the safety program ~~plan~~ documentation standards 8582
adopted by the department of transportation under section 5501.55 8583
of the Revised Code and includes standards and laws for the 8584
personal safety and security of passengers and employees; 8585

(2) Conduct an annual internal safety audit and submit the 8586
audit to the department for input and approval; 8587

(3) Report accidents and ~~unacceptable~~ hazardous conditions, 8588
as defined in the guidelines developed by the director of 8589
transportation under section 5501.55 of the Revised Code, to the 8590
department within a time period specified by the department; 8591

(4) Minimize, control, correct, or eliminate any identified 8592
and investigated ~~unacceptable~~ hazardous condition within a time 8593
period specified by the department and in accordance with a plan 8594
approved by the department; 8595

(5) Provide all necessary assistance to the department as 8596
required to allow the department to conduct or participate in 8597
appropriate on-site investigations of accidents and ~~unacceptable~~ 8598
hazardous conditions or audits at the transit ~~system~~ agency. 8599

(B) Any part of a transit agency's system safety program ~~plan~~ 8600
that concerns security for the system is confidential and is not 8601
subject to disclosure, inspection, or copying under section 149.43 8602

of the Revised Code. Security information shall be disclosed only 8603
at the discretion of the director or as otherwise provided in 8604
section 5501.55 of the Revised Code. 8605

Sec. 5502.03. (A) There is hereby created in the department 8606
of public safety a division of homeland security. 8607

(B) The division shall do all of the following: 8608

(1) Coordinate all homeland security activities of all state 8609
agencies and be the liaison between state agencies and local 8610
entities for the purposes of communicating homeland security 8611
funding and policy initiatives; 8612

(2) Collect, analyze, maintain, and disseminate information 8613
to support local, state, and federal law enforcement agencies, 8614
other government agencies, and private organizations in detecting, 8615
deterring, preventing, preparing for, responding to, and 8616
recovering from threatened or actual terrorist events. This 8617
information is not a public record pursuant to section 149.43 of 8618
the Revised Code. 8619

(3) Coordinate efforts of state and local governments and 8620
private organizations to enhance the security and protection of 8621
critical infrastructure, including casino facilities, and key 8622
assets in this state; 8623

(4) Develop and coordinate policies, protocols, and 8624
strategies that may be used to prevent, detect, prepare for, 8625
respond to, and recover from terrorist acts or threats; 8626

(5) Develop, update, and coordinate the implementation of an 8627
Ohio homeland security strategic plan that will guide state and 8628
local governments in the achievement of homeland security in this 8629
state. 8630

(C) The director of public safety shall appoint an executive 8631
director, who shall be head of the division of homeland security 8632

and who regularly shall advise the governor and the director on 8633
matters pertaining to homeland security. The executive director 8634
shall serve at the pleasure of the director of public safety. To 8635
carry out the duties assigned under this section, the executive 8636
director, subject to the direction and control of the director of 8637
public safety, may appoint and maintain necessary staff and may 8638
enter into any necessary agreements. 8639

(D) Except as otherwise provided by law, nothing in this 8640
section shall be construed to give the director of public safety 8641
or the executive director of the division of homeland security 8642
authority over the incident management structure or 8643
responsibilities of local emergency response personnel. 8644

~~(E) There is hereby created in the state treasury the 8645
homeland security fund. The fund shall consist of sixty cents of 8646
each fee collected under sections 4501.34, 4503.26, 4506.08, and 8647
4509.05 of the Revised Code as specified in those sections, plus 8648
on and after October 1, 2009, sixty cents of each fee collected 8649
under sections 4505.14 and 4519.63 of the Revised Code as 8650
specified in those sections. The fund shall be used to pay the 8651
expenses of administering the law relative to the powers and 8652
duties of the executive director of the division of homeland 8653
security, except that the director of budget and management may 8654
transfer excess money from the homeland security fund to the state 8655
highway safety fund if the director of public safety determines 8656
that the amount of money in the homeland security fund exceeds the 8657
amount required to cover such costs incurred by the division of 8658
homeland security and requests the director of budget and 8659
management to make the transfer. 8660~~

Sec. 5502.39. There is hereby created in the state treasury 8661
the emergency management agency service and reimbursement fund. 8662
The fund shall consist of ~~one dollar and twenty five cents of each~~ 8663

~~fee collected under sections 4501.34, 4503.26, 4506.08, and 8664~~
~~4509.05 of the Revised Code as specified in those sections, plus 8665~~
~~on and after October 1, 2009, one dollar and twenty five cents of 8666~~
~~each fee collected under sections 4505.14 and 4519.63 of the 8667~~
~~Revised Code as specified in those sections, and the money 8668~~
collected under sections 5502.21 to 5502.38 of the Revised Code. 8669
All money in the fund shall be used to pay the costs of 8670
administering programs of the emergency management agency, ~~except 8671~~
~~that the director of budget and management may transfer excess 8672~~
~~money from the emergency management agency service and 8673~~
~~reimbursement fund to the state highway safety fund if the 8674~~
~~director of public safety determines that the amount of money in 8675~~
~~the emergency management agency service and reimbursement fund 8676~~
~~exceeds the amount required to cover such costs incurred by the 8677~~
~~emergency management agency and requests the director of budget 8678~~
~~and management to make the transfer. 8679~~

Sec. 5502.67. There is hereby created in the state treasury 8680
the justice program services fund. The fund shall consist of the 8681
court costs designated for the fund pursuant to section 2949.094 8682
of the Revised Code, ~~twenty five cents of each fee collected under 8683~~
~~sections 4501.34, 4503.26, 4506.08, and 4509.05 of the Revised 8684~~
~~Code as specified in those sections, plus on and after October 1, 8685~~
~~2009, twenty five cents of each fee collected under sections 8686~~
~~4505.14 and 4519.63 of the Revised Code as specified in those 8687~~
~~sections, and all money collected by the division of criminal 8688~~
justice services for nonfederal purposes, including subscription 8689
fees for participating in the Ohio incident-based reporting system 8690
under division (C) of section 5502.62 of the Revised Code, unless 8691
otherwise designated by law. The justice program services fund 8692
shall be used to pay costs of administering the operations of the 8693
division of criminal justice services, ~~except that the director of 8694~~

~~budget and management may transfer excess money from the justice 8695
program services fund to the state highway safety fund if the 8696
director of public safety determines that the amount of money in 8697
the justice program services fund exceeds the amount required to 8698
cover such costs incurred by the office of criminal justice 8699
services and requests the director of budget and management to 8700
make the transfer. 8701~~

Sec. 5516.15. Any fees or fines collected under this chapter 8702
shall be deposited into the state treasury to the credit of the 8703
highway operating fund created in section 5735.291 of the Revised 8704
Code to be used by the director of transportation solely for 8705
purposes of enforcing and administering the requirements 8706
established under this chapter. 8707

Sec. 5528.31. Notes as used in section 5528.30 and this 8708
section of the Revised Code includes notes issued in anticipation 8709
of the issuance of bonds, which notes may be renewed from time to 8710
time, and which renewal notes and bonds issued to fund other 8711
obligations, shall not be counted against the aggregate principal 8712
amount of highway obligations which may be issued in any calendar 8713
year or which may be outstanding at any one time under authority 8714
of Section 2i of Article VIII, Ohio Constitution. 8715

If notes are issued in anticipation of bonds, the 8716
commissioners of the sinking fund shall issue bonds to retire such 8717
notes at their maturity unless the commissioners have provided for 8718
such retirement from the proceeds of renewal notes issued in 8719
anticipation of bonds, ~~or moneys to be available on the maturity 8720
date in the highway obligations bond retirement fund created by 8721
section 5528.32 of the Revised Code, or both. So long as any notes 8722
are outstanding and while any bonds are outstanding there shall be 8723
paid annually into the highway obligations bond retirement fund 8724
from the excises, taxes, and fees authorized for payment of 8725~~

~~highway obligations at least two and one half per cent of the 8726
total amount of such notes or bonds and such amounts paid with 8727
respect to such notes or bonds in anticipation of which such notes 8728
have been issued shall be used only for the payment of principal 8729
of such notes or of bonds in anticipation of which such notes have 8730
been issued, and such amounts paid with respect to bonds for which 8731
anticipatory notes have not been issued shall be used only for the 8732
payment of principal of bonds, but provided that such annual 8733
payments shall be fixed so that the total amount thereof shall be 8734
sufficient to provide for the retirement of such notes or bonds 8735
within a period of thirty years from the date the debt was 8736
originally contracted. For the purpose only of determining the 8737
amounts and times of such payments into such bond retirement fund 8738
while such notes or bonds are outstanding the commissioners of the 8739
sinking fund in its resolution authorizing the issuance of such 8740
notes or bonds shall set forth a schedule of annual payments and 8741
the annual payment dates the first of which shall be no later than 8742
eighteen months after the date of issuance of such notes or bonds, 8743
and the annual payments shall be fixed in such schedule so that 8744
each annual payment is at least two and one half per cent of the 8745
total amount of such bonds or notes and so that the the total 8746
amount of such annual payments shall be sufficient to provide for 8747
the retirement of such notes or bonds within a period of thirty 8748
years from the date the debt was originally contracted. 8749~~

Sec. 5528.40. Upon the payment in full of all interest, 8750
principal, and charges for the retirement of all highway 8751
obligations issued pursuant to Section 2i of Article VIII, Ohio 8752
Constitution, and sections 5528.30 and 5528.31 of the Revised 8753
Code, the commissioners of the sinking fund shall make a 8754
certification of such fact to the clerk of the senate, the clerk 8755
of the house of representatives, and the treasurer of state. 8756

~~Upon receipt of such certification the treasurer of state 8757~~

~~shall transfer all moneys then remaining to the credit of the 8758
highway obligations bond retirement fund, created by section 8759
5528.32 of the Revised Code, to the highway operating fund. 8760~~

Sec. 5531.08. (A) In order to expedite a highway project 8761
involving the expenditure of federal and state funds and to 8762
utilize all privileges provided by the "Intermodal Surface 8763
Transportation Efficiency Act of 1991," 105 Stat. 1914, 49 8764
U.S.C.A. 101, the director of transportation may designate a 8765
project team for the purposes of certifying design review and 8766
performing field and office inspections and cost estimates, on 8767
behalf of the federal highway administration. 8768

(B)(1) Upon a written determination by the director that it 8769
would be in the best interests of the traveling public, the 8770
director, upon the written request of a county, township, or 8771
municipal corporation, may utilize moneys in the highway operating 8772
fund created by section 5735.291 of the Revised Code to pay that 8773
portion of the construction cost of a highway project which the 8774
county, township, or municipal corporation normally would be 8775
required to pay. 8776

(2) The director shall not utilize moneys in the highway 8777
operating fund for a highway project in the manner described in 8778
division (B)(1) of this section unless all of the following apply: 8779

(a) The preliminary engineering design of the project is 8780
complete, all necessary rights-of-way have been obtained, and all 8781
federal, state, and local environmental studies and permits have 8782
been performed or obtained; 8783

(b) The director of transportation has submitted the proposed 8784
project to the director of development for an evaluation of the 8785
potential economic benefit to the area. The county, township, or 8786
municipal corporation certifies to the director of development 8787
that the project will create not less than five permanent living 8788

wage jobs. This requirement shall be fulfilled during the 8789
three-year period following the completion date of the project, 8790
and the county, township, or municipal corporation may define the 8791
geographic area within which the jobs will be created. 8792

(c) The quotient resulting from the division of the total 8793
amount of moneys utilized to cover the portion of the construction 8794
cost of the highway project that a county, township, or municipal 8795
corporation would normally be required to pay, divided by the 8796
number of permanent living wage jobs certified to the director of 8797
development by the county, township, or municipal corporation 8798
pursuant to division (B)(2)(b) of this section is less than or 8799
equal to ten thousand dollars. 8800

(C) Upon a written determination by the director of 8801
transportation that it would be in the best interests of the 8802
traveling public, the director, upon the written request of a 8803
county, township, or municipal corporation, may declare a waiver 8804
of that portion of the ~~construction~~ cost of a highway project 8805
which the county, township, or municipal corporation normally 8806
would be required to pay. 8807

~~The director shall not declare a waiver described in this 8808
division for a highway project unless, prior to the declaration, 8809
the preliminary engineering design of the project is complete, all 8810
necessary rights of way have been obtained, and all federal, 8811
state, and local environmental studies and permits have been 8812
performed or obtained. 8813~~

(D) The director of development shall do all of the 8814
following: 8815

(1) Review all requests submitted by a county, township, or 8816
municipal corporation to the director of transportation pursuant 8817
to division (B) of this section for the expenditure of moneys from 8818
the highway operating fund; 8819

(2) Submit ~~its~~ findings and recommendations to the director 8820
of transportation upon completion of the review process; 8821

(3) Monitor the results of a highway project for which moneys 8822
in the highway operating fund are utilized in order to ascertain 8823
whether the number of permanent living wage jobs certified to the 8824
director of transportation pursuant to division (B)(2)(b) of this 8825
section actually are created as a result of the highway project 8826
within the three-year period following the completion of the 8827
project, and submit reports relating to this subject to the 8828
director as necessary. 8829

(E) The director of transportation may award eligible federal 8830
funds or state general revenue funds to local units of government, 8831
including regional transit authorities providing public 8832
transportation service and metropolitan planning organizations. 8833
These funds may be used for such purposes as alleviating traffic 8834
congestion or improving air quality in nonattainment areas of the 8835
state as defined by the "Clean Air Act of 1990," 104 Stat. 2399, 8836
42 U.S.C.A. 7401. The funds also may be used to acquire or 8837
construct park-and-ride facilities, to purchase traffic devices to 8838
improve vehicular flow, and for other travel demand management 8839
activities that meet the mandates of the Clean Air Act in 8840
nonattainment areas of the state. 8841

(F) As used in this section, "living wage job" means an 8842
employment position paying an annual average gross wage amount per 8843
full-time person of not less than twenty thousand dollars per 8844
year. 8845

Sec. 5531.30. (A)(1) The director of transportation may enter 8846
into agreements and cooperate with the United States department of 8847
transportation, or any other appropriate federal agency as 8848
provided in 23 U.S.C. 325 to 327 and as authorized under the 8849
"Moving Ahead for Progress in the 21st Century Act (MAP-21)," 126 8850

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 1969," 83 Stat. 852 (1970). Pursuant to such an agreement the director may assume certain responsibilities of the secretary of the United States department of transportation, and take any other actions required by any such agreement or by such federal laws. 8851
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(2) The director may adopt any rules necessary to implement an agreement pursuant to division (A) of this section and carry out any duties imposed under such an agreement. 8858
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(3) The director may make expenditures of money in connection with an agreement authorized under division (A)(1) of this section from any funds of the department of transportation that are available to the director. 8861
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(B) Notwithstanding Chapter 2743. of the Revised Code, this state hereby waives its immunity from civil liability, including the immunity from suit in a federal court under the eleventh amendment to the United States Constitution, and consents to the jurisdiction of the federal courts over its civil liability with regard to the compliance, discharge, or enforcement of the responsibilities assumed under division (A) of this section in accordance with the same procedural and substantive requirements applicable to a suit against a federal agency. Division (B) of this section applies only to actions that are authorized under division (A) of this section and does not create liability that exceeds the liability created under 23 U.S.C. 325 to 327. 8865
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~~**Sec. 5534.04.** That portion of the road known as interstate route seventy six, commencing at the intersection of that road and interstate route eighty and proceeding in a southeasterly direction to the intersection of that road and state route eleven~~ 8877
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~~in Mahoning county~~ In addition to any other name prescribed in the 8881
Revised Code or otherwise, that portion of the road known as 8882
interstate route number eighty, commencing at the interchange of 8883
that interstate route and interstate route number seventy-six and 8884
proceeding in an easterly direction to the interchange of 8885
interstate route eighty and interstate route number six hundred 8886
eighty, within Mahoning county only, shall be known as the "Marine 8887
Sergeant James Prommersberger and Army Second Lieutenant Charles 8888
W. Brown Memorial Highway." 8889

The director of transportation may erect suitable markers 8890
along the highway indicating its name. 8891

Sec. 5537.35. (A) The Ohio turnpike commission shall display 8892
the following flags at each ~~rest-area~~ service facility that is 8893
along the turnpike: 8894

(1) The flag of the United States; 8895

(2) The flag of Ohio; 8896

(3) The flag that depicts the profile of a prisoner of war 8897
against the background of a prisoner of war camp watchtower, 8898
commonly known as the POW/MIA flag. 8899

(B) In purchasing flags to comply with division (A) of this 8900
section, the turnpike commission shall, to the maximum extent 8901
possible, conform to the preference requirements of sections 8902
125.09 and 125.11 of the Revised Code and all rules adopted under 8903
those sections to ensure the purchase and use of products made in 8904
Ohio and the United States. 8905

Sec. 5543.22. Notwithstanding sections 153.65 to 153.71 of 8906
the Revised Code, a county engineer may combine the design and 8907
construction elements of a bridge, highway, or safety project into 8908
a single contract, but only if the cost of the project as bid does 8909
not exceed ~~one~~ five million ~~five hundred thousand~~ dollars. 8910

When required to use competitive bidding, the county engineer 8911
shall award a design-build contract in accordance with sections 8912
307.86 to 307.92 of the Revised Code. In lieu of the requirement 8913
for plans, the county engineer shall prepare and distribute a 8914
scope of work document upon which bidders shall base their bids. 8915

A county engineer may request the director of transportation 8916
to review and comment on the scope of work document or the 8917
construction plans for conformance with state and federal 8918
requirements. If so requested, the director shall review and 8919
comment on the document or plans. 8920

Sec. 5577.044. (A) Notwithstanding sections 5577.02 and 8921
5577.04 of the Revised Code, a vehicle fueled solely by compressed 8922
natural gas or liquid natural gas may exceed by not more than two 8923
thousand pounds the gross vehicle weight provisions of sections 8924
5577.01 to 5577.09 of the Revised Code or the axle load limits of 8925
those sections. 8926

(B) If a vehicle described in division (A) of this section 8927
exceeds the weight provisions of sections 5577.01 to 5577.09 of 8928
the Revised Code by more than the allowance provided for in 8929
division (A) of this section, both of the following apply: 8930

(1) The applicable penalty prescribed in section 5577.99 of 8931
the Revised Code; 8932

(2) The civil liability imposed by section 5577.12 of the 8933
Revised Code. 8934

(C) Division (A) of this section does not apply to the 8935
operation of a vehicle on either of the following: 8936

(1) A highway that is part of the interstate system; 8937

(2) A highway, road, or bridge that is subject to reduced 8938
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 8939
5577.09, or 5591.42 of the Revised Code. 8940

Sec. 5728.08. Except as provided in section 5728.03 of the Revised Code and except as otherwise provided in division (A) of section 5728.06 of the Revised Code, whoever is liable for the payment of the tax levied by section 5728.06 of the Revised Code, on or before the last day of each January, April, July, and October, shall file with the tax commissioner, on forms prescribed by the commissioner, a fuel use tax return and make payment of the full amount of the tax due for the operation of each commercial car and commercial tractor for the preceding three calendar months.

The commissioner shall immediately forward to the treasurer of state all money received from the tax levied by section 5728.06 of the Revised Code.

The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out 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 8972
retirement of bonds and other obligations issued pursuant to 8973
Section 2g of Article VIII, Ohio Constitution, and sections 8974
5528.10 and 5528.11 of the Revised Code due and payable during the 8975
current calendar year and during the following calendar year. ~~From~~ 8976
~~the date of the receipt of the certification required by section~~ 8977
~~5528.17 of the Revised Code by the treasurer of state until the~~ 8978
~~thirty first day of December of the calendar year in which the~~ 8979
~~certification is made, all moneys received in the state treasury~~ 8980
~~from taxes levied under section 5728.06 of the Revised Code and~~ 8981
~~fees assessed under section 5728.03 of the Revised Code that are~~ 8982
~~not required to be placed to the credit of the tax refund fund as~~ 8983
~~provided by this section shall be credited to the highway~~ 8984
~~obligations bond retirement fund created by section 5528.32 of the~~ 8985
~~Revised Code until the commissioners of the sinking fund certify~~ 8986
~~to the treasurer of state, as required by section 5528.38 of the~~ 8987
~~Revised Code, that there are sufficient moneys to the credit of~~ 8988
~~the highway obligations bond retirement fund to meet in full all~~ 8989
~~payments of interest, principal, and charges for the retirement of~~ 8990
~~bonds and other obligations issued pursuant to Section 2i of~~ 8991
~~Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31~~ 8992
~~of the Revised Code due and payable during the current calendar~~ 8993
~~year and during the following calendar year. From the date of the~~ 8994
~~receipt of the certification required by section 5528.38 of the~~ 8995
~~Revised Code by the treasurer of state until the thirty first day~~ 8996
~~of December of the calendar year in which the certification is~~ 8997
~~made, all All moneys received in the state treasury from taxes~~ 8998
levied under section 5728.06 of the Revised Code and fees assessed 8999
under section 5728.03 of the Revised Code that are not required to 9000
be placed to the credit of the tax refund fund as provided by this 9001
section shall be credited to the highway operating fund created by 9002
section 5735.291 of the Revised Code, except as provided by the 9003
following paragraph of this section. 9004

From the date of the receipt by the treasurer of state of 9005
~~eertifications~~ certification from the commissioners of the sinking 9006
fund, as required by ~~sections~~ section 5528.18 ~~and 5528.39~~ of the 9007
Revised Code, certifying that the moneys to the credit of the 9008
highway improvement bond retirement fund are sufficient to meet in 9009
full all payments of interest, principal, and charges for the 9010
retirement of all bonds and other obligations that may be issued 9011
pursuant to Section 2g of Article VIII, Ohio Constitution, and 9012
sections 5528.10 and 5528.11 of the Revised Code, ~~and to the~~ 9013
~~credit of the highway obligations bond retirement fund are~~ 9014
~~sufficient to meet in full all payments of interest, principal,~~ 9015
~~and charges for the retirement of all obligations issued pursuant~~ 9016
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 9017
~~5528.30 and 5528.31 of the Revised Code,~~ all moneys received in 9018
the state treasury from the taxes levied under section 5728.06 and 9019
fees assessed under section 5728.03 of the Revised Code that are 9020
not required to be placed to the credit of the tax refund fund as 9021
provided by this section, shall be deposited to the credit of the 9022
highway operating fund. 9023

Sec. 5735.23. (A) Out of receipts from the tax levied by 9024
section 5735.05 of the Revised Code, the treasurer of state shall 9025
place to the credit of the tax refund fund established by section 9026
5703.052 of the Revised Code amounts equal to the refunds 9027
certified by the tax commissioner pursuant to sections 5735.13, 9028
5735.14, 5735.141, and 5735.142 of the Revised Code. The treasurer 9029
of state shall then transfer the amount required by section 9030
5735.051 of the Revised Code to the waterways safety fund, the 9031
amount required by section 4907.472 of the Revised Code to the 9032
grade crossing protection fund, and the amount required by section 9033
5735.053 of the Revised Code to the motor fuel tax administration 9034
fund. 9035

(B) Except as provided in division (D) of this section, each 9036

month the balance of the receipts from the tax levied by section 9037
5735.05 of the Revised Code shall be credited, ~~after receipt by~~ 9038
~~the treasurer of state of certification from the commissioners of~~ 9039
~~the sinking fund, as required by section 5528.35 of the Revised~~ 9040
~~Code, that there are sufficient moneys to the credit of the~~ 9041
~~highway obligations bond retirement fund to meet in full all~~ 9042
~~payments of interest, principal, and charges for the retirement of~~ 9043
~~highway obligations issued pursuant to Section 2i of Article VIII,~~ 9044
~~Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised~~ 9045
~~Code due and payable during the current calendar year, as follows:~~ 9046

(1) To the state and local government highway distribution 9047
fund, which is hereby created in the state treasury, an amount 9048
that is the same percentage of the balance to be credited as that 9049
portion of the tax per gallon determined under division (B)(2)(a) 9050
of section 5735.06 of the Revised Code is of the total tax per 9051
gallon determined under divisions (B)(2)(a) and (b) of that 9052
section. 9053

(2) After making the distribution to the state and local 9054
government highway distribution fund, the remainder shall be 9055
credited as follows: 9056

(a) Thirty per cent to the gasoline excise tax fund for 9057
distribution pursuant to division (A)(1) of section 5735.27 of the 9058
Revised Code; 9059

(b) Twenty-five per cent to the gasoline excise tax fund for 9060
distribution pursuant to division (A)(3) of section 5735.27 of the 9061
Revised Code; 9062

(c) Except as provided in division (D) of this section, 9063
forty-five per cent to the highway operating fund for distribution 9064
pursuant to division (B)(1) of section 5735.27 of the Revised 9065
Code. 9066

(C) From the balance in the state and local government 9067

highway distribution fund on the last day of each month there 9068
shall be paid the following amounts: 9069

(1) To the local transportation improvement program fund 9070
created by section 164.14 of the Revised Code, an amount equal to 9071
a fraction of the balance in the state and local government 9072
highway distribution fund, the numerator of which fraction is one 9073
and the denominator of which fraction is that portion of the tax 9074
per gallon determined under division (B)(2)(a) of section 5735.06 9075
of the Revised Code; 9076

(2) An amount equal to five cents multiplied by the number of 9077
gallons of motor fuel sold at stations operated by the Ohio 9078
turnpike and infrastructure commission, such gallonage to be 9079
certified by the commission to the treasurer of state not later 9080
than the last day of the month following. The funds paid to the 9081
commission pursuant to this section shall be expended for the 9082
construction, reconstruction, maintenance, and repair of turnpike 9083
projects, except that the funds may not be expended for the 9084
construction of new interchanges. The funds also may be expended 9085
for the construction, reconstruction, maintenance, and repair of 9086
those portions of connecting public roads that serve existing 9087
interchanges and are determined by the commission and the director 9088
of transportation to be necessary for the safe merging of traffic 9089
between the turnpike and those public roads. 9090

The remainder of the balance shall be distributed as follows 9091
on the fifteenth day of the following month: 9092

(a) Ten and seven-tenths per cent shall be paid to municipal 9093
corporations for distribution pursuant to division (A)(1) of 9094
section 5735.27 of the Revised Code and may be used for any 9095
purpose for which payments received under that division may be 9096
used. Through July 15, 2005, the sum of two hundred forty-eight 9097
thousand six hundred twenty-five dollars shall be monthly 9098
subtracted from the amount so computed and credited to the highway 9099

operating fund. Beginning August 15, 2005, the sum of seven 9100
hundred forty-five thousand eight hundred seventy-five dollars 9101
shall be monthly subtracted from the amount so computed and 9102
credited to the highway operating fund. 9103

(b) Five per cent shall be paid to townships for distribution 9104
pursuant to division (A)(5) of section 5735.27 of the Revised Code 9105
and may be used for any purpose for which payments received under 9106
that division may be used. Through July 15, 2005, the sum of 9107
eighty-seven thousand seven hundred fifty dollars shall be monthly 9108
subtracted from the amount so computed and credited to the highway 9109
operating fund. Beginning August 15, 2005, the sum of two hundred 9110
sixty-three thousand two hundred fifty dollars shall be monthly 9111
subtracted from the amount so computed and credited to the highway 9112
operating fund. 9113

(c) Nine and three-tenths per cent shall be paid to counties 9114
for distribution pursuant to division (A)(3) of section 5735.27 of 9115
the Revised Code and may be used for any purpose for which 9116
payments received under that division may be used. Through July 9117
15, 2005, the sum of two hundred forty-eight thousand six hundred 9118
twenty-five dollars shall be monthly subtracted from the amount so 9119
computed and credited to the highway operating fund. Beginning 9120
August 15, 2005, the sum of seven hundred forty-five thousand 9121
eight hundred seventy-five dollars shall be monthly subtracted 9122
from the amount so computed and credited to the highway operating 9123
fund. 9124

(d) Except as provided in division (D) of this section, the 9125
balance shall be transferred to the highway operating fund and 9126
used for the purposes set forth in division (B)(1) of section 9127
5735.27 of the Revised Code. 9128

(D) Monthly from September to February of each fiscal year, 9129
an amount equal to one-sixth of the amount certified in July of 9130
that year by the treasurer of state pursuant to division (Q) of 9131

section 151.01 of the Revised Code shall, from amounts required to 9132
be credited or transferred to the highway operating fund pursuant 9133
to division (B)(2)(c) or (C)(2)(d) of this section, be credited or 9134
transferred to the highway capital improvement bond service fund 9135
created in section 151.06 of the Revised Code. If, in any of those 9136
months, the amount available to be credited or transferred to the 9137
bond service fund is less than one-sixth of the amount so 9138
certified, the shortfall shall be added to the amount due the next 9139
succeeding month. Any amount still due at the end of the six-month 9140
period shall be credited or transferred as the money becomes 9141
available, until such time as the office of budget and management 9142
receives certification from the treasurer of state or the 9143
treasurer of state's designee that sufficient money has been 9144
credited or transferred to the bond service fund to meet in full 9145
all payments of debt service and financing costs due during the 9146
fiscal year from that fund. 9147

Sec. 5735.26. The treasurer of state shall place to the 9148
credit of the tax refund fund created by section 5703.052 of the 9149
Revised Code, out of receipts from the tax levied by section 9150
5735.25 of the Revised Code, amounts equal to the refunds 9151
certified by the tax commissioner pursuant to sections 5735.142 9152
and 5735.25 of the Revised Code, which shall be paid from such 9153
fund. The treasurer of state shall then transfer the amount 9154
required by section 5735.051 of the Revised Code to the waterways 9155
safety fund and the amount required by section 5735.053 of the 9156
Revised Code to the motor fuel tax administration fund. 9157

The balance of taxes collected under section 5735.25 of the 9158
Revised Code shall be credited as follows, after the credits to 9159
the tax refund fund and the transfers to the waterways safety fund 9160
and motor fuel tax administration fund, and after receipt by the 9161
treasurer of state of ~~certifications~~ certification from the 9162
commissioners of the sinking fund certifying, as required by 9163

~~sections section 5528.15 and 5528.35 of the Revised Code, there~~ 9164
~~are sufficient moneys to the credit of the highway improvement~~ 9165
~~bond retirement fund to meet in full all payments of interest,~~ 9166
~~principal, and charges for the retirement of bonds and other~~ 9167
~~obligations issued pursuant to Section 2g of Article VIII, Ohio~~ 9168
~~Constitution, and sections 5528.10 and 5528.11 of the Revised Code~~ 9169
~~due and payable during the current calendar year, and that there~~ 9170
~~are sufficient moneys to the credit of the highway obligations~~ 9171
~~bond retirement fund to meet in full all payments of interest,~~ 9172
~~principal, and charges for the retirement of highway obligations~~ 9173
~~issued pursuant to Section 2i of Article VIII, Ohio Constitution,~~ 9174
~~and sections 5528.30 and 5528.31 of the Revised Code due and~~ 9175
~~payable during the current calendar year:~~ 9176

(A) Sixty-seven and one-half per cent to the highway 9177
operating fund for distribution pursuant to division (B)(2) of 9178
section 5735.27 of the Revised Code; 9179

(B) Seven and one-half per cent to the gasoline excise tax 9180
fund for distribution pursuant to division (A)(2) of such section; 9181

(C) Seven and one-half per cent to the gasoline excise tax 9182
fund for distribution pursuant to division (A)(4) of such section; 9183

(D) Seventeen and one-half per cent to the gasoline excise 9184
tax fund for distribution pursuant to division (A)(5) of such 9185
section. 9186

Sec. 5735.291. (A) The treasurer of state shall place to the 9187
credit of the tax refund fund created by section 5703.052 of the 9188
Revised Code, out of receipts from the tax levied by section 9189
5735.29 of the Revised Code, amounts equal to the refunds 9190
certified by the tax commissioner pursuant to sections 5735.142 9191
and 5735.29 of the Revised Code. The refunds provided for by 9192
sections 5735.142 and 5735.29 of the Revised Code shall be paid 9193
from such fund. The treasurer of state shall then transfer the 9194

amount required by section 5735.051 of the Revised Code to the 9195
waterways safety fund and the amount required by section 5735.053 9196
of the Revised Code to the motor fuel tax administration fund. 9197

The specified portion of the balance of taxes collected under 9198
section 5735.29 of the Revised Code, after the credits to the tax 9199
refund fund and the transfers to the waterways safety fund and the 9200
motor fuel tax administration fund, shall be credited to the 9201
gasoline excise tax fund. Subject to division (B) of this section, 9202
forty-two and eighty-six hundredths per cent of the specified 9203
portion shall be distributed among the municipal corporations 9204
within the state in accordance with division (A)(2) of section 9205
5735.27 of the Revised Code, thirty-seven and fourteen hundredths 9206
per cent of the specified portion shall be distributed among the 9207
counties within the state in accordance with division (A)(3) of 9208
section 5735.27 of the Revised Code, and twenty per cent of the 9209
specified portion shall be combined with twenty per cent of any 9210
amounts transferred from the highway operating fund to the 9211
gasoline excise tax fund through biennial appropriations acts of 9212
the general assembly pursuant to the planned phase-in of a new 9213
source of funding for the state highway patrol, and shall be 9214
distributed among the townships within the state in accordance 9215
with division (A)(5)(b) of section 5735.27 of the Revised Code. 9216
Subject to division (B) of this section, the remainder of the tax 9217
levied by section 5735.29 of the Revised Code after receipt by the 9218
treasurer of state of certifications from the commissioners of the 9219
sinking fund certifying, as required by ~~sections~~ section 5528.15 9220
~~and 5528.35~~ of the Revised Code, that there are sufficient moneys 9221
to the credit of the highway improvement bond retirement fund 9222
created by section 5528.12 of the Revised Code to meet in full all 9223
payments of interest, principal, and charges for the retirement of 9224
bonds and other obligations issued pursuant to Section 2g of 9225
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 9226
of the Revised Code due and payable during the current calendar 9227

~~year, and that there are sufficient moneys to the credit of the~~ 9228
~~highway obligations bond retirement fund created by section~~ 9229
~~5528.32 of the Revised Code to meet in full all payments of~~ 9230
~~interest, principal, and charges for the retirement of highway~~ 9231
~~obligations issued pursuant to Section 2i of Article VIII, Ohio~~ 9232
~~Constitution, and sections 5528.30 and 5528.31 of the Revised Code~~ 9233
~~due and payable during the current calendar year, shall be~~ 9234
credited to the highway operating fund, which is hereby created in 9235
the state treasury and shall be used solely for the purposes 9236
enumerated in ~~section~~ sections 5516.15 and 5735.29 of the Revised 9237
Code. All investment earnings of the fund shall be credited to the 9238
fund. 9239

(B)(1) Effective August 15, 2003, prior to the distribution 9240
from the gasoline excise tax fund to municipal corporations of the 9241
forty-two and eighty-six hundredths per cent of the specified 9242
portion as provided in division (A) of this section, the 9243
department of taxation shall deduct thirty-three and one-third per 9244
cent of the amount specified in division (A)(5)(c) of section 9245
5735.27 of the Revised Code and use it for distribution to 9246
townships pursuant to division (A)(5)(b) of that section. 9247

(2) Effective August 15, 2003, prior to the distribution from 9248
the gasoline excise tax fund to counties of the thirty-seven and 9249
fourteen hundredths per cent of the specified portion as provided 9250
in division (A) of this section, the department of taxation shall 9251
deduct thirty-three and one-third per cent of the amount specified 9252
in division (A)(5)(c) of section 5735.27 of the Revised Code and 9253
use it for distribution to townships pursuant to division 9254
(A)(5)(b) of that section. 9255

(3) Effective August 15, 2003, prior to crediting any revenue 9256
resulting from the tax levied by section 5735.29 of the Revised 9257
Code to the highway operating fund, the department of taxation 9258
shall deduct thirty-three and one-third per cent of the amount 9259

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 the state's share of the cost of constructing and reconstructing highways and eliminating railway grade crossings on the major thoroughfares of the state highway system and urban extensions thereof, to pay that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund, to pay the interest, principal, and charges on 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, to pay the interest, principal, and charges on highway obligations issued pursuant to Section 2i of Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31

of the Revised Code, to provide revenues for the purposes of 9290
sections 1547.71 to 1547.78 of the Revised Code, and to pay the 9291
expenses of the department of taxation incident to the 9292
administration of the motor fuel laws, a motor fuel excise tax is 9293
hereby imposed on all motor fuel dealers upon their receipt of 9294
motor fuel within the state, at the rate of one cent on each 9295
gallon so received, to be reported, computed, paid, collected, 9296
administered, enforced, refunded, and subject to the same 9297
exemptions and penalties as provided in this chapter of the 9298
Revised Code. 9299

The tax imposed by this section shall be in addition to the 9300
tax imposed by sections 5735.05, 5735.25, and 5735.29 of the 9301
Revised Code. 9302

(B) The treasurer of state shall place to the credit of the 9303
tax refund fund created by section 5703.052 of the Revised Code, 9304
out of receipts from the tax levied by this section, amounts equal 9305
to the refunds certified by the tax commissioner pursuant to this 9306
section. The refund provided for by division (A) of this section 9307
shall be paid from such fund. The treasurer shall then transfer 9308
the amount required by section 5735.051 of the Revised Code to the 9309
waterways safety fund and the amount required by section 5735.053 9310
of the Revised Code to the motor fuel tax administration fund. The 9311
balance of taxes for which the liability has become fixed prior to 9312
July 1, 1955, under this section, after the credit to the tax 9313
refund fund, shall be credited to the highway operating fund. 9314

(C)(1) The moneys derived from the tax levied by this 9315
section, after the credit and transfers required by division (B) 9316
of this section, ~~shall~~, during each calendar year, shall be 9317
credited to the highway improvement bond retirement fund created 9318
by section 5528.12 of the Revised Code, until the commissioners of 9319
the sinking fund certify to the treasurer of state, as required by 9320
section 5528.17 of the Revised Code, that there are sufficient 9321

moneys to the credit of the highway improvement bond retirement 9322
fund to meet in full all payments of interest, principal, and 9323
charges for the retirement of bonds and other obligations issued 9324
pursuant to Section 2g of Article VIII, Ohio Constitution, and 9325
sections 5528.10 and 5528.11 of the Revised Code due and payable 9326
during the current calendar year and during the next succeeding 9327
calendar year. ~~From the date of the receipt of the certification~~ 9328
~~required by section 5528.17 of the Revised Code by the treasurer~~ 9329
~~of state until the thirty first day of December of the calendar~~ 9330
~~year in which such certification is made, all moneys received in~~ 9331
~~the state treasury from the tax levied by this section, after the~~ 9332
~~credit and transfers required by division (B) of this section,~~ 9333
~~shall be credited to the highway obligations bond retirement fund~~ 9334
~~created by section 5528.32 of the Revised Code, until the~~ 9335
~~commissioners of the sinking fund certify to the treasurer of~~ 9336
~~state, as required by section 5528.38 of the Revised Code, that~~ 9337
~~there are sufficient moneys to the credit of the highway~~ 9338
~~obligations bond retirement fund to meet in full all payments of~~ 9339
~~interest, principal, and charges for the retirement of obligations~~ 9340
~~issued pursuant to Section 2i of Article VIII, Ohio Constitution,~~ 9341
~~and sections 5528.30 and 5528.31 of the Revised Code due and~~ 9342
~~payable during the current calendar year and during the next~~ 9343
~~succeeding calendar year.~~ 9344

(2) ~~From the date of the receipt of the certification~~ 9345
~~required by section 5528.38 of the Revised Code by the treasurer~~ 9346
~~of state until the thirty first day of December of the calendar~~ 9347
~~year in which such certification is made, all All moneys received~~ 9348
in the state treasury from the tax levied by this section, after 9349
the credit and transfers required by division (B) of this section, 9350
shall be credited to the highway operating fund, except as 9351
provided in division (C)(3) of this section. 9352

(3) From the date of the receipt by the treasurer of state of 9353

~~certifications~~ certification from the commissioners of the sinking 9354
fund, as required by ~~sections~~ section 5528.18 ~~and 5528.39~~ of the 9355
Revised Code, certifying that the moneys to the credit of the 9356
highway improvement bond retirement fund are sufficient to meet in 9357
full all payments of interest, principal, and charges for the 9358
retirement of all bonds and other obligations which may be issued 9359
pursuant to Section 2g of Article VIII, Ohio Constitution, and 9360
sections 5528.10 and 5528.11 of the Revised Code, ~~and to the~~ 9361
~~credit of the highway obligations bond retirement fund are~~ 9362
~~sufficient to meet in full all payments of interest, principal,~~ 9363
~~and charges for the retirement of all obligations issued pursuant~~ 9364
~~to Section 2i of Article VIII, Ohio Constitution, and sections~~ 9365
~~5528.30 and 5528.31 of the Revised Code,~~ the moneys derived from 9366
the tax levied by this section, after the credit and transfers 9367
required by division (B) of this section, shall be credited to the 9368
highway operating fund. 9369

Sec. 5739.02. For the purpose of providing revenue with which 9370
to meet the needs of the state, for the use of the general revenue 9371
fund of the state, for the purpose of securing a thorough and 9372
efficient system of common schools throughout the state, for the 9373
purpose of affording revenues, in addition to those from general 9374
property taxes, permitted under constitutional limitations, and 9375
from other sources, for the support of local governmental 9376
functions, and for the purpose of reimbursing the state for the 9377
expense of administering this chapter, an excise tax is hereby 9378
levied on each retail sale made in this state. 9379

(A)(1) The tax shall be collected as provided in section 9380
5739.025 of the Revised Code. The rate of the tax shall be five 9381
and three-fourths per cent. The tax applies and is collectible 9382
when the sale is made, regardless of the time when the price is 9383
paid or delivered. 9384

(2) In the case of the lease or rental, with a fixed term of 9385
more than thirty days or an indefinite term with a minimum period 9386
of more than thirty days, of any motor vehicles designed by the 9387
manufacturer to carry a load of not more than one ton, watercraft, 9388
outboard motor, or aircraft, or of any tangible personal property, 9389
other than motor vehicles designed by the manufacturer to carry a 9390
load of more than one ton, to be used by the lessee or renter 9391
primarily for business purposes, the tax shall be collected by the 9392
vendor at the time the lease or rental is consummated and shall be 9393
calculated by the vendor on the basis of the total amount to be 9394
paid by the lessee or renter under the lease agreement. If the 9395
total amount of the consideration for the lease or rental includes 9396
amounts that are not calculated at the time the lease or rental is 9397
executed, the tax shall be calculated and collected by the vendor 9398
at the time such amounts are billed to the lessee or renter. In 9399
the case of an open-end lease or rental, the tax shall be 9400
calculated by the vendor on the basis of the total amount to be 9401
paid during the initial fixed term of the lease or rental, and for 9402
each subsequent renewal period as it comes due. As used in this 9403
division, "motor vehicle" has the same meaning as in section 9404
4501.01 of the Revised Code, and "watercraft" includes an outdrive 9405
unit attached to the watercraft. 9406

A lease with a renewal clause and a termination penalty or 9407
similar provision that applies if the renewal clause is not 9408
exercised is presumed to be a sham transaction. In such a case, 9409
the tax shall be calculated and paid on the basis of the entire 9410
length of the lease period, including any renewal periods, until 9411
the termination penalty or similar provision no longer applies. 9412
The taxpayer shall bear the burden, by a preponderance of the 9413
evidence, that the transaction or series of transactions is not a 9414
sham transaction. 9415

(3) Except as provided in division (A)(2) of this section, in 9416

the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to

the price of motor fuel when granting a refund of motor fuel tax 9447
pursuant to division (A) of section 5735.14 of the Revised Code 9448
and shall cause the amount deducted to be paid into the general 9449
revenue fund of this state; 9450

(7) Sales of natural gas by a natural gas company, of water 9451
by a water-works company, or of steam by a heating company, if in 9452
each case the thing sold is delivered to consumers through pipes 9453
or conduits, and all sales of communications services by a 9454
telegraph company, all terms as defined in section 5727.01 of the 9455
Revised Code, and sales of electricity delivered through wires; 9456

(8) Casual sales by a person, or auctioneer employed directly 9457
by the person to conduct such sales, except as to such sales of 9458
motor vehicles, watercraft or outboard motors required to be 9459
titled under section 1548.06 of the Revised Code, watercraft 9460
documented with the United States coast guard, snowmobiles, and 9461
all-purpose vehicles as defined in section 4519.01 of the Revised 9462
Code; 9463

(9)(a) Sales of services or tangible personal property, other 9464
than motor vehicles, mobile homes, and manufactured homes, by 9465
churches, organizations exempt from taxation under section 9466
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 9467
organizations operated exclusively for charitable purposes as 9468
defined in division (B)(12) of this section, provided that the 9469
number of days on which such tangible personal property or 9470
services, other than items never subject to the tax, are sold does 9471
not exceed six in any calendar year, except as otherwise provided 9472
in division (B)(9)(b) of this section. If the number of days on 9473
which such sales are made exceeds six in any calendar year, the 9474
church or organization shall be considered to be engaged in 9475
business and all subsequent sales by it shall be subject to the 9476
tax. In counting the number of days, all sales by groups within a 9477
church or within an organization shall be considered to be sales 9478

of that church or organization. 9479

(b) The limitation on the number of days on which tax-exempt 9480
sales may be made by a church or organization under division 9481
(B)(9)(a) of this section does not apply to sales made by student 9482
clubs and other groups of students of a primary or secondary 9483
school, or a parent-teacher association, booster group, or similar 9484
organization that raises money to support or fund curricular or 9485
extracurricular activities of a primary or secondary school. 9486

(c) Divisions (B)(9)(a) and (b) of this section do not apply 9487
to sales by a noncommercial educational radio or television 9488
broadcasting station. 9489

(10) Sales not within the taxing power of this state under 9490
the Constitution or laws of the United States or the Constitution 9491
of this state; 9492

(11) Except for transactions that are sales under division 9493
(B)(3)(r) of section 5739.01 of the Revised Code, the 9494
transportation of persons or property, unless the transportation 9495
is by a private investigation and security service; 9496

(12) Sales of tangible personal property or services to 9497
churches, to organizations exempt from taxation under section 9498
501(c)(3) of the Internal Revenue Code of 1986, and to any other 9499
nonprofit organizations operated exclusively for charitable 9500
purposes in this state, no part of the net income of which inures 9501
to the benefit of any private shareholder or individual, and no 9502
substantial part of the activities of which consists of carrying 9503
on propaganda or otherwise attempting to influence legislation; 9504
sales to offices administering one or more homes for the aged or 9505
one or more hospital facilities exempt under section 140.08 of the 9506
Revised Code; and sales to organizations described in division (D) 9507
of section 5709.12 of the Revised Code. 9508

"Charitable purposes" means the relief of poverty; the 9509

improvement of health through the alleviation of illness, disease, 9510
or injury; the operation of an organization exclusively for the 9511
provision of professional, laundry, printing, and purchasing 9512
services to hospitals or charitable institutions; the operation of 9513
a home for the aged, as defined in section 5701.13 of the Revised 9514
Code; the operation of a radio or television broadcasting station 9515
that is licensed by the federal communications commission as a 9516
noncommercial educational radio or television station; the 9517
operation of a nonprofit animal adoption service or a county 9518
humane society; the promotion of education by an institution of 9519
learning that maintains a faculty of qualified instructors, 9520
teaches regular continuous courses of study, and confers a 9521
recognized diploma upon completion of a specific curriculum; the 9522
operation of a parent-teacher association, booster group, or 9523
similar organization primarily engaged in the promotion and 9524
support of the curricular or extracurricular activities of a 9525
primary or secondary school; the operation of a community or area 9526
center in which presentations in music, dramatics, the arts, and 9527
related fields are made in order to foster public interest and 9528
education therein; the production of performances in music, 9529
dramatics, and the arts; or the promotion of education by an 9530
organization engaged in carrying on research in, or the 9531
dissemination of, scientific and technological knowledge and 9532
information primarily for the public. 9533

Nothing in this division shall be deemed to exempt sales to 9534
any organization for use in the operation or carrying on of a 9535
trade or business, or sales to a home for the aged for use in the 9536
operation of independent living facilities as defined in division 9537
(A) of section 5709.12 of the Revised Code. 9538

(13) Building and construction materials and services sold to 9539
construction contractors for incorporation into a structure or 9540
improvement to real property under a construction contract with 9541

this state or a political subdivision of this state, or with the 9542
United States government or any of its agencies; building and 9543
construction materials and services sold to construction 9544
contractors for incorporation into a structure or improvement to 9545
real property that are accepted for ownership by this state or any 9546
of its political subdivisions, or by the United States government 9547
or any of its agencies at the time of completion of the structures 9548
or improvements; building and construction materials sold to 9549
construction contractors for incorporation into a horticulture 9550
structure or livestock structure for a person engaged in the 9551
business of horticulture or producing livestock; building 9552
materials and services sold to a construction contractor for 9553
incorporation into a house of public worship or religious 9554
education, or a building used exclusively for charitable purposes 9555
under a construction contract with an organization whose purpose 9556
is as described in division (B)(12) of this section; building 9557
materials and services sold to a construction contractor for 9558
incorporation into a building under a construction contract with 9559
an organization exempt from taxation under section 501(c)(3) of 9560
the Internal Revenue Code of 1986 when the building is to be used 9561
exclusively for the organization's exempt purposes; building and 9562
construction materials sold for incorporation into the original 9563
construction of a sports facility under section 307.696 of the 9564
Revised Code; building and construction materials and services 9565
sold to a construction contractor for incorporation into real 9566
property outside this state if such materials and services, when 9567
sold to a construction contractor in the state in which the real 9568
property is located for incorporation into real property in that 9569
state, would be exempt from a tax on sales levied by that state; 9570
building and construction materials for incorporation into a 9571
transportation facility pursuant to a public-private agreement 9572
entered into under sections 5501.70 to 5501.83 of the Revised 9573
Code; and, until one calendar year after the construction of a 9574

convention center that qualifies for property tax exemption under 9575
section 5709.084 of the Revised Code is completed, building and 9576
construction materials and services sold to a construction 9577
contractor for incorporation into the real property comprising 9578
that convention center; 9579

(14) Sales of ships or vessels or rail rolling stock used or 9580
to be used principally in interstate or foreign commerce, and 9581
repairs, alterations, fuel, and lubricants for such ships or 9582
vessels or rail rolling stock; 9583

(15) Sales to persons primarily engaged in any of the 9584
activities mentioned in division (B)(42)(a), (g), or (h) of this 9585
section, to persons engaged in making retail sales, or to persons 9586
who purchase for sale from a manufacturer tangible personal 9587
property that was produced by the manufacturer in accordance with 9588
specific designs provided by the purchaser, of packages, including 9589
material, labels, and parts for packages, and of machinery, 9590
equipment, and material for use primarily in packaging tangible 9591
personal property produced for sale, including any machinery, 9592
equipment, and supplies used to make labels or packages, to 9593
prepare packages or products for labeling, or to label packages or 9594
products, by or on the order of the person doing the packaging, or 9595
sold at retail. "Packages" includes bags, baskets, cartons, 9596
crates, boxes, cans, bottles, bindings, wrappings, and other 9597
similar devices and containers, but does not include motor 9598
vehicles or bulk tanks, trailers, or similar devices attached to 9599
motor vehicles. "Packaging" means placing in a package. Division 9600
(B)(15) of this section does not apply to persons engaged in 9601
highway transportation for hire. 9602

(16) Sales of food to persons using supplemental nutrition 9603
assistance program benefits to purchase the food. As used in this 9604
division, "food" has the same meaning as in 7 U.S.C. 2012 and 9605
federal regulations adopted pursuant to the Food and Nutrition Act 9606

of 2008. 9607

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property; 9608
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(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities; 9622
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(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being. 9633
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(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing 9637
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fire protection and emergency services, including trauma care and 9639
emergency medical services, for political subdivisions of the 9640
state; 9641

(21) Sales of tangible personal property manufactured in this 9642
state, if sold by the manufacturer in this state to a retailer for 9643
use in the retail business of the retailer outside of this state 9644
and if possession is taken from the manufacturer by the purchaser 9645
within this state for the sole purpose of immediately removing the 9646
same from this state in a vehicle owned by the purchaser; 9647

(22) Sales of services provided by the state or any of its 9648
political subdivisions, agencies, instrumentalities, institutions, 9649
or authorities, or by governmental entities of the state or any of 9650
its political subdivisions, agencies, instrumentalities, 9651
institutions, or authorities; 9652

(23) Sales of motor vehicles to nonresidents of this state 9653
under the circumstances described in division (B) of section 9654
5739.029 of the Revised Code; 9655

(24) Sales to persons engaged in the preparation of eggs for 9656
sale of tangible personal property used or consumed directly in 9657
such preparation, including such tangible personal property used 9658
for cleaning, sanitizing, preserving, grading, sorting, and 9659
classifying by size; packages, including material and parts for 9660
packages, and machinery, equipment, and material for use in 9661
packaging eggs for sale; and handling and transportation equipment 9662
and parts therefor, except motor vehicles licensed to operate on 9663
public highways, used in intraplant or interplant transfers or 9664
shipment of eggs in the process of preparation for sale, when the 9665
plant or plants within or between which such transfers or 9666
shipments occur are operated by the same person. "Packages" 9667
includes containers, cases, baskets, flats, fillers, filler flats, 9668
cartons, closure materials, labels, and labeling materials, and 9669
"packaging" means placing therein. 9670

(25)(a) Sales of water to a consumer for residential use;	9671
(b) Sales of water by a nonprofit corporation engaged	9672
exclusively in the treatment, distribution, and sale of water to	9673
consumers, if such water is delivered to consumers through pipes	9674
or tubing.	9675
(26) Fees charged for inspection or reinspection of motor	9676
vehicles under section 3704.14 of the Revised Code;	9677
(27) Sales to persons licensed to conduct a food service	9678
operation pursuant to section 3717.43 of the Revised Code, of	9679
tangible personal property primarily used directly for the	9680
following:	9681
(a) To prepare food for human consumption for sale;	9682
(b) To preserve food that has been or will be prepared for	9683
human consumption for sale by the food service operator, not	9684
including tangible personal property used to display food for	9685
selection by the consumer;	9686
(c) To clean tangible personal property used to prepare or	9687
serve food for human consumption for sale.	9688
(28) Sales of animals by nonprofit animal adoption services	9689
or county humane societies;	9690
(29) Sales of services to a corporation described in division	9691
(A) of section 5709.72 of the Revised Code, and sales of tangible	9692
personal property that qualifies for exemption from taxation under	9693
section 5709.72 of the Revised Code;	9694
(30) Sales and installation of agricultural land tile, as	9695
defined in division (B)(5)(a) of section 5739.01 of the Revised	9696
Code;	9697
(31) Sales and erection or installation of portable grain	9698
bins, as defined in division (B)(5)(b) of section 5739.01 of the	9699
Revised Code;	9700

(32) The sale, lease, repair, and maintenance of, parts for, 9701
or items attached to or incorporated in, motor vehicles that are 9702
primarily used for transporting tangible personal property 9703
belonging to others by a person engaged in highway transportation 9704
for hire, except for packages and packaging used for the 9705
transportation of tangible personal property; 9706

(33) Sales to the state headquarters of any veterans' 9707
organization in this state that is either incorporated and issued 9708
a charter by the congress of the United States or is recognized by 9709
the United States veterans administration, for use by the 9710
headquarters; 9711

(34) Sales to a telecommunications service vendor, mobile 9712
telecommunications service vendor, or satellite broadcasting 9713
service vendor of tangible personal property and services used 9714
directly and primarily in transmitting, receiving, switching, or 9715
recording any interactive, one- or two-way electromagnetic 9716
communications, including voice, image, data, and information, 9717
through the use of any medium, including, but not limited to, 9718
poles, wires, cables, switching equipment, computers, and record 9719
storage devices and media, and component parts for the tangible 9720
personal property. The exemption provided in this division shall 9721
be in lieu of all other exemptions under division (B)(42)(a) or 9722
(n) of this section to which the vendor may otherwise be entitled, 9723
based upon the use of the thing purchased in providing the 9724
telecommunications, mobile telecommunications, or satellite 9725
broadcasting service. 9726

(35)(a) Sales where the purpose of the consumer is to use or 9727
consume the things transferred in making retail sales and 9728
consisting of newspaper inserts, catalogues, coupons, flyers, gift 9729
certificates, or other advertising material that prices and 9730
describes tangible personal property offered for retail sale. 9731

(b) Sales to direct marketing vendors of preliminary 9732

materials such as photographs, artwork, and typesetting that will 9733
be used in printing advertising material; and of printed matter 9734
that offers free merchandise or chances to win sweepstake prizes 9735
and that is mailed to potential customers with advertising 9736
material described in division (B)(35)(a) of this section; 9737

(c) Sales of equipment such as telephones, computers, 9738
facsimile machines, and similar tangible personal property 9739
primarily used to accept orders for direct marketing retail sales. 9740

(d) Sales of automatic food vending machines that preserve 9741
food with a shelf life of forty-five days or less by refrigeration 9742
and dispense it to the consumer. 9743

For purposes of division (B)(35) of this section, "direct 9744
marketing" means the method of selling where consumers order 9745
tangible personal property by United States mail, delivery 9746
service, or telecommunication and the vendor delivers or ships the 9747
tangible personal property sold to the consumer from a warehouse, 9748
catalogue distribution center, or similar fulfillment facility by 9749
means of the United States mail, delivery service, or common 9750
carrier. 9751

(36) Sales to a person engaged in the business of 9752
horticulture or producing livestock of materials to be 9753
incorporated into a horticulture structure or livestock structure; 9754

(37) Sales of personal computers, computer monitors, computer 9755
keyboards, modems, and other peripheral computer equipment to an 9756
individual who is licensed or certified to teach in an elementary 9757
or a secondary school in this state for use by that individual in 9758
preparation for teaching elementary or secondary school students; 9759

(38) Sales to a professional racing team of any of the 9760
following: 9761

(a) Motor racing vehicles; 9762

(b) Repair services for motor racing vehicles;	9763
(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.	9764 9765 9766 9767 9768 9769 9770 9771
(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;	9772 9773 9774
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.	9775 9776 9777 9778 9779 9780 9781 9782 9783 9784 9785 9786 9787 9788 9789 9790 9791 9792
(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible	9793 9794

personal property and services used directly and primarily in 9795
providing taxable services under that section. 9796

(42) Sales where the purpose of the purchaser is to do any of 9797
the following: 9798

(a) To incorporate the thing transferred as a material or a 9799
part into tangible personal property to be produced for sale by 9800
manufacturing, assembling, processing, or refining; or to use or 9801
consume the thing transferred directly in producing tangible 9802
personal property for sale by mining, including, without 9803
limitation, the extraction from the earth of all substances that 9804
are classed geologically as minerals, production of crude oil and 9805
natural gas, or directly in the rendition of a public utility 9806
service, except that the sales tax levied by this section shall be 9807
collected upon all meals, drinks, and food for human consumption 9808
sold when transporting persons. Persons engaged in rendering 9809
services in the exploration for, and production of, crude oil and 9810
natural gas for others are deemed engaged directly in the 9811
exploration for, and production of, crude oil and natural gas. 9812
This paragraph does not exempt from "retail sale" or "sales at 9813
retail" the sale of tangible personal property that is to be 9814
incorporated into a structure or improvement to real property. 9815

(b) To hold the thing transferred as security for the 9816
performance of an obligation of the vendor; 9817

(c) To resell, hold, use, or consume the thing transferred as 9818
evidence of a contract of insurance; 9819

(d) To use or consume the thing directly in commercial 9820
fishing; 9821

(e) To incorporate the thing transferred as a material or a 9822
part into, or to use or consume the thing transferred directly in 9823
the production of, magazines distributed as controlled circulation 9824
publications; 9825

(f) To use or consume the thing transferred in the production 9826
and preparation in suitable condition for market and sale of 9827
printed, imprinted, overprinted, lithographic, multilithic, 9828
blueprinted, photostatic, or other productions or reproductions of 9829
written or graphic matter; 9830

(g) To use the thing transferred, as described in section 9831
5739.011 of the Revised Code, primarily in a manufacturing 9832
operation to produce tangible personal property for sale; 9833

(h) To use the benefit of a warranty, maintenance or service 9834
contract, or similar agreement, as described in division (B)(7) of 9835
section 5739.01 of the Revised Code, to repair or maintain 9836
tangible personal property, if all of the property that is the 9837
subject of the warranty, contract, or agreement would not be 9838
subject to the tax imposed by this section; 9839

(i) To use the thing transferred as qualified research and 9840
development equipment; 9841

(j) To use or consume the thing transferred primarily in 9842
storing, transporting, mailing, or otherwise handling purchased 9843
sales inventory in a warehouse, distribution center, or similar 9844
facility when the inventory is primarily distributed outside this 9845
state to retail stores of the person who owns or controls the 9846
warehouse, distribution center, or similar facility, to retail 9847
stores of an affiliated group of which that person is a member, or 9848
by means of direct marketing. This division does not apply to 9849
motor vehicles registered for operation on the public highways. As 9850
used in this division, "affiliated group" has the same meaning as 9851
in division (B)(3)(e) of section 5739.01 of the Revised Code and 9852
"direct marketing" has the same meaning as in division (B)(35) of 9853
this section. 9854

(k) To use or consume the thing transferred to fulfill a 9855
contractual obligation incurred by a warrantor pursuant to a 9856

warranty provided as a part of the price of the tangible personal 9857
property sold or by a vendor of a warranty, maintenance or service 9858
contract, or similar agreement the provision of which is defined 9859
as a sale under division (B)(7) of section 5739.01 of the Revised 9860
Code including renting a motor vehicle to the person claiming the 9861
benefit of the contractual obligation when the right to such 9862
rental is not expressed as a contractual obligation; 9863

(l) To use or consume the thing transferred in the production 9864
of a newspaper for distribution to the public; 9865

(m) To use tangible personal property to perform a service 9866
listed in division (B)(3) of section 5739.01 of the Revised Code, 9867
if the property is or is to be permanently transferred to the 9868
consumer of the service as an integral part of the performance of 9869
the service; 9870

(n) To use or consume the thing transferred primarily in 9871
producing tangible personal property for sale by farming, 9872
agriculture, horticulture, or floriculture. Persons engaged in 9873
rendering farming, agriculture, horticulture, or floriculture 9874
services for others are deemed engaged primarily in farming, 9875
agriculture, horticulture, or floriculture. This paragraph does 9876
not exempt from "retail sale" or "sales at retail" the sale of 9877
tangible personal property that is to be incorporated into a 9878
structure or improvement to real property. 9879

(o) To use or consume the thing transferred in acquiring, 9880
formatting, editing, storing, and disseminating data or 9881
information by electronic publishing. 9882

As used in division (B)(42) of this section, "thing" includes 9883
all transactions included in divisions (B)(3)(a), (b), and (e) of 9884
section 5739.01 of the Revised Code. 9885

(43) Sales conducted through a coin operated device that 9886
activates vacuum equipment or equipment that dispenses water, 9887

whether or not in combination with soap or other cleaning agents 9888
or wax, to the consumer for the consumer's use on the premises in 9889
washing, cleaning, or waxing a motor vehicle, provided no other 9890
personal property or personal service is provided as part of the 9891
transaction. 9892

(44) Sales of replacement and modification parts for engines, 9893
airframes, instruments, and interiors in, and paint for, aircraft 9894
used primarily in a fractional aircraft ownership program, and 9895
sales of services for the repair, modification, and maintenance of 9896
such aircraft, and machinery, equipment, and supplies primarily 9897
used to provide those services. 9898

(45) Sales of telecommunications service that is used 9899
directly and primarily to perform the functions of a call center. 9900
As used in this division, "call center" means any physical 9901
location where telephone calls are placed or received in high 9902
volume for the purpose of making sales, marketing, customer 9903
service, technical support, or other specialized business 9904
activity, and that employs at least fifty individuals that engage 9905
in call center activities on a full-time basis, or sufficient 9906
individuals to fill fifty full-time equivalent positions. 9907

(46) Sales by a telecommunications service vendor of 900 9908
service to a subscriber. This division does not apply to 9909
information services, as defined in division (FF) of section 9910
5739.01 of the Revised Code. 9911

(47) Sales of value-added non-voice data service. This 9912
division does not apply to any similar service that is not 9913
otherwise a telecommunications service. 9914

(48)(a) Sales of machinery, equipment, and software to a 9915
qualified direct selling entity for use in a warehouse or 9916
distribution center primarily for storing, transporting, or 9917
otherwise handling inventory that is held for sale to independent 9918

salespersons who operate as direct sellers and that is held 9919
primarily for distribution outside this state; 9920

(b) As used in division (B)(48)(a) of this section: 9921

(i) "Direct seller" means a person selling consumer products 9922
to individuals for personal or household use and not from a fixed 9923
retail location, including selling such product at in-home product 9924
demonstrations, parties, and other one-on-one selling. 9925

(ii) "Qualified direct selling entity" means an entity 9926
selling to direct sellers at the time the entity enters into a tax 9927
credit agreement with the tax credit authority pursuant to section 9928
122.17 of the Revised Code, provided that the agreement was 9929
entered into on or after January 1, 2007. Neither contingencies 9930
relevant to the granting of, nor later developments with respect 9931
to, the tax credit shall impair the status of the qualified direct 9932
selling entity under division (B)(48) of this section after 9933
execution of the tax credit agreement by the tax credit authority. 9934

(c) Division (B)(48) of this section is limited to machinery, 9935
equipment, and software first stored, used, or consumed in this 9936
state within the period commencing June 24, 2008, and ending on 9937
the date that is five years after that date. 9938

(49) Sales of materials, parts, equipment, or engines used in 9939
the repair or maintenance of aircraft or avionics systems of such 9940
aircraft, and sales of repair, remodeling, replacement, or 9941
maintenance services in this state performed on aircraft or on an 9942
aircraft's avionics, engine, or component materials or parts. As 9943
used in division (B)(49) of this section, "aircraft" means 9944
aircraft of more than six thousand pounds maximum certified 9945
takeoff weight or used exclusively in general aviation. 9946

(50) Sales of full flight simulators that are used for pilot 9947
or flight-crew training, sales of repair or replacement parts or 9948
components, and sales of repair or maintenance services for such 9949

full flight simulators. "Full flight simulator" means a replica of 9950
a specific type, or make, model, and series of aircraft cockpit. 9951
It includes the assemblage of equipment and computer programs 9952
necessary to represent aircraft operations in ground and flight 9953
conditions, a visual system providing an out-of-the-cockpit view, 9954
and a system that provides cues at least equivalent to those of a 9955
three-degree-of-freedom motion system, and has the full range of 9956
capabilities of the systems installed in the device as described 9957
in appendices A and B of part 60 of chapter 1 of title 14 of the 9958
Code of Federal Regulations. 9959

(51) Any transfer or lease of tangible personal property 9960
between the state and JobsOhio in accordance with section 4313.02 9961
of the Revised Code. 9962

(52)(a) Sales to a qualifying corporation. 9963

(b) As used in division (B)(52) of this section: 9964

(i) "Qualifying corporation" means a nonprofit corporation 9965
organized in this state that leases from an eligible county land, 9966
buildings, structures, fixtures, and improvements to the land that 9967
are part of or used in a public recreational facility used by a 9968
major league professional athletic team or a class A to class AAA 9969
minor league affiliate of a major league professional athletic 9970
team for a significant portion of the team's home schedule, 9971
provided the following apply: 9972

(I) The facility is leased from the eligible county pursuant 9973
to a lease that requires substantially all of the revenue from the 9974
operation of the business or activity conducted by the nonprofit 9975
corporation at the facility in excess of operating costs, capital 9976
expenditures, and reserves to be paid to the eligible county at 9977
least once per calendar year. 9978

(II) Upon dissolution and liquidation of the nonprofit 9979
corporation, all of its net assets are distributable to the board 9980

of commissioners of the eligible county from which the corporation 9981
leases the facility. 9982

(ii) "Eligible county" has the same meaning as in section 9983
307.695 of the Revised Code. 9984

(53) Sales to or by a cable service provider, video service 9985
provider, or radio or television broadcast station regulated by 9986
the federal government of cable service or programming, video 9987
service or programming, audio service or programming, or 9988
electronically transferred digital audiovisual or audio work. As 9989
used in division (B)(53) of this section, "cable service" and 9990
"cable service provider" have the same meanings as in section 9991
1332.01 of the Revised Code, and "video service," "video service 9992
provider," and "video programming" have the same meanings as in 9993
section 1332.21 of the Revised Code. 9994

(C) For the purpose of the proper administration of this 9995
chapter, and to prevent the evasion of the tax, it is presumed 9996
that all sales made in this state are subject to the tax until the 9997
contrary is established. 9998

(D) The levy of this tax on retail sales of recreation and 9999
sports club service shall not prevent a municipal corporation from 10000
levying any tax on recreation and sports club dues or on any 10001
income generated by recreation and sports club dues. 10002

(E) The tax collected by the vendor from the consumer under 10003
this chapter is not part of the price, but is a tax collection for 10004
the benefit of the state, and of counties levying an additional 10005
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 10006
Code and of transit authorities levying an additional sales tax 10007
pursuant to section 5739.023 of the Revised Code. Except for the 10008
discount authorized under section 5739.12 of the Revised Code and 10009
the effects of any rounding pursuant to section 5703.055 of the 10010
Revised Code, no person other than the state or such a county or 10011

transit authority shall derive any benefit from the collection or 10012
payment of the tax levied by this section or section 5739.021, 10013
5739.023, or 5739.026 of the Revised Code. 10014

Section 101.02. That existing sections 122.14, 125.834, 10015
126.06, 127.14, 164.05, 1548.07, 2953.36, 2953.61, 3772.10, 10016
4501.01, 4501.03, 4501.04, 4501.044, 4501.045, 4501.06, 4501.11, 10017
4501.26, 4501.34, 4503.04, 4503.102, 4503.103, 4503.11, 4503.182, 10018
4503.21, 4503.22, 4503.233, 4503.26, 4503.499, 4503.544, 4505.09, 10019
4505.14, 4506.01, 4506.03, 4506.05, 4506.06, 4506.07, 4506.071, 10020
4506.08, 4506.09, 4506.10, 4506.12, 4506.13, 4506.15, 4506.16, 10021
4506.17, 4506.20, 4506.21, 4507.03, 4507.071, 4507.11, 4507.21, 10022
4507.23, 4508.01, 4508.02, 4508.03, 4508.04, 4508.05, 4508.06, 10023
4508.10, 4509.05, 4509.101, 4509.81, 4511.01, 4511.53, 4511.69, 10024
4513.263, 4513.60, 4513.601, 4513.61, 4513.68, 4513.69, 4517.03, 10025
4517.10, 4519.63, 4582.06, 4582.31, 4749.07, 5501.55, 5501.56, 10026
5502.03, 5502.39, 5502.67, 5528.31, 5528.40, 5531.08, 5534.04, 10027
5537.35, 5543.22, 5577.044, 5728.08, 5735.23, 5735.26, 5735.291, 10028
5735.30, and 5739.02 of the Revised Code are hereby repealed. 10029

Section 105.01. That sections 4501.19, 4501.28, 5502.131, 10030
5528.19, 5528.32, 5528.33, 5528.35, 5528.36, 5528.38, and 5528.39 10031
of the Revised Code are hereby repealed. 10032

Section 110.10. That the versions of sections 4501.01 and 10033
4507.11 of the Revised Code that are scheduled to take effect 10034
January 1, 2017, be amended to read as follows: 10035

Sec. 4501.01. As used in this chapter and Chapters 4503., 10036
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 10037
Revised Code, and in the penal laws, except as otherwise provided: 10038

(A) "Vehicles" means everything on wheels or runners, 10039
including motorized bicycles, but does not mean electric personal 10040

assistive mobility devices, vehicles that are operated exclusively 10041
on rails or tracks or from overhead electric trolley wires, and 10042
vehicles that belong to any police department, municipal fire 10043
department, or volunteer fire department, or that are used by such 10044
a department in the discharge of its functions. 10045

(B) "Motor vehicle" means any vehicle, including mobile homes 10046
and recreational vehicles, that is propelled or drawn by power 10047
other than muscular power or power collected from overhead 10048
electric trolley wires. "Motor vehicle" does not include utility 10049
vehicles as defined in division (VV) of this section, under-speed 10050
vehicles as defined in division (XX) of this section, mini-trucks 10051
as defined in division (BBB) of this section, motorized bicycles, 10052
road rollers, traction engines, power shovels, power cranes, and 10053
other equipment used in construction work and not designed for or 10054
employed in general highway transportation, well-drilling 10055
machinery, ditch-digging machinery, farm machinery, and trailers 10056
that are designed and used exclusively to transport a boat between 10057
a place of storage and a marina, or in and around a marina, when 10058
drawn or towed on a public road or highway for a distance of no 10059
more than ten miles and at a speed of twenty-five miles per hour 10060
or less. 10061

(C) "Agricultural tractor" and "traction engine" mean any 10062
self-propelling vehicle that is designed or used for drawing other 10063
vehicles or wheeled machinery, but has no provisions for carrying 10064
loads independently of such other vehicles, and that is used 10065
principally for agricultural purposes. 10066

(D) "Commercial tractor," except as defined in division (C) 10067
of this section, means any motor vehicle that has motive power and 10068
either is designed or used for drawing other motor vehicles, or is 10069
designed or used for drawing another motor vehicle while carrying 10070
a portion of the other motor vehicle or its load, or both. 10071

(E) "Passenger car" means any motor vehicle that is designed 10072

and used for carrying not more than nine persons and includes any 10073
motor vehicle that is designed and used for carrying not more than 10074
fifteen persons in a ridesharing arrangement. 10075

(F) "Collector's vehicle" means any motor vehicle or 10076
agricultural tractor or traction engine that is of special 10077
interest, that has a fair market value of one hundred dollars or 10078
more, whether operable or not, and that is owned, operated, 10079
collected, preserved, restored, maintained, or used essentially as 10080
a collector's item, leisure pursuit, or investment, but not as the 10081
owner's principal means of transportation. "Licensed collector's 10082
vehicle" means a collector's vehicle, other than an agricultural 10083
tractor or traction engine, that displays current, valid license 10084
tags issued under section 4503.45 of the Revised Code, or a 10085
similar type of motor vehicle that displays current, valid license 10086
tags issued under substantially equivalent provisions in the laws 10087
of other states. 10088

(G) "Historical motor vehicle" means any motor vehicle that 10089
is over twenty-five years old and is owned solely as a collector's 10090
item and for participation in club activities, exhibitions, tours, 10091
parades, and similar uses, but that in no event is used for 10092
general transportation. 10093

(H) "Noncommercial motor vehicle" means any motor vehicle, 10094
including a farm truck as defined in section 4503.04 of the 10095
Revised Code, that is designed by the manufacturer to carry a load 10096
of no more than one ton and is used exclusively for purposes other 10097
than engaging in business for profit. 10098

(I) "Bus" means any motor vehicle that has motor power and is 10099
designed and used for carrying more than nine passengers, except 10100
any motor vehicle that is designed and used for carrying not more 10101
than fifteen passengers in a ridesharing arrangement. 10102

(J) "Commercial car" or "truck" means any motor vehicle that 10103

has motor power and is designed and used for carrying merchandise 10104
or freight, or that is used as a commercial tractor. 10105

(K) "Bicycle" means every device, other than a device that is 10106
designed solely for use as a play vehicle by a child, that is 10107
propelled solely by human power upon which a person may ride, and 10108
that has two or more wheels, any of which is more than fourteen 10109
inches in diameter. 10110

(L) "Motorized bicycle" or "moped" means any vehicle that 10111
either has two tandem wheels or one wheel in the front and two 10112
wheels in the rear, that may be pedaled, and that is equipped with 10113
a helper motor of not more than fifty cubic centimeters piston 10114
displacement that produces no more than one brake horsepower and 10115
is capable of propelling the vehicle at a speed of no greater than 10116
twenty miles per hour on a level surface. 10117

(M) "Trailer" means any vehicle without motive power that is 10118
designed or used for carrying property or persons wholly on its 10119
own structure and for being drawn by a motor vehicle, and includes 10120
any such vehicle that is formed by or operated as a combination of 10121
a semitrailer and a vehicle of the dolly type such as that 10122
commonly known as a trailer dolly, a vehicle used to transport 10123
agricultural produce or agricultural production materials between 10124
a local place of storage or supply and the farm when drawn or 10125
towed on a public road or highway at a speed greater than 10126
twenty-five miles per hour, and a vehicle that is designed and 10127
used exclusively to transport a boat between a place of storage 10128
and a marina, or in and around a marina, when drawn or towed on a 10129
public road or highway for a distance of more than ten miles or at 10130
a speed of more than twenty-five miles per hour. "Trailer" does 10131
not include a manufactured home or travel trailer. 10132

(N) "Noncommercial trailer" means any trailer, except a 10133
travel trailer or trailer that is used to transport a boat as 10134
described in division (B) of this section, but, where applicable, 10135

includes a vehicle that is used to transport a boat as described 10136
in division (M) of this section, that has a gross weight of no 10137
more than ten thousand pounds, and that is used exclusively for 10138
purposes other than engaging in business for a profit, such as the 10139
transportation of personal items for personal or recreational 10140
purposes. 10141

(O) "Mobile home" means a building unit or assembly of closed 10142
construction that is fabricated in an off-site facility, is more 10143
than thirty-five body feet in length or, when erected on site, is 10144
three hundred twenty or more square feet, is built on a permanent 10145
chassis, is transportable in one or more sections, and does not 10146
qualify as a manufactured home as defined in division (C)(4) of 10147
section 3781.06 of the Revised Code or as an industrialized unit 10148
as defined in division (C)(3) of section 3781.06 of the Revised 10149
Code. 10150

(P) "Semitrailer" means any vehicle of the trailer type that 10151
does not have motive power and is so designed or used with another 10152
and separate motor vehicle that in operation a part of its own 10153
weight or that of its load, or both, rests upon and is carried by 10154
the other vehicle furnishing the motive power for propelling 10155
itself and the vehicle referred to in this division, and includes, 10156
for the purpose only of registration and taxation under those 10157
chapters, any vehicle of the dolly type, such as a trailer dolly, 10158
that is designed or used for the conversion of a semitrailer into 10159
a trailer. 10160

(Q) "Recreational vehicle" means a vehicular portable 10161
structure that meets all of the following conditions: 10162

(1) It is designed for the sole purpose of recreational 10163
travel. 10164

(2) It is not used for the purpose of engaging in business 10165
for profit. 10166

(3) It is not used for the purpose of engaging in intrastate commerce.	10167 10168
(4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.	10169 10170
(5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code.	10171 10172
(6) It is classed as one of the following:	10173
(a) "Travel trailer" or "house vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code.	10174 10175 10176 10177 10178
(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.	10179 10180 10181 10182
(c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.	10183 10184 10185 10186 10187 10188
(d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.	10189 10190 10191 10192 10193 10194
(e) "Park trailer" means a vehicle that is commonly known as a park model recreational vehicle, meets the American national	10195 10196

standard institute standard A119.5 (1988) for park trailers, is 10197
built on a single chassis, has a gross trailer area of four 10198
hundred square feet or less when set up, is designed for seasonal 10199
or temporary living quarters, and may be connected to utilities 10200
necessary for the operation of installed features and appliances. 10201

(R) "Pneumatic tires" means tires of rubber and fabric or 10202
tires of similar material, that are inflated with air. 10203

(S) "Solid tires" means tires of rubber or similar elastic 10204
material that are not dependent upon confined air for support of 10205
the load. 10206

(T) "Solid tire vehicle" means any vehicle that is equipped 10207
with two or more solid tires. 10208

(U) "Farm machinery" means all machines and tools that are 10209
used in the production, harvesting, and care of farm products, and 10210
includes trailers that are used to transport agricultural produce 10211
or agricultural production materials between a local place of 10212
storage or supply and the farm, agricultural tractors, threshing 10213
machinery, hay-baling machinery, corn shellers, hammermills, and 10214
machinery used in the production of horticultural, agricultural, 10215
and vegetable products. 10216

(V) "Owner" includes any person or firm, other than a 10217
manufacturer or dealer, that has title to a motor vehicle, except 10218
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 10219
includes in addition manufacturers and dealers. 10220

(W) "Manufacturer" and "dealer" include all persons and firms 10221
that are regularly engaged in the business of manufacturing, 10222
selling, displaying, offering for sale, or dealing in motor 10223
vehicles, at an established place of business that is used 10224
exclusively for the purpose of manufacturing, selling, displaying, 10225
offering for sale, or dealing in motor vehicles. A place of 10226
business that is used for manufacturing, selling, displaying, 10227

offering for sale, or dealing in motor vehicles shall be deemed to 10228
be used exclusively for those purposes even though snowmobiles or 10229
all-purpose vehicles are sold or displayed for sale thereat, even 10230
though farm machinery is sold or displayed for sale thereat, or 10231
even though repair, accessory, gasoline and oil, storage, parts, 10232
service, or paint departments are maintained thereat, or, in any 10233
county having a population of less than seventy-five thousand at 10234
the last federal census, even though a department in a place of 10235
business is used to dismantle, salvage, or rebuild motor vehicles 10236
by means of used parts, if such departments are operated for the 10237
purpose of furthering and assisting in the business of 10238
manufacturing, selling, displaying, offering for sale, or dealing 10239
in motor vehicles. Places of business or departments in a place of 10240
business used to dismantle, salvage, or rebuild motor vehicles by 10241
means of using used parts are not considered as being maintained 10242
for the purpose of assisting or furthering the manufacturing, 10243
selling, displaying, and offering for sale or dealing in motor 10244
vehicles. 10245

(X) "Operator" includes any person who drives or operates a 10246
motor vehicle upon the public highways. 10247

(Y) "Chauffeur" means any operator who operates a motor 10248
vehicle, other than a taxicab, as an employee for hire; or any 10249
operator whether or not the owner of a motor vehicle, other than a 10250
taxicab, who operates such vehicle for transporting, for gain, 10251
compensation, or profit, either persons or property owned by 10252
another. Any operator of a motor vehicle who is voluntarily 10253
involved in a ridesharing arrangement is not considered an 10254
employee for hire or operating such vehicle for gain, 10255
compensation, or profit. 10256

(Z) "State" includes the territories and federal districts of 10257
the United States, and the provinces of Canada. 10258

(AA) "Public roads and highways" for vehicles includes all 10259

public thoroughfares, bridges, and culverts. 10260

(BB) "Manufacturer's number" means the manufacturer's 10261
original serial number that is affixed to or imprinted upon the 10262
chassis or other part of the motor vehicle. 10263

(CC) "Motor number" means the manufacturer's original number 10264
that is affixed to or imprinted upon the engine or motor of the 10265
vehicle. 10266

(DD) "Distributor" means any person who is authorized by a 10267
motor vehicle manufacturer to distribute new motor vehicles to 10268
licensed motor vehicle dealers at an established place of business 10269
that is used exclusively for the purpose of distributing new motor 10270
vehicles to licensed motor vehicle dealers, except when the 10271
distributor also is a new motor vehicle dealer, in which case the 10272
distributor may distribute at the location of the distributor's 10273
licensed dealership. 10274

(EE) "Ridesharing arrangement" means the transportation of 10275
persons in a motor vehicle where the transportation is incidental 10276
to another purpose of a volunteer driver and includes ridesharing 10277
arrangements known as carpools, vanpools, and buspools. 10278

(FF) "Apportionable vehicle" means any vehicle that is used 10279
or intended for use in two or more international registration plan 10280
member jurisdictions that allocate or proportionally register 10281
vehicles, that is used for the transportation of persons for hire 10282
or designed, used, or maintained primarily for the transportation 10283
of property, and that meets any of the following qualifications: 10284

(1) Is a power unit having a gross vehicle weight in excess 10285
of twenty-six thousand pounds; 10286

(2) Is a power unit having three or more axles, regardless of 10287
the gross vehicle weight; 10288

(3) Is a combination vehicle with a gross vehicle weight in 10289

excess of twenty-six thousand pounds. 10290

"Apportionable vehicle" does not include recreational 10291
vehicles, vehicles displaying restricted plates, city pick-up and 10292
delivery vehicles, buses used for the transportation of chartered 10293
parties, or vehicles owned and operated by the United States, this 10294
state, or any political subdivisions thereof. 10295

(GG) "Chartered party" means a group of persons who contract 10296
as a group to acquire the exclusive use of a passenger-carrying 10297
motor vehicle at a fixed charge for the vehicle in accordance with 10298
the carrier's tariff, lawfully on file with the United States 10299
department of transportation, for the purpose of group travel to a 10300
specified destination or for a particular itinerary, either agreed 10301
upon in advance or modified by the chartered group after having 10302
left the place of origin. 10303

(HH) "International registration plan" means a reciprocal 10304
agreement of member jurisdictions that is endorsed by the American 10305
association of motor vehicle administrators, and that promotes and 10306
encourages the fullest possible use of the highway system by 10307
authorizing apportioned registration of fleets of vehicles and 10308
recognizing registration of vehicles apportioned in member 10309
jurisdictions. 10310

(II) "Restricted plate" means a license plate that has a 10311
restriction of time, geographic area, mileage, or commodity, and 10312
includes license plates issued to farm trucks under division (J) 10313
of section 4503.04 of the Revised Code. 10314

(JJ) "Gross vehicle weight," with regard to any commercial 10315
car, trailer, semitrailer, or bus that is taxed at the rates 10316
established under section 4503.042 or 4503.65 of the Revised Code, 10317
means the unladen weight of the vehicle fully equipped plus the 10318
maximum weight of the load to be carried on the vehicle. 10319

(KK) "Combined gross vehicle weight" with regard to any 10320

combination of a commercial car, trailer, and semitrailer, that is 10321
taxed at the rates established under section 4503.042 or 4503.65 10322
of the Revised Code, means the total unladen weight of the 10323
combination of vehicles fully equipped plus the maximum weight of 10324
the load to be carried on that combination of vehicles. 10325

(LL) "Chauffeured limousine" means a motor vehicle that is 10326
designed to carry nine or fewer passengers and is operated for 10327
hire pursuant to a prearranged contract for the transportation of 10328
passengers on public roads and highways along a route under the 10329
control of the person hiring the vehicle and not over a defined 10330
and regular route. "Prearranged contract" means an agreement, made 10331
in advance of boarding, to provide transportation from a specific 10332
location in a chauffeured limousine. "Chauffeured limousine" does 10333
not include any vehicle that is used exclusively in the business 10334
of funeral directing. 10335

(MM) "Manufactured home" has the same meaning as in division 10336
(C)(4) of section 3781.06 of the Revised Code. 10337

(NN) "Acquired situs," with respect to a manufactured home or 10338
a mobile home, means to become located in this state by the 10339
placement of the home on real property, but does not include the 10340
placement of a manufactured home or a mobile home in the inventory 10341
of a new motor vehicle dealer or the inventory of a manufacturer, 10342
remanufacturer, or distributor of manufactured or mobile homes. 10343

(OO) "Electronic" includes electrical, digital, magnetic, 10344
optical, electromagnetic, or any other form of technology that 10345
entails capabilities similar to these technologies. 10346

(PP) "Electronic record" means a record generated, 10347
communicated, received, or stored by electronic means for use in 10348
an information system or for transmission from one information 10349
system to another. 10350

(QQ) "Electronic signature" means a signature in electronic 10351

form attached to or logically associated with an electronic 10352
record. 10353

(RR) "Financial transaction device" has the same meaning as 10354
in division (A) of section 113.40 of the Revised Code. 10355

(SS) "Electronic motor vehicle dealer" means a motor vehicle 10356
dealer licensed under Chapter 4517. of the Revised Code whom the 10357
registrar of motor vehicles determines meets the criteria 10358
designated in section 4503.035 of the Revised Code for electronic 10359
motor vehicle dealers and designates as an electronic motor 10360
vehicle dealer under that section. 10361

(TT) "Electric personal assistive mobility device" means a 10362
self-balancing two non-tandem wheeled device that is designed to 10363
transport only one person, has an electric propulsion system of an 10364
average of seven hundred fifty watts, and when ridden on a paved 10365
level surface by an operator who weighs one hundred seventy pounds 10366
has a maximum speed of less than twenty miles per hour. 10367

(UU) "Limited driving privileges" means the privilege to 10368
operate a motor vehicle that a court grants under section 4510.021 10369
of the Revised Code to a person whose driver's or commercial 10370
driver's license or permit or nonresident operating privilege has 10371
been suspended. 10372

(VV) "Utility vehicle" means a self-propelled vehicle 10373
designed with a bed, principally for the purpose of transporting 10374
material or cargo in connection with construction, agricultural, 10375
forestry, grounds maintenance, lawn and garden, materials 10376
handling, or similar activities. 10377

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 10378
vehicle with an attainable speed in one mile on a paved level 10379
surface of more than twenty miles per hour but not more than 10380
twenty-five miles per hour and with a gross vehicle weight rating 10381
less than three thousand pounds. 10382

(XX) "Under-speed vehicle" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

(YY) "Motor-driven cycle or motor scooter" means any vehicle designed to travel on not more than three wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet, and is equipped with a motor with a piston displacement between fifty and one hundred fifty cubic centimeters piston displacement that produces not more than five brake horsepower and is capable of propelling the vehicle at a speed greater than twenty miles per hour on a level surface.

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

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

(BBB) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle

safety standards. 10415

Sec. 4507.11. (A)(1) The registrar of motor vehicles shall 10416
conduct all necessary examinations of applicants for temporary 10417
instruction permits, drivers' licenses, motorcycle operators' 10418
endorsements, or motor-driven cycle or motor scooter endorsements. 10419
The examination shall include a test of the applicant's knowledge 10420
of motor vehicle laws, including the laws ~~on~~ governing stopping 10421
for school buses, a test of the applicant's physical fitness to 10422
drive, and a test of the applicant's ability to understand highway 10423
traffic control devices. The registrar may conduct the examination 10424
~~may be conducted~~ in such a manner that applicants who are 10425
illiterate or limited in their knowledge of the English language 10426
~~may be~~ are tested by methods that would indicate to the examining 10427
officer that the applicant has a reasonable knowledge of motor 10428
vehicle laws and understands highway traffic control devices. ~~An~~ 10429

(2) An applicant for a driver's license shall give an actual 10430
demonstration of the ability to exercise ordinary and reasonable 10431
control in the operation of a motor vehicle by driving ~~the same a~~ a 10432
motor vehicle under the supervision of an examining officer; 10433
however, no applicant for a driver's license shall use a low-speed 10434
or under-speed vehicle or a mini-truck for the purpose of 10435
demonstrating ability to exercise ordinary and reasonable control 10436
over a vehicle. ~~Except~~ The demonstration shall consist of a 10437
maneuverability test and a road test. The director of public 10438
safety shall determine the formats of the tests. 10439

(3) Except as provided in division (B) of this section, an 10440
applicant for a motorcycle operator's endorsement or a restricted 10441
license that permits only the operation of a motorcycle shall give 10442
an actual demonstration of the ability to exercise ordinary and 10443
reasonable control in the operation of a motorcycle by driving ~~the~~ 10444
~~same a~~ motorcycle under the supervision of an examining officer+ 10445

~~however.~~ However, no applicant for such an endorsement or 10446
restricted license shall use a motor-driven cycle or motor scooter 10447
for the purpose of demonstrating ability to exercise ordinary and 10448
reasonable control in the operation of a motorcycle. ~~Except~~ 10449

(4) Except as provided in division (B) of this section, an 10450
applicant for a motor-driven cycle or motor scooter operator's 10451
endorsement or a restricted license that permits only the 10452
operation of a motor-driven cycle or motor scooter shall give an 10453
actual demonstration of the ability to exercise ordinary and 10454
reasonable control in the operation of a motor-driven cycle or 10455
motor scooter by driving a motor-driven cycle or motor scooter 10456
under the supervision of an examining officer. ~~Except~~ 10457

(5) Except as provided in section 4507.12 of the Revised 10458
Code, the registrar shall designate the highway patrol, any law 10459
enforcement body, or any other employee of the department of 10460
public safety to supervise and conduct examinations for temporary 10461
instruction permits, drivers' licenses, and motorcycle operators' 10462
endorsements and shall provide the necessary rules and forms to 10463
properly conduct the examinations. The A deputy registrar shall 10464
forward to the registrar the records of the examinations, together 10465
with the application for a temporary instruction permit, driver's 10466
license, or motorcycle operator's endorsement, ~~shall be forwarded~~ 10467
~~to the registrar by the deputy registrar, and, if.~~ If in the 10468
opinion of the registrar the applicant is qualified to operate a 10469
motor vehicle, the registrar shall issue the permit, license, or 10470
endorsement. 10471

(6) The registrar may authorize the highway patrol, other 10472
designated law enforcement body, or other designated employee of 10473
the department of public safety to issue an examiner's driving 10474
permit to an applicant who has passed the required examination, 10475
authorizing that applicant to operate a motor vehicle while the 10476
registrar is completing an investigation relative to that 10477

applicant's qualifications to receive a temporary instruction 10478
permit, driver's license, or motorcycle operator's endorsement. 10479
The applicant shall keep the examiner's driving permit ~~shall be~~ in 10480
the applicant's immediate possession ~~of the applicant~~ while 10481
operating a motor vehicle ~~and shall be~~. The examiner's driving 10482
permit is effective until final action and notification has been 10483
given by the registrar, but in no event longer than sixty days 10484
from its date of issuance. 10485

(B)(1) An applicant for a motorcycle operator's endorsement 10486
or a restricted license that permits only the operation of a 10487
motorcycle who presents to the registrar of motor vehicles or a 10488
deputy registrar a form approved by the director of public safety 10489
attesting to the applicant's successful completion within the 10490
preceding sixty days of a course of basic instruction provided by 10491
the motorcycle safety and education program approved by the 10492
director pursuant to section 4508.08 of the Revised Code shall not 10493
be required to give an actual demonstration of the ability to 10494
operate a motorcycle by driving a motorcycle under the supervision 10495
of an examining officer, as described in division (A) of this 10496
section. An applicant for a motor-driven cycle or motor scooter 10497
operator's endorsement or a restricted license that permits only 10498
the operation of a motor-driven cycle or motor scooter who 10499
presents to the registrar of motor vehicles or a deputy registrar 10500
a form approved by the director of public safety attesting to the 10501
applicant's successful completion within the preceding sixty days 10502
of a course of basic instruction provided by the motorcycle safety 10503
and education program approved by the director pursuant to section 10504
4508.08 of the Revised Code shall not be required to give an 10505
actual demonstration of the ability to operate a motor-driven 10506
cycle or motor scooter by driving a motor-driven cycle or motor 10507
scooter under the supervision of an examining officer, as 10508
described in division (A) of this section. Upon presentation of 10509
the form described in division (B)(1) of this section and 10510

compliance with all other requirements relating to the issuance of 10511
a motorcycle operator's endorsement or a restricted license that 10512
permits only the operation of a motorcycle, the registrar or 10513
deputy registrar shall issue to the applicant the endorsement or 10514
restricted license, as the case may be. 10515

(2) A person who has not attained eighteen years of age and 10516
presents an application for a motorcycle operator's endorsement or 10517
a restricted license under division (B)(1) of this section also 10518
shall comply with the requirements of section 4507.21 of the 10519
Revised Code. 10520

(C) A person who holds a valid motorcycle endorsement or 10521
restricted license that permits only the operation of a motorcycle 10522
may operate a motor-driven cycle or motor scooter with that 10523
endorsement or restricted license. 10524

Section 110.11. That the existing versions of sections 10525
4501.01 and 4507.11 of the Revised Code that are scheduled to take 10526
effect January 1, 2017, are hereby repealed. 10527

Section 110.12. Sections 110.10 and 110.11 of this act take 10528
effect January 1, 2017. 10529

Section 125.10. Section 5501.491 of the Revised Code is 10530
repealed July 1, 2019. 10531

Section 201.10. Except as otherwise provided in this act, all 10532
appropriation items in this act are appropriated out of any moneys 10533
in the state treasury to the credit of the designated fund that 10534
are not otherwise appropriated. For all appropriations made in 10535
this act, the amounts in the first column are for fiscal year 2016 10536
and the amounts in the second column are for fiscal year 2017. 10537

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 10538

	Highway Operating Fund Group					10539	
2120	772426	Highway	\$	3,500,000	\$	3,500,000	10540
		Infrastructure Bank -					
		Federal					
2120	772427	Highway	\$	9,825,000	\$	9,825,000	10541
		Infrastructure Bank -					
		State					
2120	772430	Infrastructure Debt	\$	525,000	\$	525,000	10542
		Reserve Title 23-49					
2130	772431	Roadway	\$	3,500,000	\$	3,500,000	10543
		Infrastructure Bank -					
		State					
2130	772433	Infrastructure Debt	\$	650,000	\$	650,000	10544
		Reserve - State					
2130	777477	Aviation	\$	2,000,000	\$	2,000,000	10545
		Infrastructure Bank -					
		State					
7002	770003	Transportation	\$	10,100,000	\$	12,162,500	10546
		Facilities Lease					
		Rental Bond Payments					
7002	771411	Planning and Research	\$	20,616,087	\$	23,590,435	10547
		- State					
7002	771412	Planning and Research	\$	33,405,195	\$	30,780,847	10548
		- Federal					
7002	772421	Highway Construction	\$	600,691,058	\$	577,413,383	10549
		- State					
7002	772422	Highway Construction	\$	1,006,223,456	\$	1,032,306,620	10550
		- Federal					
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000	10551
		- Other					
7002	772437	Major New State	\$	24,802,700	\$	25,859,100	10552
		Infrastructure Bond					
		Debt Service - State					

7002	772438	Major New State Infrastructure Bond Debt Service - Federal	\$	152,033,800	\$	146,534,600	10553
7002	773431	Highway Maintenance - State	\$	506,200,000	\$	519,400,000	10554
7002	775452	Public Transportation - Federal	\$	31,232,549	\$	31,232,549	10555
7002	775454	Public Transportation - Other	\$	1,500,000	\$	1,500,000	10556
7002	776462	Grade Crossings - Federal	\$	14,098,000	\$	14,072,000	10557
7002	777472	Airport Improvements - Federal	\$	405,000	\$	405,000	10558
7002	777475	Aviation Administration	\$	6,620,899	\$	6,666,416	10559
7002	779491	Administration - State	\$	89,292,626	\$	92,690,582	10560
TOTAL HOF Highway Operating							10561
Fund Group			\$	2,597,221,370	\$	2,614,614,032	10562
Dedicated Purpose Fund Group							10563
4N40	776664	Rail Transportation - Other	\$	2,875,800	\$	2,875,800	10564
5W90	777615	County Airport Maintenance	\$	620,000	\$	620,000	10565
TOTAL DPF Dedicated Purpose							10566
Fund Group			\$	3,495,800	\$	3,495,800	10567
Capital Projects Fund Group							10568
7042	772723	Highway Construction - Bonds	\$	146,330,382	\$	166,254,827	10569
7045	772428	Highway Infrastructure Bank -	\$	131,209,431	\$	206,053,254	10570

Bonds

TOTAL CPF Capital Projects			10571
Fund Group	\$ 277,539,813	\$ 372,308,081	10572
TOTAL ALL BUDGET FUND GROUPS	\$ 2,878,256,983	\$ 2,990,417,913	10573

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 10574

PAYMENTS 10575

The foregoing appropriation item 770003, Transportation 10576
Facilities Lease Rental Bond Payments, shall be used to meet all 10577
payments during the period from July 1, 2015, through June 30, 10578
2017, by the Department of Transportation under the leases and 10579
agreements for facilities made under Chapter 154. of the Revised 10580
Code. This appropriation is the source of funds pledged for bond 10581
service charges on related obligations issued under Chapter 154. 10582
of the Revised Code. 10583

Should the appropriation in appropriation item 770003, 10584
Transportation Facilities Lease Rental Bond Payments, exceed the 10585
debt service payments in either fiscal year of the biennium ending 10586
June 30, 2017, then the balance may be transferred to 10587
appropriation item 772421, Highway Construction - State, 773431, 10588
Highway Maintenance - State, or 779491, Administration - State, 10589
upon the written request of the Director of Transportation and 10590
with the approval of the Director of Budget and Management. The 10591
transfer shall be reported to the Controlling Board. 10592

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 10593

COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 10594

(A) Notwithstanding section 5511.06 of the Revised Code, the 10595
Director of Transportation shall, in each fiscal year of the 10596
biennium ending June 30, 2017, determine portions of the foregoing 10597
appropriation item 772421, Highway Construction - State, which 10598
shall be used for the construction, reconstruction, or maintenance 10599

of public access roads, including support features, to and within 10600
state facilities owned or operated by the Department of Natural 10601
Resources. 10602

(B) Notwithstanding section 5511.06 of the Revised Code, of 10603
the foregoing appropriation item 772421, Highway Construction - 10604
State, \$2,228,000 in each fiscal year shall be used for the 10605
construction, reconstruction, or maintenance of park drives or 10606
park roads within the boundaries of metropolitan parks. 10607

(C) The Department of Transportation may use the foregoing 10608
appropriation item 772421, Highway Construction - State, to 10609
perform: 10610

(1) Related road work on behalf of the Ohio Expositions 10611
Commission at the state fairgrounds, including reconstruction or 10612
maintenance of public access roads and support features to and 10613
within fairgrounds facilities, as requested by the Commission and 10614
approved by the Director of Transportation; and 10615

(2) Related road work on behalf of the Ohio History 10616
Connection, including reconstruction or maintenance of public 10617
access roads and support features to and within Ohio History 10618
Connection facilities, as requested by the Ohio History Connection 10619
and approved by the Director of Transportation. 10620

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 10621

(A) Of the foregoing appropriation item 772421, Highway 10622
Construction - State, \$3,500,000 in each fiscal year shall be made 10623
available for distribution by the Director of Transportation to 10624
Transportation Improvement Districts that have facilitated funding 10625
for the cost of a project or projects in conjunction with and 10626
through other governmental agencies. 10627

(B) A Transportation Improvement District shall submit 10628
requests for project funding to the Ohio Department of 10629

Transportation not later than the first day of September in each 10630
fiscal year. The Ohio Department of Transportation shall notify 10631
the Transportation Improvement District whether the Department has 10632
approved or disapproved the project funding request within 90 days 10633
after the day the request was submitted by the Transportation 10634
Improvement District. 10635

(C) Any funding provided to a Transportation Improvement 10636
District specified in this section shall not be used for the 10637
purposes of administrative costs or administrative staffing and 10638
must be used to fund a specific project or projects within that 10639
District's area. The total amount of a specific project's cost 10640
shall not be fully funded by the amount of funds provided under 10641
this section. The total amount of funding provided for each 10642
project is limited to 25% of total project costs not to exceed 10643
\$250,000 per fiscal year. Transportation Improvement Districts 10644
that are co-sponsoring a specific project may individually apply 10645
for up to \$250,000 for that project. However, not more than 25% of 10646
a project's total costs per biennium shall be funded through 10647
moneys provided under this section. 10648

(D) Funding provided under this section may be used for 10649
preliminary engineering, detailed design, right-of-way 10650
acquisition, and construction of the specific project and such 10651
other project costs that are defined in section 5540.01 of the 10652
Revised Code and approved by the Director of Transportation. Upon 10653
receipt of a copy of an invoice for work performed on the specific 10654
project, the Director of Transportation shall reimburse a 10655
Transportation Improvement District for the expenditures described 10656
above, subject to the requirements of this section. 10657

(E) Any Transportation Improvement District that is 10658
requesting funds under this section shall register with the 10659
Director of Transportation. The Director of Transportation shall 10660
register a Transportation Improvement District only if the 10661

district has a specific, eligible project and may cancel the 10662
registration of a Transportation Improvement District that is not 10663
eligible to receive funds under this section. The Director shall 10664
not provide funds to any Transportation Improvement District under 10665
this section if the district is not registered. The Director of 10666
Transportation shall not register a Transportation Improvement 10667
District and shall cancel the registration of a currently 10668
registered Transportation Improvement District unless at least one 10669
of the following applies: 10670

(1) The Transportation Improvement District, by a resolution 10671
or resolutions, designated a project or program of projects and 10672
facilitated, including in conjunction with and through other 10673
governmental agencies, funding for costs of a project or program 10674
of projects in an aggregate amount of not less than \$10,000,000 10675
within the eight-year period commencing January 1, 2005. 10676

(2) The Transportation Improvement District, by a resolution 10677
or resolutions, designated a project or program of projects and 10678
facilitated, including in conjunction with and through other 10679
governmental agencies, funding for costs of a project or program 10680
of projects in an aggregate amount of not less than \$15,000,000 10681
from the commencement date of the project or program of projects. 10682

(3) The Transportation Improvement District has designated, 10683
by a resolution or resolutions, a project or program of projects 10684
that has estimated aggregate costs in excess of \$10,000,000 and 10685
the County Engineer of the county in which the Transportation 10686
Improvement District is located has attested by a sworn affidavit 10687
that the costs of the project or program of projects exceeds 10688
\$10,000,000 and that the Transportation Improvement District is 10689
facilitating a portion of funding for that project or program of 10690
projects. 10691

(F) For purposes of this section: 10692

(1) "Project" shall have the same meaning as in division (D) of section 5540.01 of the Revised Code. 10693
10694

(2) "Governmental agency" shall have the same meaning as in division (B) of section 5540.01 of the Revised Code. 10695
10696

(3) "Cost" shall have the same meaning as in division (C) of section 5540.01 of the Revised Code. 10697
10698

Section 203.50. ISSUANCE OF BONDS 10699

The Treasurer of State, upon the request of the Director of Transportation, is authorized to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.06 of the Revised Code, obligations, including bonds and notes, in the aggregate amount of \$313,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly. 10700
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The obligations shall be issued and sold from time to time in amounts necessary to provide sufficient moneys to the credit of the Highway Capital Improvement Fund (Fund 7042) created by section 5528.53 of the Revised Code to pay costs charged to the fund when due as estimated by the Director of Transportation, provided, however, that such obligations shall be issued and sold at such time or times so that not more than \$220,000,000 original principal amount of obligations, plus the principal amount of obligations that in prior fiscal years could have been, but were not, issued within the \$220,000,000 limit, may be issued in any fiscal year, and not more than \$1,200,000,000 original principal amount of such obligations are outstanding at any one time. 10707
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Section 203.60. TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002) APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND ADMINISTRATION 10719
10720
10721
10722

The Director of Budget and Management may approve requests 10723
from the Director of Transportation for transfer of Highway 10724
Operating Fund (Fund 7002) appropriations for planning and 10725
research (appropriation items 771411 and 771412), highway 10726
construction and debt service (appropriation items 772421, 772422, 10727
772424, 772425, 772437, 772438, and 770003), highway maintenance 10728
(appropriation item 773431), public transportation - federal 10729
(appropriation item 775452), elderly and disabled special 10730
equipment (appropriation item 775459), rail grade crossings 10731
(appropriation item 776462), aviation (appropriation item 777475), 10732
and administration (appropriation item 779491). The Director of 10733
Budget and Management may not make transfers out of debt service 10734
appropriation items unless the Director determines that the 10735
appropriated amounts exceed the actual and projected debt service 10736
requirements. Transfers of appropriations may be made upon the 10737
written request of the Director of Transportation and with the 10738
approval of the Director of Budget and Management. The transfers 10739
shall be reported to the Controlling Board at the next regularly 10740
scheduled meeting of the board. 10741

This transfer authority is intended to provide for emergency 10742
situations and flexibility to meet unforeseen conditions that 10743
could arise during the biennium ending June 30, 2017. It also is 10744
intended to allow the department to optimize the use of available 10745
resources and adjust to circumstances affecting the obligation and 10746
expenditure of federal funds. 10747

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 10748
AVIATION, AND RAIL AND LOCAL TRANSIT 10749

The Director of Budget and Management may approve written 10750
requests from the Director of Transportation for the transfer of 10751
appropriations between appropriation items 772422, Highway 10752
Construction - Federal, 775452, Public Transportation - Federal, 10753
775454, Public Transportation - Other, 775459, Elderly and 10754

Disabled Special Equipment, 776475, Federal Rail Administration, 10755
and 777472, Airport Improvements - Federal. The transfers shall be 10756
reported to the Controlling Board at its next regularly scheduled 10757
meeting. 10758

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 10759
BANK 10760

The Director of Budget and Management may approve requests 10761
from the Director of Transportation for transfer of appropriations 10762
and cash of the Infrastructure Bank funds created in section 10763
5531.09 of the Revised Code, including transfers between fiscal 10764
years 2016 and 2017. The transfers shall be reported to the 10765
Controlling Board at its next regularly scheduled meeting. 10766

The Director of Budget and Management may approve requests 10767
from the Director of Transportation for transfer of appropriations 10768
and cash from the Highway Operating Fund (Fund 7002) to the 10769
Infrastructure Bank funds created in section 5531.09 of the 10770
Revised Code. The Director of Budget and Management may transfer 10771
from the Infrastructure Bank funds to the Highway Operating Fund 10772
up to the amounts originally transferred to the Infrastructure 10773
Bank funds under this section. However, the Director may not make 10774
transfers between modes or transfers between different funding 10775
sources. The transfers shall be reported to the Controlling Board 10776
at its next regularly scheduled meeting. 10777

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 10778

The Director of Budget and Management may approve requests 10779
from the Director of Transportation for transfer of appropriations 10780
and cash of the Ohio Toll Fund and any subaccounts created in 10781
section 5531.14 of the Revised Code, including transfers between 10782
fiscal years 2016 and 2017. The transfers shall be reported to the 10783
Controlling Board at its next regularly scheduled meeting. 10784

INCREASING APPROPRIATIONS: STATE FUNDS 10785

In the event that receipts or unexpended balances credited to the Highway Operating Fund (Fund 7002) exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase those appropriations in the manner prescribed in section 131.35 of the Revised Code.

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund (Fund 7002) or apportionments or allocations made available from the federal and local government exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase those appropriations in the manner prescribed in section 131.35 of the Revised Code.

REAPPROPRIATIONS

In each fiscal year of the biennium ending June 30, 2017, the Director of Transportation may request that the Director of Budget and Management transfer any remaining unencumbered balances of prior years' appropriations to the Highway Operating Fund (Fund 7002), the Highway Capital Improvement Fund (Fund 7042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code for the same purpose in the following fiscal year. In the request, the Director of Transportation shall identify the appropriate fund and appropriation item of the transfer, and the requested transfer amount. The Director of Budget and Management may request additional information necessary for evaluating the transfer request, and the Director of Transportation shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Transportation, the Director of Budget and Management shall determine the amount to be transferred by fund and appropriation item, and those amounts are hereby reappropriated. The Director of

Transportation shall report the reappropriations to the 10818
Controlling Board. 10819

Any balances of prior years' unencumbered appropriations to 10820
the Highway Operating Fund (Fund 7002), the Highway Capital 10821
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 10822
created in section 5531.09 of the Revised Code for which the 10823
Director of Transportation requests reappropriations, and for 10824
which reappropriations are approved by the Director of Budget and 10825
Management, are subject to the availability of revenue as 10826
determined by the Director of Transportation. 10827

LIQUIDATION OF UNFORESEEN LIABILITIES 10828

Any appropriation made from the Highway Operating Fund (Fund 10829
7002) not otherwise restricted by law is available to liquidate 10830
unforeseen liabilities arising from contractual agreements of 10831
prior years when the prior year encumbrance is insufficient. 10832

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 10833

The Director of Transportation may remove snow and ice and 10834
maintain, repair, improve, or provide lighting upon interstate 10835
highways that are located within the boundaries of municipal 10836
corporations, in a manner adequate to meet the requirements of 10837
federal law. When agreed in writing by the Director of 10838
Transportation and the legislative authority of a municipal 10839
corporation and notwithstanding sections 125.01 and 125.11 of the 10840
Revised Code, the Department of Transportation may reimburse a 10841
municipal corporation for all or any part of the costs, as 10842
provided by such agreement, incurred by the municipal corporation 10843
in maintaining, repairing, lighting, and removing snow and ice 10844
from the interstate system. 10845

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 10846

The Director of Transportation may use revenues from the 10847

state motor vehicle fuel tax to match approved federal grants 10848
awarded to the Department of Transportation, regional transit 10849
authorities, or eligible public transportation systems, for public 10850
transportation highway purposes, or to support local or state 10851
funded projects for public transportation highway purposes. Public 10852
transportation highway purposes include: the construction or 10853
repair of high-occupancy vehicle traffic lanes, the acquisition or 10854
construction of park-and-ride facilities, the acquisition or 10855
construction of public transportation vehicle loops, the 10856
construction or repair of bridges used by public transportation 10857
vehicles or that are the responsibility of a regional transit 10858
authority or other public transportation system, or other similar 10859
construction that is designated as an eligible public 10860
transportation highway purpose. Motor vehicle fuel tax revenues 10861
may not be used for operating assistance or for the purchase of 10862
vehicles, equipment, or maintenance facilities. 10863

Section 203.90. OHIO BRIDGE PARTNERSHIP PROGRAM 10864

(A) In each fiscal year of the biennium ending June 30, 2017, 10865
the Director of Transportation shall identify moneys to be used 10866
for additional funding of the Ohio Bridge Partnership Program 10867
established in section 5501.491 of the Revised Code. The Director 10868
shall identify not less than \$10,000,000 in the biennium ending 10869
June 30, 2017, under this section. The identified amounts are 10870
hereby appropriated. 10871

(B) Funding identified under Division (A) of this section 10872
shall be supplemental to the amount of \$120,000,000 previously 10873
announced by the Department of Transportation for the Ohio Bridge 10874
Partnership Program in the biennium ending June 30, 2015. 10875

(C) The Director of Transportation may consult with officials 10876
of political subdivisions in assessing critical needs associated 10877
with bridges maintained by local government entities. The Director 10878

shall notify political subdivisions in an appropriate manner of 10879
the availability of the funding identified under Division (A) of 10880
this section. 10881

Section 203.100. The federal payments made to the state for 10882
highway infrastructure or for transit agencies under Title XII of 10883
Division A of the American Recovery and Reinvestment Act of 2009 10884
shall be deposited to the credit of the Highway Operating Fund 10885
(Fund 7002), which is created in section 5735.291 of the Revised 10886
Code. 10887

Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY 10888

Highway Safety Fund Group 10889

4W40 762321 Operating Expense - \$ 126,201,615 \$ 126,201,615 10890
BMV

4W40 762636 Financial \$ 4,785,067 \$ 4,785,067 10891
Responsibility
Compliance

4W40 762637 Local Immobilization \$ 200,000 \$ 200,000 10892
Reimbursement

7036 761321 Operating Expense - \$ 7,449,331 \$ 7,449,331 10893
Information and
Education

7036 761401 Public Safety \$ 2,435,800 \$ 2,433,200 10894
Facilities Lease
Rental Bond Payments

7036 764321 Operating Expense - \$ 270,232,602 \$ 270,232,602 10895
Highway Patrol

7036 764605 Motor Carrier \$ 2,860,000 \$ 2,860,000 10896
Enforcement Expenses

8300 761603 Salvage and Exchange - \$ 20,053 \$ 20,053 10897
Administration

8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	10898
83C0	764630	Contraband, Forfeiture, and Other	\$	622,894	\$	622,894	10899
83F0	764657	Law Enforcement Automated Data System	\$	8,500,000	\$	8,500,000	10900
83G0	764633	OMVI Enforcement/Education	\$	641,927	\$	641,927	10901
83M0	765624	Operating - EMS	\$	3,601,220	\$	3,601,220	10902
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	10903
8400	764607	State Fair Security	\$	1,294,354	\$	1,294,354	10904
8400	764617	Security and Investigations	\$	9,514,236	\$	9,514,236	10905
8400	764626	State Fairgrounds Police Force	\$	1,084,559	\$	1,084,559	10906
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	10907
8460	761625	Motorcycle Safety Education	\$	3,280,563	\$	3,280,563	10908
8490	762627	Automated Title Processing Board	\$	16,367,293	\$	16,367,293	10909
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	10910
TOTAL HSF Highway Safety Fund Group			\$	477,784,872	\$	477,782,272	10911
Dedicated Purpose Fund Group							10912
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	10913
5B90	766632	Private Investigator and Security Guard Provider	\$	1,400,000	\$	1,400,000	10914
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	10915
TOTAL DPF Dedicated Purpose Fund			\$	3,540,000	\$	3,540,000	10916

Group

Fiduciary Fund Group						10917
5J90 761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	10918
5V10 762682	License Plate	\$	2,100,000	\$	2,100,000	10919
	Contributions					
TOTAL FID	Fiduciary Fund Group	\$	3,600,000	\$	3,600,000	10920
Holding Account Fund Group						10921
R024 762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	10922
	Vehicle Receipts					
R052 762623	Security Deposits	\$	350,000	\$	350,000	10923
TOTAL HLD	Holding Account Fund	\$	2,235,000	\$	2,235,000	10924
Group						
Federal Fund Group						10925
3DU0 762628	BMV Grants	\$	850,000	\$	850,000	10926
3GR0 764693	Highway Patrol	\$	2,100,000	\$	2,100,000	10927
	Justice Contraband					
3GS0 764694	Highway Patrol	\$	21,000	\$	21,000	10928
	Treasury Contraband					
3GU0 761610	Information and	\$	300,000	\$	300,000	10929
	Education Grant					
3GU0 764608	Fatality Analysis	\$	175,000	\$	175,000	10930
	Report System Grant					
3GU0 764610	Highway Safety	\$	2,250,000	\$	2,250,000	10931
	Programs Grant					
3GU0 764659	Motor Carrier Safety	\$	5,200,000	\$	5,200,000	10932
	Assistance Program					
	Grant					
3GU0 765610	Emergency Medical	\$	225,000	\$	225,000	10933
	Services Grants					
3GV0 761612	Traffic Safety Action	\$	24,200,000	\$	24,200,000	10934
	Plan Grants					
TOTAL FED	Federal Fund Group	\$	35,321,000	\$	35,321,000	10935

TOTAL ALL BUDGET FUND GROUPS	\$ 522,480,872	\$ 522,478,272	10936
MOTOR VEHICLE REGISTRATION			10937
The Director of Public Safety may deposit revenues to meet			10938
the cash needs of the State Bureau of Motor Vehicles Fund (Fund			10939
4W40) established in section 4501.25 of the Revised Code, obtained			10940
under sections 4503.02 and 4504.02 of the Revised Code, less all			10941
other available cash. Revenue deposited pursuant to this paragraph			10942
shall support, in part, appropriations for operating expenses and			10943
defray the cost of manufacturing and distributing license plates			10944
and license plate stickers and enforcing the law relative to the			10945
operation and registration of motor vehicles. Notwithstanding			10946
section 4501.03 of the Revised Code, the revenues shall be paid			10947
into Fund 4W40 before any revenues obtained pursuant to sections			10948
4503.02 and 4504.02 of the Revised Code are paid into any other			10949
fund. The deposit of revenues to meet the aforementioned cash			10950
needs shall be in approximately equal amounts on a monthly basis			10951
or as otherwise approved by the Director of Budget and Management			10952
pursuant to a plan submitted by the Director of Public Safety.			10953
OPERATING EXPENSE - INFORMATION AND EDUCATION			10954
Of the foregoing appropriation item 761321, Operating Expense			10955
- Information and Education, \$450,000 in each year shall be used			10956
to purchase portable driving simulators.			10957
PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS			10958
The foregoing appropriation item 761401, Public Safety			10959
Facilities Lease Rental Bond Payments, shall be used to meet all			10960
payments during the period July 1, 2015, through June 30, 2017, by			10961
the Department of Public Safety under the leases and agreements			10962
for facilities under Chapters 152. and 154. of the Revised Code.			10963
The appropriations are the source of funds pledged for bond			10964
service charges on related obligations issued under Chapters 152.			10965
and 154. of the Revised Code.			10966

CASH TRANSFERS BETWEEN FUNDS	10967
Upon written request of the Director of Public Safety, the	10968
Director of Budget and Management may transfer cash between the	10969
State Bureau of Motor Vehicles Fund (Fund 4W40) and the State	10970
Highway Safety Fund (Fund 7036).	10971
CASH TRANSFERS - HIGHWAY PATROL	10972
Upon written request of the Director of Public Safety, the	10973
Director of Budget and Management may transfer cash from the State	10974
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0)	10975
or the Highway Safety Salvage and Exchange Highway Patrol Fund	10976
(Fund 8410) to the Security, Investigations and Policing Fund	10977
(Fund 8400).	10978
CASH TRANSFERS TO THE HIGHWAY SAFETY FUND - SHIPLEY UPGRADES	10979
Pursuant to a plan submitted by the Director of Public	10980
Safety, or as otherwise determined by the Director of Budget and	10981
Management, the Director of Budget and Management may make	10982
appropriate cash transfers on a pro-rata basis as approved by the	10983
Director of Budget and Management from other funds used by the	10984
Department of Public Safety, excluding the Public Safety Building	10985
Fund (Fund 7025), to the State Highway Safety Fund (Fund 7036) in	10986
order to reimburse expenditures for capital upgrades to the	10987
Shipley Building.	10988
CASH TRANSFERS - FEDERAL FUNDS	10989
Upon written request of the Director of Public Safety, the	10990
Director of Budget and Management may transfer cash from the	10991
Highway Safety Federal Reimbursement Fund (Fund 8310) to the	10992
Highway Safety Federal Reimbursement Fund (Fund 3GU0).	10993
Upon written request of the Director of Public Safety, the	10994
Director of Budget and Management may transfer cash from the	10995
Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund (Fund	10996

3GV0).	10997
Upon written request of the Director of Public Safety, the	10998
Director of Budget and Management may transfer cash from the	10999
Highway Patrol Justice Contraband Fund (Fund 83J0) to the Highway	11000
Patrol Justice Contraband Fund (Fund 3GR0).	11001
Upon written request of the Director of Public Safety, the	11002
Director of Budget and Management may transfer cash from the	11003
Highway Patrol Treasury Contraband Fund (Fund 83T0) to the Highway	11004
Patrol Treasury Contraband Fund (Fund 3GS0).	11005
CREDITING OF MONEYS RECEIVED	11006
Beginning July 1, 2015, or as soon as possible thereafter,	11007
all moneys received pursuant to section 4501.08 of the Revised	11008
Code may be deposited to the credit of the Highway Safety Federal	11009
Reimbursement Fund (Fund 3GU0) or to the Highway Safety Federal	11010
Reimbursement Fund (Fund 8310), as necessary.	11011
Beginning July 1, 2015, or as soon as possible thereafter,	11012
all moneys received pursuant to section 4501.09 of the Revised	11013
Code may be deposited to the credit of the Traffic Safety Fund	11014
(Fund 3GV0) or to the Traffic Safety Fund (Fund 8320), as	11015
necessary.	11016
Beginning July 1, 2015, or as soon as possible thereafter,	11017
all moneys received pursuant to section 2981.14 of the Revised	11018
Code shall be deposited to the credit of the Highway Patrol	11019
Justice Contraband Fund (Fund 3GR0).	11020
Beginning July 1, 2015, or as soon as possible thereafter,	11021
all moneys received pursuant to section 2981.14 of the Revised	11022
Code shall be deposited to the credit of the Highway Patrol	11023
Treasury Contraband Fund (Fund 3GS0).	11024
COLLECTIVE BARGAINING INCREASES	11025
Notwithstanding division (D) of section 127.14 and division	11026

(B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, authorize expenditures in excess of appropriations and transfer appropriations, as necessary, for any fund used by the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code. Any money approved for expenditure under this paragraph is hereby appropriated.

CASH BALANCE FUND REVIEW

The Director of Public Safety shall review the cash balances for each fund in the State Highway Safety Fund Group, and may submit a request in writing to the Director of Budget and Management to transfer amounts from any fund in the State Highway Safety Fund Group to the credit of the State Highway Safety Fund (Fund 7036) or the State Bureau of Motor Vehicles Fund (Fund 4W40), as appropriate. Upon receipt of such a request, the Director of Budget and Management may make appropriate transfers as requested by the Director of Public Safety or as otherwise determined by the Director of Budget and Management.

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY

Dedicated Purpose Fund Group									
4W00 195629 Roadwork Development	\$	15,200,000	\$	15,200,000					
TOTAL DPF Dedicated Purpose Fund Group			\$	15,200,000	\$	15,200,000			
TOTAL ALL BUDGET FUND GROUPS	\$	15,200,000	\$	15,200,000					

ROADWORK DEVELOPMENT FUND

The Roadwork Development Fund shall be used for road 11057
improvements associated with economic development opportunities 11058
that will retain or attract businesses for Ohio. "Road 11059
improvements" are improvements to public roadway facilities 11060
located on, or serving or capable of serving, a project site. 11061

The Department of Transportation, under the direction of the 11062
Development Services Agency, shall provide these funds in 11063
accordance with all guidelines and requirements established for 11064
other Development Services Agency programs, including Controlling 11065
Board review and approval as well as the requirements for usage of 11066
motor vehicle fuel tax revenue prescribed in Section 5a of Article 11067
XII, Ohio Constitution. Should the Development Services Agency 11068
require the assistance of the Department of Transportation to 11069
bring a project to completion, the Department of Transportation 11070
shall use its authority under Title 55 of the Revised Code to 11071
provide such assistance and may enter into contracts on behalf of 11072
the Development Services Agency. In addition, these funds may be 11073
used in conjunction with any other state funds appropriated for 11074
infrastructure improvements. 11075

The Director of Budget and Management, pursuant to a plan 11076
submitted by the Director of Development Services or as otherwise 11077
determined by the Director of Budget and Management, shall set a 11078
cash transfer schedule to meet the cash needs of the Development 11079
Services Agency Roadwork Development Fund (Fund 4W00), less any 11080
other available cash. The Director shall transfer to the Roadwork 11081
Development Fund from the Highway Operating Fund (Fund 7002), 11082
established in section 5735.291 of the Revised Code, such amounts 11083
at such times as determined by the transfer schedule. 11084

Section 209.10. PWC PUBLIC WORKS COMMISSION 11085

Dedicated Purpose Fund Group 11086

7052 150402 Local Transportation \$ 289,020 \$ 291,269 11087

	Improvement Program -				
	Operating				
7052 150701	Local Transportation	\$ 56,000,000	\$ 58,000,000		11088
	Improvement Program				
TOTAL DPF Dedicated Purpose					11089
Fund Group		\$ 56,289,020	\$ 58,291,269		11090
Capital Projects Fund Group					11091
7038 150321	State Capital	\$ 899,507	\$ 905,807		11092
	Improvements Program				
	- Operating Expenses				
TOTAL CPF Capital Projects					11093
Fund Group		\$ 899,507	\$ 905,807		11094
TOTAL ALL BUDGET FUND GROUPS		\$ 57,188,527	\$ 59,197,076		11095
	STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES				11096
	The foregoing appropriation item 150321, State Capital				11097
	Improvements Program - Operating Expenses, shall be used by the				11098
	Ohio Public Works Commission to administer the State Capital				11099
	Improvement Program under sections 164.01 to 164.16 of the Revised				11100
	Code.				11101
	DISTRICT ADMINISTRATION COSTS				11102
	The Director of the Public Works Commission is authorized to				11103
	create a District Administration Costs Program from proceeds of				11104
	the Capital Improvements Fund and Local Transportation Improvement				11105
	Program Fund. The program shall be used to provide for the direct				11106
	costs of district administration of the nineteen public works				11107
	districts. Districts choosing to participate in the program shall				11108
	only expend State Capital Improvements Fund moneys for State				11109
	Capital Improvements Fund costs and Local Transportation				11110
	Improvement Program Fund moneys for Local Transportation				11111
	Improvement Program Fund costs. The District Administration Costs				11112
	Program account shall not exceed \$1,235,000 per fiscal year. Each				11113
	public works district may be eligible for up to \$65,000 per fiscal				11114

year from its district allocation as provided in sections 164.08 11115
and 164.14 of the Revised Code. 11116

The Director, by rule, shall define allowable and 11117
nonallowable costs for the purpose of the District Administration 11118
Costs Program. Nonallowable costs include indirect costs, elected 11119
official salaries and benefits, and project-specific costs. No 11120
district public works committee may participate in the District 11121
Administration Costs Program without the approval of those costs 11122
by the district public works committee under section 164.04 of the 11123
Revised Code. 11124

REAPPROPRIATIONS 11125

All capital appropriations from the Local Transportation 11126
Improvement Program Fund (Fund 7052) in Am. Sub. H.B. 114 of the 11127
129th General Assembly remaining unencumbered as of June 30, 2015, 11128
are reappropriated for use during the period July 1, 2015, through 11129
June 30, 2016, for the same purpose. 11130

Notwithstanding division (B) of section 127.14 of the Revised 11131
Code, all capital appropriations and reappropriations from the 11132
Local Transportation Improvement Program Fund (Fund 7052) in this 11133
act remaining unencumbered as of June 30, 2016, are reappropriated 11134
for use during the period July 1, 2016, through June 30, 2017, for 11135
the same purposes, subject to the availability of revenue as 11136
determined by the Director of the Public Works Commission. 11137

TEMPORARY TRANSFERS 11138

Notwithstanding section 127.14 of the Revised Code, the 11139
Director of the Public Works Commission may request the Director 11140
of Budget and Management to transfer moneys from the Local 11141
Transportation Improvement Fund (Fund 7052) to the State Capital 11142
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 11143
(Fund 7056). The Director of Budget and Management may approve 11144
temporary transfers if such transfers are needed for capital 11145

outlays for which notes or bonds will be issued. Any transfers 11146
executed under this section shall be reported to the Controlling 11147
Board by June 30 of the fiscal year in which the transfer 11148
occurred. 11149

Section 401.10. All items set forth in this section are 11150
hereby appropriated out of any moneys in the state treasury to the 11151
credit of the Building Improvement Fund (Fund 5KZ0) that are not 11152
otherwise appropriated for the biennium ending June 30, 2016: 11153

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 11154

C10035	Building Improvement	\$	1,252,000	11155
TOTAL	Department of Administrative Services	\$	1,252,000	11156

Section 401.20. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 11158

The appropriations made in this act, excluding those made 11159
from the State Capital Improvement Fund (Fund 7038) and the State 11160
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings 11161
or structures, including remodeling and renovations, are limited 11162
to: 11163

(A) Acquisition of real property or interests in real 11164
property; 11165

(B) Buildings and structures, which includes construction, 11166
demolition, complete heating and cooling, lighting and lighting 11167
fixtures, and all necessary utilities, ventilating, plumbing, 11168
sprinkling, water, and sewer systems, when such systems are 11169
authorized or necessary; 11170

(C) Architectural, engineering, and professional services 11171
expenses directly related to the projects; 11172

(D) Machinery that is a part of structures at the time of 11173
initial acquisition or construction; 11174

(E) Acquisition, development, and deployment of new computer 11175

systems, including the redevelopment or integration of existing 11176
and new computer systems, but excluding regular or ongoing 11177
maintenance or support agreements; 11178

(F) Equipment that meets all the following criteria: 11179

(1) The equipment is essential in bringing the facility up to 11180
its intended use; 11181

(2) The unit cost of the equipment, and not the individual 11182
parts of a unit, is about \$100 or more; 11183

(3) The equipment has a useful life of five years or more; 11184
and 11185

(4) The equipment is necessary for the functioning of the 11186
particular facility or project. 11187

Equipment shall not be paid for from these appropriations 11188
that is not an integral part of or directly related to the basic 11189
purpose or function of a project for which moneys are 11190
appropriated. This paragraph does not apply to appropriation line 11191
items for equipment. 11192

Section 503.10. STATE AND LOCAL REBATE AUTHORIZATION 11193

There is hereby appropriated, from those funds designated by 11194
or pursuant to the applicable proceedings authorizing the issuance 11195
of state obligations, amounts computed at the time to represent 11196
the portion of investment income to be rebated or amounts in lieu 11197
of or in addition to any rebate amount to be paid to the federal 11198
government in order to maintain the exclusion from gross income 11199
for federal income tax purposes of interest on those state 11200
obligations under section 148(f) of the Internal Revenue Code. 11201

Rebate payments shall be approved and vouchered by the Office 11202
of Budget and Management. 11203

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 11204

TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 11205

The Director of Budget and Management shall initiate and 11206
process payments from lease rental payment appropriation items 11207
during the period from July 1, 2015, to June 30, 2017, pursuant to 11208
the lease and other agreements relating to bonds or notes issued 11209
under Section 2i of Article VIII of the Ohio Constitution and 11210
Chapters 152. and 154. of the Revised Code. Payments shall be made 11211
upon certification by the Treasurer of State of the dates and 11212
amounts due on those dates. 11213

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 11214

Certain appropriations are in this act for the purpose of 11215
lease rental and other payments under leases and agreements 11216
relating to bonds or notes issued under the Ohio Constitution and 11217
acts of the General Assembly. If it is determined that additional 11218
appropriations are necessary for this purpose, such amounts are 11219
hereby appropriated. 11220

Section 512.10. TRANSFERS OF CASH BETWEEN THE HIGHWAY 11221
OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND 11222

Upon the request of the Director of Transportation, the 11223
Director of Budget and Management may transfer cash from the 11224
Highway Operating Fund (Fund 7002) to the Highway Capital 11225
Improvement Fund (Fund 7042) created in section 5528.53 of the 11226
Revised Code. The Director of Budget and Management may transfer 11227
cash from Fund 7042 to Fund 7002 up to the amount of cash 11228
previously transferred to Fund 7042 under this section. 11229

Section 512.20. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 11230

The Director of Budget and Management shall transfer cash in 11231
equal monthly increments totaling \$165,664,404 in each fiscal year 11232

of the biennium ending June 30, 2017 from the Highway Operating Fund (Fund 7002), created in section 5735.291 of the Revised Code, to the Gasoline Excise Tax Fund (Fund 7060) created in division (A) of section 5735.27 of the Revised Code. The monthly amounts transferred under this section shall be distributed as follows: 42.86 per cent shall be distributed among the municipal corporations within the state under division (A)(2) of section 5735.27 of the Revised Code; 37.14 per cent shall be distributed among the counties within the state under division (A)(3) of section 5735.27 of the Revised Code; and 20 per cent shall be distributed among the townships within the state under division (A)(5)(b) of section 5735.27 of the Revised Code.

Section 512.30. DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING

On July 1, 2015, and on January 1, 2016, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

On July 1, 2016, and on January 1, 2017, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

Should additional amounts be necessary, the Inspector General, with the consent of the Director of Budget and Management, may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated from appropriation item 965603, Deputy Inspector General for ODOT, in the amount of the additional cash transfers.

Section 512.40. ABOLISHMENT OF FUNDS

On July 1, 2015, or as soon as possible thereafter, the 11263
Director of Budget and Management shall transfer the cash balance 11264
in the MARCS Operations Fund (Fund 4W60) to the MARCS 11265
Administration Fund (Fund 5C20). Upon completion of the transfer, 11266
Fund 4W60 is abolished. 11267

On July 1, 2015, or as soon as possible thereafter, the 11268
Highway Obligation Bond Retirement Fund (Fund 7071) is abolished. 11269

On January 1, 2016, or as soon as possible thereafter, the 11270
Director of Budget and Management shall transfer the cash balance 11271
in the Financial Responsibility Compliance Fund (Fund 8350) to the 11272
State Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion 11273
of the transfer, Fund 8350 is abolished. 11274

On January 1, 2016, or as soon as possible thereafter, the 11275
Director of Budget and Management shall transfer the cash balance 11276
in the Law Enforcement Reimbursement Fund (Fund 83R0) to the State 11277
Bureau of Motor Vehicles Fund (Fund 4W40). Upon completion of the 11278
transfer, Fund 83R0 is abolished. 11279

On March 1, 2016, or as soon as possible thereafter, the 11280
Director of Budget and Management shall transfer the cash balance 11281
in the Homeland Security Fund (Fund 5DS0) to the State Bureau of 11282
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 11283
Fund 5DS0 is abolished. 11284

On March 1, 2016, or as soon as possible thereafter, the 11285
Director of Budget and Management shall transfer the cash balance 11286
in the Investigations Fund (Fund 5FL0) to the State Bureau of 11287
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 11288
Fund 5FL0 is abolished. 11289

On March 1, 2016, or as soon as possible thereafter, the 11290
Director of Budget and Management shall transfer the cash balance 11291
in the Highway Safety Federal Reimbursement Fund (Fund 8310) to 11292
the Highway Safety Federal Reimbursement Fund (Fund 3GU0). Upon 11293

completion of the transfer, Fund 8310 is abolished. 11294

The Director shall cancel any existing encumbrances against 11295
Fund 8310 appropriation item 761610, Information and Education - 11296
Federal, and reestablish them against Fund 3GU0 appropriation item 11297
761610, Information and Education Grant. The reestablished 11298
encumbrance amounts are hereby appropriated. 11299

The Director shall cancel any existing encumbrances against 11300
Fund 8310 appropriation item 764608, FARS Grant Federal, and 11301
reestablish them against Fund 3GU0 appropriation item 764608, 11302
Fatality Analysis Report System Grant. The reestablished 11303
encumbrance amounts are hereby appropriated. 11304

The Director shall cancel any existing encumbrances against 11305
Fund 8310 appropriation item 764610, Patrol - Federal, and 11306
reestablish them against Fund 3GU0 appropriation item 764610, 11307
Highway Safety Programs Grant. The reestablished encumbrance 11308
amounts are hereby appropriated. 11309

The Director shall cancel any existing encumbrances against 11310
Fund 8310 appropriation item 764659, Transportation Enforcement - 11311
Federal, and reestablish them against Fund 3GU0 appropriation item 11312
764659, Motor Carrier Safety Assistance Program Grant. The 11313
reestablished encumbrance amounts are hereby appropriated. 11314

The Director shall cancel any existing encumbrances against 11315
Fund 8310 appropriation item 765610, EMS - Federal, and 11316
reestablish them against Fund 3GU0 appropriation item 765610, 11317
Emergency Medical Services Grants. The reestablished encumbrance 11318
amounts are hereby appropriated. 11319

The Director shall cancel any existing encumbrances against 11320
Fund 8310 appropriation item 769610, Investigative Unit Federal 11321
Reimbursement, and reestablish them against Fund 3GU0 11322
appropriation item 769610, Investigations Grants - Food Stamps, 11323
Liquor and Tobacco Laws. The reestablished encumbrance amounts are 11324

hereby appropriated. 11325

The Director shall cancel any existing encumbrances against 11326
Fund 8310 appropriation item 769631, Homeland Security - Federal, 11327
and reestablish them against Fund 3GU0 appropriation item 769631, 11328
Homeland Security Disaster Grants. The reestablished encumbrance 11329
amounts are hereby appropriated. 11330

On March 1, 2016, or as soon as possible thereafter, the 11331
Director of Budget and Management shall transfer the cash balance 11332
in the Traffic Safety Fund (Fund 8320) to the Traffic Safety Fund 11333
(Fund 3GV0). Upon completion of the transfer, Fund 8320 is 11334
abolished. 11335

The Director shall cancel any existing encumbrances against 11336
Fund 8320 appropriation item 761612, Traffic Safety - Federal, and 11337
reestablish them against Fund 3GV0 appropriation item 761612, 11338
Traffic Safety - Federal. The reestablished encumbrance amounts 11339
are hereby appropriated. 11340

On March 1, 2016, or as soon as possible thereafter, the 11341
Director of Budget and Management shall transfer the cash balance 11342
in the Highway Patrol Justice Contraband Fund (Fund 83J0) to the 11343
Highway Patrol Justice Contraband Fund (Fund 3GR0). Upon 11344
completion of the transfer, Fund 83J0 is abolished. 11345

The Director shall cancel any existing encumbrances against 11346
Fund 83J0 appropriation item 764693, Highway Patrol Justice 11347
Contraband, and reestablish them against Fund 3GR0 appropriation 11348
item 764693, Highway Patrol Justice Contraband. The reestablished 11349
encumbrance amounts are hereby appropriated. 11350

On March 1, 2016, or as soon as possible thereafter, the 11351
Director of Budget and Management shall transfer the cash balance 11352
in the Highway Patrol Treasury Contraband Fund (Fund 83T0) to the 11353
Highway Patrol Treasury Contraband Fund (Fund 3GS0). Upon 11354
completion of the transfer, Fund 83T0 is abolished. 11355

The Director shall cancel any existing encumbrances against Fund 83T0 appropriation item 764694, Highway Patrol Treasury Contraband, and reestablish them against Fund 3GS0 appropriation item 764694, Highway Patrol Treasury Contraband. The reestablished encumbrance amounts are hereby appropriated.

Section 521.10. To the extent permitted by federal law, federal money received by the state for fiscal stabilization and recovery purposes shall be used in accordance with the preferences for products and services made or performed in the United States and Ohio established in section 125.09 of the Revised Code.

Section 610.01. That Sections 729.10 and 729.11 of Am. Sub. H.B. 483 of the 130th General Assembly be amended to read as follows:

Sec. 729.10. (A)(1) There is hereby created the Criminal Justice Recodification Committee, consisting of ~~twenty-one~~ twenty-four members. ~~Two~~ Three members shall be members of the Senate, appointed by the President of the Senate. Two of those members shall be members of the majority party in the Senate and one shall be a member of the minority party in the Senate. Three members shall be members of the House of Representatives, appointed by the Speaker of the House of Representatives. Two of those members shall be members of the majority party in the House of Representatives and one shall be a member of the minority party in the House of Representatives. One member shall be a Justice of the Supreme Court, appointed by the Chief Justice of the Supreme Court. One member shall be the Director of Rehabilitation and Correction or the Director's individual designee. One member shall be the Director of Youth Services or the Director's individual designee. Three members, not more than two of whom shall be members of the same political party, shall be judges jointly

appointed by the President of the Senate and the Speaker of the House of Representatives after consulting with the Chief Justice of the Supreme Court, with each judge being a judge of a court of appeals, judge of a court of common pleas, judge of a municipal court, or judge of a county court. The following twelve members, 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. 11417

(b) "Community corrections programs" has the same meaning as 11418
in section 5149.30 of the Revised Code. 11419

(B) The Committee initially shall meet not later than sixty 11420
days after the effective date of the amendments to this act 11421
section. At its initial meeting, the Committee shall organize, 11422
select a Chairperson and Vice-chairperson and any other necessary 11423
officers, and adopt rules to govern its proceedings. The Committee 11424
shall meet as necessary at the call of the Chairperson or on the 11425
written request of ~~seven~~ eight or more of its members. ~~Eleven~~ 11426
Thirteen members of the Committee constitute a quorum, and the 11427
votes of a majority of the quorum present shall be required to 11428
validate any action of the Committee. All business of the 11429
Committee shall be conducted in public meetings. 11430

The members of the Committee shall serve without 11431
compensation, but each member shall be reimbursed for the member's 11432
actual and necessary expenses incurred in the performance of the 11433
member's official duties on the Committee. In the absence of the 11434
Chairperson, the Vice-chairperson shall perform the duties of the 11435
Chairperson. 11436

(C) The Committee has the same powers as other standing or 11437
select committees of the General Assembly. The Committee may 11438
consult with, and seek and obtain research and technical services 11439
and support from, any individual, organization, association, 11440
college, or university. All state and local government agencies 11441
and entities shall cooperate with the Committee in the performance 11442
of its duties under this section and Section 729.11 of ~~this act~~ 11443
Am. Sub. H.B. 483 of the 130th General Assembly. 11444

Sec. 729.11. (A) The Criminal Justice Recodification 11445
Committee shall study the existing criminal statutes of this 11446
state, with the goal of enhancing public safety and the 11447

administration of criminal justice in Ohio by eliminating 11448
duplication in those statutes, aligning those statutes with the 11449
purpose of defining a culpable mental state for all crimes, 11450
removing or revising crimes included in those statutes for which 11451
no culpable mental state is provided, and other appropriate 11452
measures. The Committee shall use the results of its study to 11453
develop and recommend to the General Assembly a comprehensive plan 11454
for revising the state's Criminal Code that is consistent with 11455
those specified goals of the study. 11456

(B) Not later than ~~January~~ August 1, 2016, the Criminal 11457
Justice Recodification Committee shall recommend to the General 11458
Assembly a comprehensive plan for revising the state's Criminal 11459
Code that is consistent with the goals of the Committee's study 11460
that are specified in division (A) of this section. 11461

(C) Upon its submission to the General Assembly pursuant to 11462
division (B) of this section of its recommendations for a 11463
comprehensive plan for revising the state's Criminal Code, the 11464
Criminal Justice Recodification Committee shall cease to exist. 11465

Section 610.02. That existing Sections 729.10 and 729.11 of 11466
Am. Sub. H.B. 483 of the 130th General Assembly are hereby 11467
repealed. 11468

Section 610.10. That Section 227.10 of Am. H.B. 497 of the 11469
130th General Assembly be amended to read as follows: 11470

Sec. 227.10. DPS DEPARTMENT OF PUBLIC SAFETY 11471
Administrative Building Fund (Fund 7026) 11472
C76034 EMA Building System and Equipment \$ 526,600 11473
C76039 Clinton County Farmer's and Sportsman's \$ 50,000 11474
Association

C76040	Wayne County Emergency Services	\$	589,000	11475
	Infrastructure			
TOTAL	Administrative Building Fund	\$	1,165,600	11476
	Highway Safety Fund (Fund 7036)			11477
C76000	Platform Scales Improvements	\$	350,000	11478
C76036	Shipley Building Renovations and	\$	2,250,000	11479
	Improvements			
C76037	Cincinnati Consolidated Center	\$	3,500,000	11480
	Renovations and Improvements			
C76038	Brook Park Facility Renovations and	\$	900,000	11481
	Improvements			
<u>C76043</u>	<u>Minor Capital Projects</u>	<u>\$</u>	<u>1,250,000</u>	11482
TOTAL	Highway Safety Fund	\$	7,000,000	11483
			<u>8,250,000</u>	
TOTAL ALL FUNDS		\$	8,165,600	11484
			<u>9,415,600</u>	

Section 610.11. That existing Section 227.10 of Am. H.B. 497 11486
of the 130th General Assembly is hereby repealed. 11487

Section 755.10. The Director of Transportation may enter into 11488
agreements as provided in this section with the United States or 11489
any department or agency of the United States, including, but not 11490
limited to, the United States Army Corps of Engineers, the United 11491
States Forest Service, the United States Environmental Protection 11492
Agency, and the United States Fish and Wildlife Service. An 11493
agreement entered into pursuant to this section shall be solely 11494
for the purpose of dedicating staff to the expeditious and timely 11495
review of environmentally related documents submitted by the 11496
Director of Transportation, as necessary for the approval of 11497
federal permits. The agreements may include provisions for advance 11498
payment by the Director of Transportation for labor and all other 11499
identifiable costs of the United States or any department or 11500

agency of the United States providing the services, as may be 11501
estimated by the United States, or the department or agency of the 11502
United States. The Director shall submit a request to the 11503
Controlling Board indicating the amount of the agreement, the 11504
services to be performed by the United States or the department or 11505
agency of the United States, and the circumstances giving rise to 11506
the agreement. 11507

Section 755.20. (A) As used in this section, "indefinite 11508
delivery indefinite quantity contract" means a contract for an 11509
indefinite quantity, within stated limits, of supplies or services 11510
that will be delivered by the awarded bidder over a defined 11511
contract period. 11512

(B) The Director of Transportation shall advertise and seek 11513
bids for, and shall award, indefinite delivery indefinite quantity 11514
contracts for not more than two projects in fiscal year 2016 and 11515
for not more than two projects in fiscal year 2017. For purposes 11516
of entering into indefinite delivery indefinite quantity 11517
contracts, the Director shall do all of the following: 11518

(1) Prepare bidding documents; 11519

(2) Establish contract forms; 11520

(3) Determine contract terms and conditions, including the 11521
following: 11522

(a) The maximum overall value of the contract, which may 11523
include an allowable increase of one hundred thousand dollars or 11524
five per cent of the advertised contract value, whichever is less; 11525

(b) The duration of the contract, including a time extension 11526
of up to one year if determined appropriate by the Director; 11527

(c) The defined geographical area to which the contract 11528
applies, which shall be not greater than the size of one district 11529

of the Department of Transportation. 11530

(4) Develop and implement a work order process in order to 11531
provide the awarded bidder adequate notice of requested supplies 11532
or services, the anticipated quantities of supplies, and work 11533
location information for each work order. 11534

(5) Take any other action necessary to fulfill the duties and 11535
obligations of the Director under this section. 11536

(C) Section 5525.01 of the Revised Code applies to indefinite 11537
delivery indefinite quantity contracts. 11538

Section 755.40. (A) There is hereby created the Joint 11539
Legislative Task Force on Department of Transportation Issues. The 11540
Task Force shall consist of three members of the House Finance and 11541
Appropriations Committee, one of whom is a member of the Minority 11542
party, all of whom shall be appointed by the Speaker of the House 11543
of Representatives; and three members of the Senate Transportation 11544
Committee, one of whom is a member of the Minority party, all of 11545
whom shall be appointed by the President of the Senate. In making 11546
Minority party appointments, the Speaker shall consult with the 11547
Minority Leader of the House of Representatives, and the President 11548
shall consult with the Minority Leader of the Senate. 11549

(B)(1) The Task Force shall study methods for increasing the 11550
speed on, and access to, rural highways and freeways in Ohio. The 11551
Task Force also shall study methods for saving money on license 11552
plates, including specifically a single license plate requirement. 11553

(2) Not later than December 15, 2015, the Task Force shall 11554
issue a report containing its findings and recommendations with 11555
regard to the areas of study specified in division (B)(1) of this 11556
section to the President of the Senate, the Minority Leader of the 11557
Senate, the Speaker of the House of Representatives, and the 11558
Minority Leader of the House of Representatives. 11559

(C)(1) The Task Force shall examine the funding needs of the Ohio Department of Transportation and shall study specifically the issue of the effectiveness of the Ohio motor fuel tax in meeting those funding needs. The Task Force also shall study alternative methods for funding the construction and maintenance of Ohio's roadways and infrastructure.

(2) Not later than December 15, 2016, the Task Force shall issue a report containing its findings and recommendations with regard to the areas of study specified in division (C)(1) of this section to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that time, the Task Force shall cease to exist.

Section 755.50. The General Assembly may create the Transportation Oversight Committee on Rural Busing. If created, the Committee shall consist of three members of the Senate appointed by the President of the Senate, not more than two of whom shall be members of the same political party, and three members of the House of Representatives appointed by the Speaker of the House of Representatives, not more than two of whom shall be members of the same political party. In making Minority Party appointments, the Speaker shall consult with the Minority Leader of the House of Representatives, and the President shall consult with the Minority Leader of the Senate.

If created, the Committee shall review rural busing routes and study whether the routes sufficiently meet the transportation needs of the communities they serve. Not later than December 15, 2016, the Committee shall submit a report of its findings and recommendations to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of

Representatives. Thereafter, the committee shall cease to exist. 11591

Section 755.70. The Department of Transportation shall 11592
utilize a one-hundred-year service life design standard for new 11593
bridge construction that is consistent with the recommendations of 11594
the Design Guide for Bridges for Service Life published in 2013 by 11595
the Transportation Research Board for purposes of a pilot project 11596
that shall consist of the construction of not less than five but 11597
not more than eight new bridges. In selecting the bridge locations 11598
for the pilot project, the Department shall select sites in all 11599
areas of the state. The counties in which the sites are located 11600
shall represent a mixture of counties that are urban, rural, and 11601
suburban in nature. 11602

The Director of Transportation, in accordance with Chapter 11603
119. of the Revised Code, may adopt rules to implement the pilot 11604
program. 11605

Section 755.80. Not later than December 31, 2015, the 11606
Director of Transportation shall submit to the President of the 11607
Senate and the Speaker of the House of Representatives a report of 11608
advancement of developing the recommended preferred alignment of 11609
the roadway construction project entitled as "SR 32F - New 11610
Connector from the Red Bank Road to Bells Lane," that has been 11611
assigned the project identification number 86462, on the Tier 3 11612
list of projects of the Transportation Review Advisory Council. 11613

Section 757.10. Beginning on July 31, 2015, and on the last 11614
day of the month for each month thereafter, before making any of 11615
the distributions specified in sections 5735.23, 5735.26, 11616
5735.291, and 5735.30 of the Revised Code but after any transfers 11617
to the tax refund fund as required by those sections and section 11618
5703.052 of the Revised Code, the Treasurer of State shall deposit 11619
the first two per cent of the amount of motor fuel tax received 11620

for the preceding calendar month to the credit of the Highway 11621
Operating Fund (Fund 7002). 11622

Section 757.20. Notwithstanding Chapter 5735. of the Revised 11623
Code, the following apply for the period of July 1, 2015, through 11624
June 30, 2017: 11625

(A) For the discount under section 5735.06 of the Revised 11626
Code, if the monthly report is timely filed and the tax is timely 11627
paid, one per cent of the total number of gallons of motor fuel 11628
received by the motor fuel dealer within the state during the 11629
preceding calendar month, less the total number of gallons 11630
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 11631
the Revised Code, less one-half of one per cent of the total 11632
number of gallons of motor fuel that were sold to a retail dealer 11633
during the preceding calendar month. 11634

(B) For the semiannual periods ending December 31, 2015, June 11635
30, 2016, December 31, 2016, and June 30, 2017, the refund 11636
provided to retail dealers under section 5735.141 of the Revised 11637
Code shall be one-half of one per cent of the Ohio motor fuel 11638
taxes paid on fuel purchased during those semiannual periods. 11639

Section 757.30. The General Assembly hereby declares that the 11640
intent of the amendment by this act of section 5739.02 of the 11641
Revised Code is to clarify the law as it existed prior to the 11642
amendment by this act of that section. 11643

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 11644
APPROPRIATIONS 11645

Law contained in the main operating appropriations act of the 11646
131st General Assembly that is generally applicable to the 11647
appropriations made in the main operating appropriations act also 11648
is generally applicable to the appropriations made in this act. 11649

Section 801.20. As used in the uncodified law of this act, 11650
"American Recovery and Reinvestment Act of 2009" means the 11651
"American Recovery and Reinvestment Act of 2009," Pub. L. No. 11652
111-5, 123 Stat. 115. 11653

Section 806.10. The items of law contained in this act, and 11654
their applications, are severable. If any item of law contained in 11655
this act, or if any application of any item of law contained in 11656
this act, is held invalid, the invalidity does not affect other 11657
items of law contained in this act and their applications that can 11658
be given effect without the invalid item or application. 11659

Section 812.10. Except as otherwise provided in this act, the 11660
amendment, enactment, or repeal by this act of a section of law is 11661
subject to the referendum under Ohio Constitution, Article II, 11662
Section 1c and therefore takes effect on the ninety-first day 11663
after this act is filed with the Secretary of State or, if a later 11664
effective date is specified below, on that date. 11665

Section 812.20. In this section, an "appropriation" includes 11666
another provision of law in this act that relates to the subject 11667
of the appropriation. 11668

An appropriation of money made in this act is not subject to 11669
the referendum insofar as a contemplated expenditure authorized 11670
thereby is wholly to meet a current expense within the meaning of 11671
Ohio Constitution, Article II, Section 1d and section 1.471 of the 11672
Revised Code. To that extent, the appropriation takes effect 11673
immediately when this act becomes law. Conversely, the 11674
appropriation is subject to the referendum insofar as a 11675
contemplated expenditure authorized thereby is wholly or partly 11676
not to meet a current expense within the meaning of Ohio 11677
Constitution, Article II, Section 1d and section 1.471 of the 11678

Revised Code. To that extent, the appropriation takes effect on 11679
the ninety-first day after this act is filed with the Secretary of 11680
State. 11681

Section 812.30. The amendment to section 4503.102 of the 11682
Revised Code contained in Section 101.01 of this act that requires 11683
the Registrar of Motor Vehicles, for purposes of the centralized 11684
system of motor vehicle registration, to accept payments via the 11685
toll-free telephone number established under division (D)(1) of 11686
section 4503.031 of the Revised Code for renewals made by mail 11687
shall take effect six months after the effective date of this 11688
section. 11689

Section 815.10. The General Assembly, applying the principle 11690
stated in division (B) of section 1.52 of the Revised Code that 11691
amendments are to be harmonized if reasonably capable of 11692
simultaneous operation, finds that the following sections, 11693
presented in this act as composites of the sections as amended by 11694
the acts indicated, are the resulting versions of the sections in 11695
effect prior to the effective date of the sections as presented in 11696
this act: 11697

Section 3772.10 of the Revised Code as amended by both Am. 11698
Sub. H.B. 386 and Am. Sub. S.B. 337 of the 129th General Assembly. 11699

Section 4503.102 of the Revised Code as amended by both H.B. 11700
13 and Am. Sub. H.B. 119 of the 127th General Assembly. 11701

Section 4506.09 of the Revised Code as amended by both Am. 11702
Sub. H.B. 51 and Am. Sub. H.B. 98 of the 130th General Assembly. 11703

Section 4507.11 of the Revised Code, that is effective until 11704
January 1, 2017, as amended by both S.B. 271 and Am. Sub. H.B. 600 11705
of the 123rd General Assembly. 11706

Section 4507.21 of the Revised Code as amended by both Am. 11707
Sub. H.B. 407 and Am. Sub. S.B. 123 of the 124th General Assembly. 11708

Section 4508.02 of the Revised Code as amended by both Sub. 11709
H.B. 99 and Am. Sub. H.B. 487 of the 129th General Assembly. 11710

Section 815.20. The amendments made by Sub. S.B. 114 of the 11711
129th General Assembly to sections 4501.01, 4503.04, 4503.21, 11712
4503.22, 4503.544, and 4511.53 are scheduled to take effect 11713
January 1, 2017. The purpose of the changes to those sections 11714
under this act is to accelerate and modify the amendments made to 11715
those sections by Sub. S.B. 114 of the 129th General Assembly 11716
pertaining to cab-enclosed motorcycles. Those amendments 11717
pertaining to cab-enclosed motorcycles shall take effect on the 11718
effective date of this act. This act does not modify the 11719
amendments made to those sections by Sub. S.B. 114 of the 129th 11720
General Assembly that do not pertain to cab-enclosed motorcycles 11721
and those amendments continue to take effect January 1, 2017. 11722