

# As Passed by the House

133rd General Assembly

Regular Session

2019-2020

Am. Sub. H. B. No. 62

Representative Oelslager

Cosponsors: Representatives Blessing, Carruthers, Cera, DeVitis, Hambley,  
Howse, Manning, D., O'Brien, Patterson, Perales, Seitz, Smith, K., Sobecki

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## A BILL

To amend sections 119.14, 122.14, 164.04, 164.08, 1  
306.32, 306.321, 306.35, 306.54, 306.70, 505.267, 2  
505.71, 1349.61, 1509.02, 1509.11, 1901.18, 3  
1901.20, 1907.02, 1907.031, 3327.012, 4111.03, 4  
4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 5  
4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 6  
4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 7  
4504.10, 4504.201, 4505.101, 4506.17, 4509.01, 8  
4511.01, 4511.092, 4511.093, 4511.096, 4511.097, 9  
4511.098, 4511.0910, 4511.204, 4511.205, 4511.21, 10  
4511.54, 4511.68, 4511.84, 4511.991, 4513.34, 11  
4513.60, 4513.601, 4513.61, 4513.62, 4513.63, 12  
4513.64, 4513.65, 4513.66, 4513.69, 4549.10, 13  
4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 14  
5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 15  
5735.053, 5735.142, 5735.27, 5736.01, 5739.02, 16  
5739.023, 5747.51, 5747.53, and 5749.02; to enact 17  
new sections 4511.099 and 5747.502 and sections 18  
3.112, 306.051, 321.50, 321.51, 505.96, 3944.01, 19  
3944.02, 3944.03, 3944.04, 3944.05, 3944.06, 20  
3944.07, 3944.08, 3944.09, 3944.10, 4503.193, 21  
4504.173, 4504.181, 4511.514, 4516.01, 4516.02, 22

4516.03, 4516.04, 4516.05, 4516.06, 4516.07, 23  
4765.302, 5501.09, and 5517.07; and to repeal 24  
sections 4511.099, 4511.0915, and 5747.502 of the 25  
Revised Code and to amend Section 213.20 of H.B. 26  
529 of the 132nd General Assembly, as subsequently 27  
amended, to increase the rate of and modify the 28  
distribution of revenue from motor fuel excise 29  
taxes, to make appropriations for programs related 30  
to transportation and public safety for the 31  
biennium beginning July 1, 2019, and ending June 32  
30, 2021, and to provide authorization and 33  
conditions for the operation of those programs. 34

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

**Section 101.01.** That sections 119.14, 122.14, 164.04, 164.08, 35  
306.32, 306.321, 306.35, 306.54, 306.70, 505.267, 505.71, 1349.61, 36  
1509.02, 1509.11, 1901.18, 1901.20, 1907.02, 1907.031, 3327.012, 37  
4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 4501.01, 38  
4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 4503.103, 39  
4503.19, 4503.21, 4503.23, 4504.10, 4504.201, 4505.101, 4506.17, 40  
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4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4549.10, 44  
4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 5577.15, 5735.01, 45  
5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 5736.01, 46  
5739.02, 5739.023, 5747.51, 5747.53, and 5749.02 be amended and 47  
new sections 4511.099 and 5747.502 and sections 3.112, 306.051, 48  
321.50, 321.51, 505.96, 3944.01, 3944.02, 3944.03, 3944.04, 49  
3944.05, 3944.06, 3944.07, 3944.08, 3944.09, 3944.10, 4503.193, 50  
4504.173, 4504.181, 4511.514, 4516.01, 4516.02, 4516.03, 4516.04, 51  
4516.05, 4516.06, 4516.07, 4765.302, 5501.09, and 5517.07 of the 52

Revised Code be enacted to read as follows: 53

Sec. 3.112. An elected officer or an employee of a county, 54  
township, or municipal corporation may simultaneously serve as a 55  
member or officer of the board of trustees of a transportation 56  
improvement district created under Chapter 5540. of the Revised 57  
Code. Neither the simultaneous holding of the two positions nor 58  
the financial or contractual relationship between a county, 59  
township, or municipal corporation and the transportation 60  
improvement district shall constitute the holding of incompatible 61  
offices or employment and are permissible, notwithstanding Ohio 62  
common law or any contrary provision of the Revised Code. An 63  
elected officer or an employee of a county, township, or municipal 64  
corporation who serves simultaneously as a member or officer of 65  
the board of trustees of a transportation improvement district 66  
does not have an unlawful interest in a public contract under 67  
section 2921.42 of the Revised Code by virtue of a financial or 68  
contractual relationship between the county, township, or 69  
municipal corporation and the transportation improvement district. 70

**Sec. 119.14.** (A) For any small business that engages in a 71  
paperwork violation, the state agency or regulatory authority that 72  
regulates the field of operation in which the business operates 73  
shall waive any and all administrative fines or civil penalties on 74  
that small business for the violation, if the paperwork violation 75  
is a first-time offense. 76

(B) When an agency or regulatory authority waives an 77  
administrative fine or civil penalty under this section, the state 78  
agency or regulatory authority shall require the small business to 79  
correct the violation within a reasonable period of time. 80

(C) Notwithstanding this section, a state agency or 81  
regulatory authority may impose administrative fines or civil 82

penalties on a small business for a paperwork violation that is a 83  
first-time offense for any of the following reasons: 84

(1) The violation has the potential to cause serious harm to 85  
the public interest as determined by a state agency or regulatory 86  
authority director; 87

(2) The violation involves a small business knowingly or 88  
willfully engaging in conduct that may result in a felony 89  
conviction; 90

(3) Failure to impose an administrative fine or civil penalty 91  
for the violation would impede or interfere with the detection of 92  
criminal activity; 93

(4) The violation is of a law concerning the assessment or 94  
collection of any tax, debt, revenue, or receipt; 95

(5) The violation presents a direct danger to the public 96  
health or safety, results in a financial loss to an employee ~~as~~ 97  
~~defined in section 4111.03 of the Revised Code~~, or presents the 98  
risk of severe environmental harm, as determined by the head of 99  
the agency or regulatory authority; 100

(6) The violation is a failure to comply with a federal 101  
requirement for a program that has been delegated from the federal 102  
government to a state agency or regulatory authority and where the 103  
federal requirement includes a requirement to impose a fine. 104

(D)(1) Nothing in this section shall prohibit a state agency 105  
or regulatory authority from waiving administrative fines or civil 106  
penalties incurred by a small business for a paperwork violation 107  
that is not a first-time offense. 108

(2) Any administrative fine or civil penalty that is waived 109  
under this section<sup>7</sup> may be reinstated and imposed in addition to 110  
any additional fines or penalties associated with a subsequent 111  
violation for noncompliance with the same paperwork requirement. 112

(E) This section shall not apply to any violation by a small business of a statutory or regulatory requirement mandating the collection of information by a state agency or regulatory body if that small business previously violated any such requirement mandating the collection of information.

(F) Nothing in this section shall be construed to diminish the responsibility for any citizen or business to apply for and obtain a permit, license, or authorizing document that is required to engage in a regulated activity, or otherwise comply with state or federal law.

(G) As used in this section:

(1) "Small business" has the same meaning as defined by the Code of Federal Regulations, Title 13, Chapter 1, Part 121.

(2) "Paperwork violation" means the violation of any statutory or regulatory requirement in the Revised Code mandating the collection of information by a state agency or regulatory body.

(3) "First-time offense" means the first instance of a violation of the particular statutory or regulatory requirement mandating the collection of information by a state agency or regulatory body.

(4) "Employee" means any individual employed by an employer but does not include:

(a) Any individual employed by the United States;

(b) Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;

(c) Any individual engaged in the delivery of newspapers to the consumer;

(d) Any individual employed as an outside salesperson 143  
compensated by commissions or employed in a bona fide executive, 144  
administrative, or professional capacity as such terms are defined 145  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 146  
U.S.C. 201, as amended; 147

(e) Any individual who works or provides personal services of 148  
a charitable nature in a hospital or health institution for which 149  
compensation is not sought or contemplated; 150

(f) A member of a police or fire protection agency or student 151  
employed on a part-time or seasonal basis by a political 152  
subdivision of this state; 153

(g) Any individual in the employ of a camp or recreational 154  
area for children under eighteen years of age and owned and 155  
operated by a nonprofit organization or group of organizations 156  
described in section 501(c)(3) of the "Internal Revenue Code of 157  
1954," and exempt from income tax under section 501(a) of that 158  
code; 159

(h) Any individual employed directly by the house of 160  
representatives or directly by the senate. 161

**Sec. 122.14.** (A) There is hereby created in the state 162  
treasury the roadwork development fund. The fund shall consist of 163  
the investment earnings of the security deposit fund created by 164  
section 4509.27 of the Revised Code and revenue transferred to it 165  
by the director of budget and management from the highway 166  
operating fund created in section 5735.051 of the Revised Code. 167  
The fund shall be used by the development services agency in 168  
accordance with Section 5a of Article XII, Ohio Constitution, to 169  
make road improvements associated with retaining or attracting 170  
business for this state, including ~~both of the construction~~ 171  
following: 172

(1) Construction, reconstruction, maintenance, or repair of 173  
public roads that provide access to a public airport or are 174  
located within a public airport; 175

(2) Construction, reconstruction, maintenance, or repair of 176  
public roads that provide or improve access to tourism 177  
attractions. All 178

(B) All investment earnings of the fund shall be credited to 179  
the fund. 180

**Sec. 164.04.** (A) In each of the districts created in section 181  
164.03 of the Revised Code, a district public works integrating 182  
committee shall be established as follows: 183

(1) In district one, the district committee shall consist of 184  
seven members appointed as follows: two members shall be appointed 185  
by the board of county commissioners or the chief executive 186  
officer of the county; two members shall be appointed by the chief 187  
executive officer of the most populous municipal corporation in 188  
the district; two members shall be appointed by a majority of the 189  
chief executive officers of the other municipal corporations 190  
located within the district; and one member, who shall have 191  
experience in local infrastructure planning and economic 192  
development and who shall represent the interests of private 193  
industry within the district, shall be appointed by a majority of 194  
the members of the district committee or their alternates. Except 195  
with respect to the selection of the private sector member of the 196  
committee, the affirmative vote of at least five committee members 197  
or their alternates is required for any action taken by a vote of 198  
the committee. 199

(2) In district two, the district committee shall consist of 200  
nine members appointed as follows: two members shall be appointed 201  
by the board of county commissioners; three members shall be 202  
appointed by the chief executive officer of the most populous 203

municipal corporation in the district; two members shall be 204  
appointed by a majority of the other chief executive officers of 205  
municipal corporations in the district; and two members shall be 206  
appointed by a majority of the boards of township trustees in the 207  
district. Of the members appointed by the board of county 208  
commissioners, one member shall have experience in local 209  
infrastructure planning and economic development, and one member 210  
shall be either a county commissioner or a county engineer of the 211  
district. The affirmative vote of at least seven members of the 212  
committee or their alternates is required for any action taken by 213  
a vote of the committee, except that the affirmative vote of at 214  
least six members of the committee or their alternates is required 215  
for any vote taken under division (DD) of section 306.35 of the 216  
Revised Code. 217

(3) In districts three, four, eight, twelve, and nineteen, 218  
the district committee shall consist of nine members appointed as 219  
follows: two members shall be appointed by the board of county 220  
commissioners or by the chief executive officer of the county; two 221  
members shall be appointed by the chief executive officer of the 222  
most populous municipal corporation located within the district; 223  
two members shall be appointed by a majority of the other chief 224  
executive officers of the municipal corporations located in the 225  
district; two members shall be appointed by a majority of the 226  
boards of township trustees located in the district; and one 227  
member, who shall have experience in local infrastructure planning 228  
and economic development and who shall represent the interests of 229  
private industry within the district, shall be appointed by a 230  
majority of the members of the committee or their alternates. 231  
Except with respect to the selection of the private sector member 232  
of the committee, the affirmative vote of at least seven committee 233  
members or their alternates is required for any action taken by a 234  
vote of the committee. 235

(4) In district six, the district committee shall consist of 236  
nine members appointed as follows: one member shall be appointed 237  
by the board of county commissioners of each county in the 238  
district; one member shall be appointed by the chief executive 239  
officer of the most populous municipal corporation in each county 240  
in the district; one member shall be appointed alternately by a 241  
majority of the chief executives of the municipal corporations, 242  
other than the largest municipal corporation, within one of the 243  
counties of the district; and one member shall be appointed 244  
alternately by a majority of the boards of township trustees 245  
within one of the counties in the district. The two persons who 246  
are the county engineers of the counties in the district also 247  
shall be members of the committee. At least six of these members 248  
or their alternates shall agree upon the appointment to the 249  
committee of a private sector person who shall have experience in 250  
local infrastructure planning and economic development. The 251  
affirmative vote of seven committee members or their alternates is 252  
required for any action taken by a vote of the committee. 253

The first appointment to the committee made by the majority 254  
of the boards of township trustees of a county shall be made by 255  
the boards of township trustees located in the least populous 256  
county of the district, and the first appointment made by the 257  
majority of the chief executives of municipal corporations, other 258  
than the largest municipal corporation, of a county shall be made 259  
by the chief executives of municipal corporations, other than the 260  
largest municipal corporation, from the most populous county in 261  
the district. 262

Notwithstanding division (C) of this section, the members of 263  
the district committee appointed alternately by a majority of the 264  
chief executive officers of municipal corporations, other than the 265  
largest municipal corporation, of a county and a majority of 266  
boards of township trustees of a county shall serve five-year 267

terms. 268

(5) In districts seven, nine, and ten, the district committee 269  
shall consist of two members appointed by the board of county 270  
commissioners of each county in the district, two members 271  
appointed by a majority of the chief executive officers of all 272  
cities within each county in the district, three members appointed 273  
by a majority of the boards of township trustees of all townships 274  
in the district, three members appointed by a majority of chief 275  
executive officers of all villages in the district, one member who 276  
is appointed by a majority of the county engineers in the district 277  
and who shall be a county engineer, and one member, who shall have 278  
experience in local infrastructure planning and economic 279  
development, shall be appointed by a majority of all other 280  
committee members or their alternates. If there is a county in the 281  
district in which there are no cities, the member that is to be 282  
appointed by the chief executive officers of the cities within 283  
that county shall be appointed by the chief executive officer of 284  
the village with the largest population in that county. 285

(6) In districts five, eleven, and thirteen through eighteen, 286  
the members of each district committee shall be appointed as 287  
follows: one member shall be appointed by each board of county 288  
commissioners; one member shall be appointed by the majority of 289  
the chief executive officers of the cities located in each county; 290  
three members shall be appointed by a majority of the chief 291  
executive officers of villages located within the district; three 292  
members shall be appointed by a majority of the boards of township 293  
trustees located within the district; one member shall be 294  
appointed by a majority of the county engineers of the district 295  
and shall be a county engineer; and one member, who shall have 296  
experience in local infrastructure planning and economic 297  
development and who shall represent the interests of private 298  
industry within the district, shall be appointed by a majority of 299

the members of the committee or their alternates. If there is a 300  
county in the district in which there are no cities, the member 301  
that is to be appointed by the chief executive officers of the 302  
cities within that county shall be appointed by the chief 303  
executive officer of the village with the largest population in 304  
that county. 305

(7) In districts five, seven, nine, ten, eleven, thirteen, 306  
fourteen, sixteen, and seventeen organized in accordance with 307  
divisions (A)(5) and (6) of this section, a nine-member executive 308  
committee shall be established that shall include at least one of 309  
the persons appointed to the district committee by the chief 310  
executive officers of the villages within the district, at least 311  
one of the persons appointed to the district committee by the 312  
boards of township trustees within the district, the person 313  
appointed to the district committee to represent the interests of 314  
private industry, and six additional district committee members 315  
selected to serve on the executive committee by a majority of the 316  
members of the district committee or their alternates, except that 317  
not more than three persons who were appointed to the district 318  
committee by a board of county commissioners and not more than 319  
three persons who were appointed to the district committee by the 320  
chief executives of the cities located in the district shall serve 321  
on the executive committee. 322

(8) In districts fifteen and eighteen organized in accordance 323  
with division (A)(6) of this section, an eleven-member executive 324  
committee shall be established that shall include at least one of 325  
the persons appointed to the district committee by the chief 326  
executive officers of the villages within the district, at least 327  
one of the persons appointed to the district committee by the 328  
boards of township trustees within the district, the person 329  
appointed to the district committee to represent the interests of 330  
private industry, and eight additional district committee members 331

selected to serve on the executive committee by a majority of the 332  
members of the district committee or their alternates, except that 333  
not more than four persons who were appointed to the district 334  
committee by a board of county commissioners and not more than 335  
four persons who were appointed to the district committee by the 336  
chief executives of the cities located in the district shall serve 337  
on the executive committee. No more than two persons from each 338  
county shall be on the executive committee. 339

All decisions of a district committee required to be 340  
organized in accordance with divisions (A)(5) and (6) of this 341  
section shall be approved by its executive committee. The 342  
affirmative vote of at least seven executive committee members or 343  
their alternates for executive committees formed under division 344  
(A)(7) of this section and at least nine members or their 345  
alternates for executive committees formed under division (A)(8) 346  
of this section is required for any action taken by vote of the 347  
executive committee, except that any decision of the executive 348  
committee may be rejected by a vote of at least two-thirds of the 349  
full membership of the district committee within thirty days of 350  
the executive committee action. Only projects approved by the 351  
executive committee may be submitted to the director of the Ohio 352  
public works commission pursuant to section 164.05 of the Revised 353  
Code. 354

(B) Appointing authorities that appoint district committee 355  
members also may appoint an alternate for each committee member 356  
appointed under divisions (A)(1) to (6) of this section. If a 357  
district committee member is absent from a district or executive 358  
committee or subcommittee meeting, the alternate has the right to 359  
vote and participate in all proceedings and actions at that 360  
meeting. 361

(C) Terms of office for members of district committees and 362  
their alternates shall be for three years, with each term ending 363

on the same day of the same month as did the term that it 364  
succeeds. Each member and that member's alternate shall hold 365  
office from the date of appointment until the end of the term for 366  
which the member is appointed, except that, with respect to any 367  
member who was an elected or appointed official of a township, 368  
county, or municipal corporation or that member's alternate, the 369  
term of office for that person under this section shall not extend 370  
beyond the member's term as an elected or appointed official 371  
unless the member was appointed by a group of officials of more 372  
than one political subdivision or the members of the district 373  
committee, in which case the member's alternate shall continue to 374  
serve for the full term. Members and their alternates may be 375  
reappointed. Vacancies shall be filled in the same manner provided 376  
for original appointments. Any member or that member's alternate 377  
appointed to fill a vacancy occurring prior to the expiration date 378  
of the term for which the member's or alternate's predecessor was 379  
appointed shall hold office for the remainder of that term. A 380  
member or that member's alternate shall continue in office 381  
subsequent to the expiration date of the member's or alternate's 382  
term until the member's or alternate's successor takes office or 383  
until a period of sixty days has elapsed, whichever occurs first. 384  
Each district public works integrating committee shall elect a 385  
chairperson, vice-chairperson, and other officers it considers 386  
advisable. 387

(D) For purposes of this chapter, if a subdivision is located 388  
in more than one county or in more than one district, the 389  
subdivision shall be deemed to be a part of the county or district 390  
in which the largest number of its population is located. However, 391  
if after a decennial census the change in a subdivision's 392  
population would result in the subdivision becoming part of a 393  
different county or district, the legislative authority of the 394  
subdivision may, by resolution, choose to remain a part of the 395  
county or district of which the subdivision was originally deemed 396

to be a part. Such a decision is not revocable unless similar 397  
conditions arise following the next decennial census. 398

(E) Notwithstanding any provision of law to the contrary, a 399  
county, municipal, or township public official may serve as a 400  
member of a district public works integrating committee. 401

(F) A member of a district committee or that member's 402  
alternate does not have an unlawful interest in a public contract 403  
under section 2921.42 of the Revised Code solely by virtue of the 404  
receipt of financial assistance under this chapter by the local 405  
subdivision of which the member or that member's alternate is also 406  
a public official or appointee. 407

**Sec. 164.08.** (A) Except as provided in sections 151.01 and 408  
151.08 or section 164.09 of the Revised Code, the net proceeds of 409  
obligations issued and sold by the treasurer of state pursuant to 410  
section 164.09 of the Revised Code before September 30, 2000, or 411  
pursuant to sections 151.01 and 151.08 of the Revised Code, for 412  
the purpose of financing or assisting in the financing of the cost 413  
of public infrastructure capital improvement projects of local 414  
subdivisions, as provided for in Section 2k, 2m, 2p, or 2s of 415  
Article VIII, Ohio Constitution, and this chapter, shall be paid 416  
into the state capital improvements fund, which is hereby created 417  
in the state treasury. Investment earnings on moneys in the fund 418  
shall be credited to the fund. 419

(B) Beginning July 1, 2016, each program year the amount of 420  
obligations authorized by the general assembly in accordance with 421  
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 422  
excluding the proceeds of refunding or renewal obligations, shall 423  
be allocated by the director of the Ohio public works commission 424  
as follows: 425

(1) First, ten per cent of the amount of obligations 426  
authorized shall be allocated to provide financial assistance to 427

villages and to townships with populations in the unincorporated 428  
areas of the township of less than five thousand persons, for 429  
capital improvements in accordance with section 164.051 and 430  
division (D) of section 164.06 of the Revised Code. As used in 431  
division (B)(1) of this section, "capital improvements" includes 432  
resurfacing and improving roads. 433

(2) Following the allocation required by division (B)(1) of 434  
this section, the director may allocate ~~two~~ six per cent of the 435  
authorized obligations to provide financial assistance to local 436  
subdivisions for capital improvement projects which in the 437  
judgment of the director of the Ohio public works commission are 438  
necessary for the immediate preservation of the health, safety, 439  
and welfare of the citizens of the local subdivision requesting 440  
assistance. 441

(3) For program years twelve and fourteen that obligations 442  
are authorized and available for allocation under this chapter, 443  
two million dollars each program year shall be allocated to the 444  
small county capital improvement program for use in providing 445  
financial assistance under division (F) of section 164.02 of the 446  
Revised Code. 447

(4) The director shall determine the amount of the remaining 448  
obligations authorized to be issued and sold that each county 449  
would receive if such amounts were allocated on a per capita basis 450  
each year. If a county's per capita share for the year would be 451  
less than three hundred thousand dollars, the director shall 452  
allocate to the district in which that county is located an amount 453  
equal to the difference between three hundred thousand dollars and 454  
the county's per capita share. 455

(5) After making the allocation required by division (B)(4) 456  
of this section, the director shall allocate the remaining amount 457  
to each district on a per capita basis. 458

(C)(1) There is hereby created in the state treasury the 459  
state capital improvements revolving loan fund, into which shall 460  
be deposited all repayments of loans made to local subdivisions 461  
for capital improvements pursuant to this chapter. Investment 462  
earnings on moneys in the fund shall be credited to the fund. 463

(2) There may also be deposited in the state capital 464  
improvements revolving loan fund moneys obtained from federal or 465  
private grants, or from other sources, which are to be used for 466  
any of the purposes authorized by this chapter. Such moneys shall 467  
be allocated each year in accordance with division (B)(5) of this 468  
section. 469

(3) Moneys deposited into the state capital improvements 470  
revolving loan fund shall be used to make loans for the purpose of 471  
financing or assisting in the financing of the cost of capital 472  
improvement projects of local subdivisions. 473

(4) Investment earnings credited to the state capital 474  
improvements revolving loan fund that exceed the amounts required 475  
to meet estimated federal arbitrage rebate requirements shall be 476  
used to pay costs incurred by the public works commission in 477  
administering this section. Investment earnings credited to the 478  
state capital improvements revolving loan fund that exceed the 479  
amounts required to pay for the administrative costs and estimated 480  
rebate requirements shall be allocated to each district on a per 481  
capita basis. 482

(5) Each program year, loan repayments received and on 483  
deposit in the state capital improvements revolving loan fund 484  
shall be allocated as follows: 485

(a) Each district public works integrating committee shall be 486  
allocated an amount equal to the sum of all loan repayments made 487  
to the state capital improvements revolving loan fund by local 488  
subdivisions that are part of the district. Moneys not used in a 489

program year may be used in the next program year in the same 490  
manner and for the same purpose as originally allocated. 491

(b) Loan repayments made pursuant to projects approved under 492  
division (B)(1) of this section shall be used to make loans in 493  
accordance with section 164.051 and division (D) of section 164.06 494  
of the Revised Code. Allocations for this purpose made pursuant to 495  
division (C)(5) of this section shall be in addition to the 496  
allocation provided in division (B)(1) of this section. 497

(c) Loan repayments made pursuant to projects approved under 498  
division (B)(2) of this section shall be used to make loans in 499  
accordance with division (B)(2) of this section. Allocations for 500  
this purpose made pursuant to division (C)(5) of this section 501  
shall be in addition to the allocation provided in division (B)(2) 502  
of this section. 503

(d) Loans made from the state capital improvements revolving 504  
loan fund shall not be limited in their usage by divisions (E), 505  
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 506

(D) Investment earnings credited to the state capital 507  
improvements fund that exceed the amounts required to meet 508  
estimated federal arbitrage rebate requirements shall be used to 509  
pay costs incurred by the public works commission in administering 510  
sections 164.01 to 164.12 of the Revised Code. 511

(E) The director of the Ohio public works commission shall 512  
notify the director of budget and management of the amounts 513  
allocated pursuant to this section and such information shall be 514  
entered into the state accounting system. The director of budget 515  
and management shall establish appropriation line items as needed 516  
to track these allocations. 517

(F) If the amount of a district's allocation in a program 518  
year exceeds the amount of financial assistance approved for the 519  
district by the commission for that year, the remaining portion of 520

the district's allocation shall be added to the district's 521  
allocation pursuant to division (B) of this section for the next 522  
succeeding year for use in the same manner and for the same 523  
purposes as it was originally allocated, except that any portion 524  
of a district's allocation which was available for use on new or 525  
expanded infrastructure pursuant to division (H) of section 164.05 526  
of the Revised Code shall be available in succeeding years only 527  
for the repair and replacement of existing infrastructure. 528

(G) When an allocation based on population is made by the 529  
director pursuant to division (B) of this section, the director 530  
shall use the most recent decennial census statistics, and shall 531  
not make any reallocations based upon a change in a district's 532  
population. 533

Sec. 306.051. (A) As used in this section, "social services" 534  
includes all of the following: 535

(1) Services for senior citizens; 536

(2) Services for persons with developmental disabilities; 537

(3) Services funded in whole or in part with federal funds 538  
provided for social services programs, including the community 539  
development block grant program established under Title I of the 540  
"Housing and Community Development Act of 1974," 42 U.S.C. 5301 et 541  
seq.; 542

(4) Other services that have the purpose of assisting the 543  
overall social well being of individuals, families, and 544  
communities. 545

(B) Subject to division (C) of this section and regardless of 546  
whether a county transit system is operated by a county transit 547  
board or board of county commissioners, funds that are 548  
appropriated by a board of county commissioners and expended for 549  
social services in the county served by the board may be used as 550

the local match needed to obtain state or federal funds available 551  
for the county transit system. 552

(C) Funds raised by a county tax levy may be used as local 553  
matching funds under division (B) of this section only to the 554  
extent that such use of the funds is consistent with the purpose 555  
for which the tax was levied. Funds may be used as local matching 556  
funds under division (B) of this section only to the extent that 557  
such use of the funds does not jeopardize the state's or county's 558  
eligibility to receive federal funds for one or more purposes. 559

**Sec. 306.32.** Any county, or any two or more counties, 560  
municipal corporations, or townships, or any combination of these, 561  
may create a regional transit authority by the adoption of a 562  
resolution or ordinance by a majority vote of each of the 563  
following: the board of county commissioners of each county, the 564  
legislative authority of each municipal corporation, and the board 565  
of township trustees of each township which is to create or to 566  
join in the creation of the regional transit authority. The 567  
resolution or ordinance shall state: 568

(A) The necessity for the creation of a regional transit 569  
authority; 570

(B) The counties, municipal corporations, or townships which 571  
are to create or to join in the creation of the regional transit 572  
authority; 573

(C) The official name by which the regional transit authority 574  
shall be known; 575

(D) The place in which the principal office of the regional 576  
transit authority will be located or the manner in which it may be 577  
selected; 578

(E) The number, term, and compensation, or method for 579  
establishing compensation, of the members of the board of trustees 580

of the regional transit authority. Compensation shall not exceed 581  
fifty dollars for each board and committee meeting attended by a 582  
member, except that if compensation is provided annually it shall 583  
not exceed six thousand dollars for the president of the board or 584  
four thousand eight hundred dollars for each other board member. 585

(F) The manner in which vacancies on the board of trustees of 586  
the regional transit authority shall be filled; 587

(G) The manner and to what extent the expenses of the 588  
regional transit authority shall be apportioned among the 589  
counties, municipal corporations, and townships creating it; 590

(H) The purposes, including the kinds of transit facilities, 591  
for which the regional transit authority is organized. 592

The regional transit authority provided for in the resolution 593  
or ordinance shall be deemed to be created upon the adoption of 594  
the resolution or ordinance by a majority vote of each of the 595  
following: the board of county commissioners of each county, the 596  
legislative authority of each municipal corporation, and the board 597  
of township trustees of each township enumerated in the resolution 598  
or ordinance. 599

The resolution or ordinance creating a regional transit 600  
authority may be amended to include additional counties, municipal 601  
corporations, or townships or for any other purpose, by the 602  
adoption of the amendment by a majority vote of each of the 603  
following: the board of county commissioners of each county, the 604  
legislative authority of each municipal corporation, and the board 605  
of township trustees of each township which has created or joined 606  
or proposes to join the regional transit authority. 607

After each county, municipal corporation, and township which 608  
has created or joined or proposes to join the regional transit 609  
authority has adopted its resolution or ordinance approving 610  
inclusion of additional counties, municipal corporations, or 611

townships in the regional transit authority, a copy of each 612  
resolution or ordinance shall be filed with the clerk of the board 613  
of the county commissioners of each county, the clerk of the 614  
legislative authority of each municipal corporation, and the 615  
fiscal officer of the board of trustees of each township proposed 616  
to be included in the regional transit authority. The inclusion is 617  
effective when all such filing has been completed, unless the 618  
regional transit authority to which territory is to be added has 619  
authority to levy an ad valorem tax on property, or a sales tax, 620  
within its territorial boundaries, in which event the inclusion 621  
shall become effective on the sixtieth day after the last such 622  
filing is accomplished, unless, prior to the expiration of the 623  
sixty-day period, qualified electors residing in the area proposed 624  
to be added to the regional transit authority, equal in number to 625  
at least ten per cent of the qualified electors from the area who 626  
voted for governor at the last gubernatorial election, file a 627  
petition of referendum against the inclusion. Any petition of 628  
referendum filed under this section shall be filed at the office 629  
of the secretary of the board of trustees of the regional transit 630  
authority. The person presenting the petition shall be given a 631  
receipt containing on it the time of the day, the date, and the 632  
purpose of the petition. The secretary of the board of trustees of 633  
the regional transit authority shall cause the appropriate board 634  
or boards of elections to check the sufficiency of signatures on 635  
any petition of referendum filed under this section and, if found 636  
to be sufficient, shall present the petition to the board of 637  
trustees at a meeting of said board which occurs not later than 638  
thirty days following the filing of said petition. Upon 639  
presentation to the board of trustees of a petition of referendum 640  
against the proposed inclusion, the board of trustees shall 641  
promptly certify the proposal to the board or boards of elections 642  
for the purpose of having the proposal placed on the ballot at the 643  
next general or primary election which occurs not less than ninety 644

days after the date of the meeting of said board, or at a special 645  
election, the date of which shall be specified in the 646  
certification, which date shall be not less than ninety days after 647  
the date of such meeting of the board. Signatures on a petition of 648  
referendum may be withdrawn up to and including the meeting of the 649  
board of trustees certifying the proposal to the appropriate board 650  
or boards of elections. If territory of more than one county, 651  
municipal corporation, or township is to be added to the regional 652  
transit authority, the electors of the territories of the 653  
counties, municipal corporations, or townships which are to be 654  
added shall vote as a district, and the majority affirmative vote 655  
shall be determined by the vote cast in the district as a whole. 656  
Upon certification of a proposal to the appropriate board or 657  
boards of elections pursuant to this section, the board or boards 658  
of election shall make the necessary arrangements for the 659  
submission of the question to the electors of the territory to be 660  
added to the regional transit authority qualified to vote on the 661  
question, and the election shall be held, canvassed, and certified 662  
in the manner provided for the submission of tax levies under 663  
section 5705.191 of the Revised Code, except that the question 664  
appearing on the ballot shall read: 665

"Shall the territory within the ..... 666  
(Name or names of political subdivisions to be joined) be added to 667  
..... (Name) regional transit 668  
authority?" and shall a(n) ..... (here insert type of tax or 669  
taxes) at a rate of taxation not to exceed ..... (here insert 670  
maximum tax rate or rates) be levied for all transit purposes?" 671

If the question is approved by at least a majority of the 672  
electors voting on the question, the joinder is immediately 673  
effective, and the regional transit authority may extend the levy 674  
of the tax against all the taxable property within the territory 675  
which has been added. If the question is approved at a general 676

election or at a special election occurring prior to the general 677  
election but after the fifteenth day of July, the regional transit 678  
authority may amend its budget and resolution adopted pursuant to 679  
section 5705.34 of the Revised Code, and the levy shall be placed 680  
on the current tax list and duplicate and collected as other taxes 681  
are collected from all taxable property within the territorial 682  
boundaries of the regional transit authority, including the 683  
territory within each political subdivision added as a result of 684  
the election. 685

The territorial boundaries of a regional transit authority 686  
shall be coextensive with the territorial boundaries of the 687  
counties, municipal corporations, and townships included within 688  
the regional transit authority, provided that the same area may be 689  
included in more than one regional transit authority so long as 690  
the regional transit authorities are not organized for purposes as 691  
provided for in the resolutions or ordinances creating the same, 692  
and any amendments to them, relating to the same kinds of transit 693  
facilities; and provided further, that if a regional transit 694  
authority includes only a portion of an entire county, a regional 695  
transit authority for the same purposes may be created in the 696  
remaining portion of the same county by resolution of the board of 697  
county commissioners acting alone or in conjunction with municipal 698  
corporations and townships as provided in this section. 699

No regional transit authority shall be organized after 700  
January 1, 1975, to include any area already included in a 701  
regional transit authority, except that any regional transit 702  
authority organized after June 29, 1974, and having territorial 703  
boundaries entirely within a single county shall, upon adoption by 704  
the board of county commissioners of the county of a resolution 705  
creating a regional transit authority including within its 706  
territorial jurisdiction the existing regional transit authority 707  
and for purposes including the purposes for which the existing 708

regional transit authority was created, be dissolved and its 709  
territory included in such new regional transit authority. Any 710  
resolution creating such a new regional transit authority shall 711  
make adequate provision for satisfaction of the obligations of the 712  
dissolved regional transit authority. 713

**Sec. 306.321.** The resolution or ordinance creating a regional 714  
transit authority may be amended to include additional counties, 715  
municipal corporations, or townships by the adoption of an 716  
amendment by a majority vote of each of the following: the board 717  
of county commissioners of each county, the legislative authority 718  
of each municipal corporation, and the board of township trustees 719  
of each township which has created or, prior to the adoption of 720  
the amendment, joined or proposes to join the regional transit 721  
authority. 722

After a majority of each county, municipal corporation, and 723  
township which has created or, prior to the adoption of the 724  
amendment, joined or proposes to join the regional transit 725  
authority has adopted its resolution or ordinance approving 726  
inclusion of additional counties, municipal corporations, or 727  
townships in the regional transit authority, a copy of each 728  
resolution or ordinance shall be filed with the clerk of the board 729  
of the county commissioners of each county, the clerk of the 730  
legislative authority of each municipal corporation, and the 731  
fiscal officer of the board of trustees of each township proposed 732  
to be included in the regional transit authority. 733

Any ordinances or resolutions adopted pursuant to this 734  
section approving inclusion of additional counties, municipal 735  
corporations, or townships in the regional transit authority shall 736  
provide that the board of trustees of the regional transit 737  
authority must, not later than the tenth day following the day on 738  
which the filing of the ordinances or resolutions, as required by 739

the immediately preceding paragraph, is completed, adopt its 740  
resolution providing for submission to the electors of the 741  
regional transit authority as enlarged, of the question pursuant 742  
to section 306.49 of the Revised Code, of the renewal, the renewal 743  
and increase, or the increase of, or the imposition of an 744  
additional, ad valorem tax, or of the question pursuant to section 745  
306.70 of the Revised Code, of the renewal, the renewal and 746  
increase, or the increase of, or the imposition of an additional, 747  
sales and use tax. The resolution submitting the question of the 748  
tax shall specify the date of the election, which shall be not 749  
less than ninety days after certification of the resolution to the 750  
board of elections and which shall be consistent with the 751  
requirements of section 3501.01 of the Revised Code. The inclusion 752  
of the territory of the additional counties, municipal 753  
corporations, or townships in the regional transit authority shall 754  
be effective as of the date on which the resolution of the board 755  
of trustees of the regional transit authority is adopted 756  
submitting the question to the electors, provided that until the 757  
question is approved, existing contracts providing payment for 758  
transit services within the added territory shall remain in effect 759  
and transit services shall not be affected by the inclusion of the 760  
additional territory. The resolution shall be certified to the 761  
board of elections and the election shall be held, canvassed, and 762  
certified as provided in section 306.49 of the Revised Code in the 763  
case of an ad valorem tax or in section 306.70 of the Revised Code 764  
in the case of a sales and use tax. 765

If the question of the tax which is submitted is not approved 766  
by a majority of the electors of the enlarged regional transit 767  
authority voting on the question, as of the day following the day 768  
on which the results of the election become conclusive, the 769  
additional counties, municipal corporations, or townships, which 770  
had been included in the regional transit authority as of the date 771  
of the adoption of the resolution submitting to the electors the 772

question, shall be removed from the territory of the regional 773  
transit authority and shall no longer be a part of that authority 774  
without any further action by either the political subdivisions 775  
which were included in the authority prior to the adoption of the 776  
resolution submitting the question to the electors or of the 777  
political subdivisions added to the authority as a result of the 778  
adoption of the resolution. The regional transit authority reduced 779  
to its territory as it existed prior to the inclusion of the 780  
additional counties, municipal corporations, or townships, shall 781  
be entitled to levy and collect any ad valorem or sales and use 782  
taxes which it was authorized to levy and collect prior to the 783  
enlargement of its territory and for which authorization has not 784  
expired, as if the enlargement had not occurred. 785

If the question of the tax which is submitted provides for a 786  
sales and use tax to be imposed and the question is approved, and 787  
the regional transit authority had previously been authorized 788  
pursuant to section 306.49 of the Revised Code to levy an ad 789  
valorem tax, the regional transit authority shall appropriate from 790  
the first moneys received from the sales and use tax in each year, 791  
the full amount required in order to pay the principal of and 792  
interest on any notes of the regional transit authority issued 793  
pursuant to section 306.49 of the Revised Code, in anticipation of 794  
the collection of the ad valorem tax; and shall not thereafter 795  
levy and collect the ad valorem tax previously approved unless the 796  
levy and collection is necessary to pay the principal of and 797  
interest on notes issued in anticipation of the tax in order to 798  
avoid impairing the obligation of the contract between the 799  
regional transit authority and the note holders. 800

If the question of the additional or renewal tax levy is 801  
approved, the tax may be levied and collected as is otherwise 802  
provided for an ad valorem tax or a sales and use tax imposed by a 803  
regional transit authority, provided that if a question relating 804

to an ad valorem tax is approved at the general election or at a 805  
special election occurring prior to a general election, but after 806  
the fifteenth day of July, the regional transit authority may 807  
amend its budget for its next fiscal year and its resolution 808  
adopted pursuant to section 5705.34 of the Revised Code or adopt 809  
such resolution, and the levy shall be placed on the current tax 810  
list and duplicate and collected as all other taxes are collected 811  
from all taxable property within the enlarged territory of the 812  
regional transit authority including the territory within each 813  
political subdivision which has been added to the regional transit 814  
authority pursuant to this section, provided further that if a 815  
question relating to sales and use tax is approved after the 816  
fifteenth day of July in any calendar year, the regional transit 817  
authority may amend its budget for the current and next fiscal 818  
year and any resolution adopted pursuant to section 5705.34 of the 819  
Revised Code, to reflect the imposition of the sales and use tax 820  
and shall amend its budget for the next fiscal year and any 821  
resolution adopted pursuant to section 5705.34 of the Revised Code 822  
to comply with the immediately preceding paragraph. If the budget 823  
of the regional transit authority is amended pursuant to this 824  
paragraph, the county auditor shall prepare and deliver an amended 825  
certificate of estimated resources to reflect the change in 826  
anticipated revenues of the regional transit authority. 827

The procedures of this section are in addition to and an 828  
alternative to those established in section 306.32 of the Revised 829  
Code for joining to a regional transit authority additional 830  
counties, municipal corporations, or townships. 831

**Sec. 306.35.** Upon the creation of a regional transit 832  
authority as provided by section 306.32 of the Revised Code, and 833  
upon the qualifying of its board of trustees and the election of a 834  
president and a vice-president, the authority shall exercise in 835  
its own name all the rights, powers, and duties vested in and 836

conferred upon it by sections 306.30 to 306.53 of the Revised 837  
Code. Subject to any reservations, limitations, and qualifications 838  
that are set forth in those sections, the regional transit 839  
authority: 840

(A) May sue or be sued in its corporate name; 841

(B) May make contracts in the exercise of the rights, powers, 842  
and duties conferred upon it; 843

(C) May adopt and at will alter a seal and use such seal by 844  
causing it to be impressed, affixed, reproduced, or otherwise 845  
used, but failure to affix the seal shall not affect the validity 846  
of any instrument; 847

(D)(1) May adopt, amend, and repeal bylaws for the 848  
administration of its affairs and rules for the control of the 849  
administration and operation of transit facilities under its 850  
jurisdiction, and for the exercise of all of its rights of 851  
ownership in those transit facilities; 852

(2) The regional transit authority also may adopt bylaws and 853  
rules for the following purposes: 854

(a) To prohibit selling, giving away, or using any beer or 855  
intoxicating liquor on transit vehicles or transit property; 856

(b) For the preservation of good order within or on transit 857  
vehicles or transit property; 858

(c) To provide for the protection and preservation of all 859  
property and life within or on transit vehicles or transit 860  
property; 861

(d) To regulate and enforce the collection of fares. 862

(3) Before a bylaw or rule adopted under division (D)(2) of 863  
this section takes effect, the regional transit authority shall 864  
provide for a notice of its adoption to be published once a week 865  
for two consecutive weeks in a newspaper of general circulation 866

within the territorial boundaries of the regional transit 867  
authority, or as provided in section 7.16 of the Revised Code. 868

(4) No person shall violate any bylaw or rule of a regional 869  
transit authority adopted under division (D)(2) of this section. 870

(E) May fix, alter, and collect fares, rates, and rentals and 871  
other charges for the use of transit facilities under its 872  
jurisdiction to be determined exclusively by it for the purpose of 873  
providing for the payment of the expenses of the regional transit 874  
authority, the acquisition, construction, improvement, extension, 875  
repair, maintenance, and operation of transit facilities under its 876  
jurisdiction, the payment of principal and interest on its 877  
obligations, and to fulfill the terms of any agreements made with 878  
purchasers or holders of any such obligations, or with any person 879  
or political subdivision; 880

(F) Shall have jurisdiction, control, possession, and 881  
supervision of all property, rights, easements, licenses, moneys, 882  
contracts, accounts, liens, books, records, maps, or other 883  
property rights and interests conveyed, delivered, transferred, or 884  
assigned to it; 885

(G)(1) Except as provided in division (G)(2) of this section, 886  
may acquire, construct, improve, extend, repair, lease, operate, 887  
maintain, or manage transit facilities within or without its 888  
territorial boundaries, considered necessary to accomplish the 889  
purposes of its organization and make charges for the use of 890  
transit facilities. 891

(2) Beginning on July 1, 2011, a regional transit authority 892  
shall not extend its service or facilities into a political 893  
subdivision outside the territorial boundaries of the authority 894  
without giving prior notice to the legislative authority of the 895  
political subdivision. The legislative authority shall have thirty 896  
days after receiving the notice to comment on the proposal. 897

(H) May levy and collect taxes as provided in sections 306.40 898  
and 306.49 of the Revised Code; 899

(I) May issue bonds secured by its general credit as provided 900  
in section 306.40 of the Revised Code; 901

(J) May hold, encumber, control, acquire by donation, by 902  
purchase for cash or by installment payments, by lease-purchase 903  
agreement, by lease with option to purchase, by borrowing from any 904  
federal, state, or other governmental or private source, or by 905  
condemnation, and may construct, own, lease as lessee or lessor, 906  
use, and sell, real and personal property, or any interest or 907  
right in real and personal property, within or without its 908  
territorial boundaries, for the location or protection of transit 909  
facilities and improvements and access to transit facilities and 910  
improvements, the relocation of buildings, structures, and 911  
improvements situated on lands acquired by the regional transit 912  
authority, or for any other necessary purpose, or for obtaining or 913  
storing materials to be used in constructing, maintaining, and 914  
improving transit facilities under its jurisdiction; 915

(K) May exercise the power of eminent domain to acquire 916  
property or any interest in property, within or without its 917  
territorial boundaries, that is necessary or proper for the 918  
construction or efficient operation of any transit facility or 919  
access to any transit facility under its jurisdiction in 920  
accordance with section 306.36 of the Revised Code; 921

(L) May provide by agreement with any county, including the 922  
counties within its territorial boundaries, or any municipal 923  
corporation or any combination of counties or municipal 924  
corporations for the making of necessary surveys, appraisals, and 925  
examinations preliminary to the acquisition or construction of any 926  
transit facility and the amount of the expense for the surveys, 927  
appraisals, and examinations to be paid by each such county or 928  
municipal corporation; 929

(M) May provide by agreement with any county, including the 930  
counties within its territorial boundaries, or any municipal 931  
corporation or any combination of those counties or municipal 932  
corporations for the acquisition, construction, improvement, 933  
extension, maintenance, or operation of any transit facility owned 934  
or to be owned and operated by it or owned or to be owned and 935  
operated by any such county or municipal corporation and the terms 936  
on which it shall be acquired, leased, constructed, maintained, or 937  
operated, and the amount of the cost and expense of the 938  
acquisition, lease, construction, maintenance, or operation to be 939  
paid by each such county or municipal corporation; 940

(N) May issue revenue bonds for the purpose of acquiring, 941  
replacing, improving, extending, enlarging, or constructing any 942  
facility or permanent improvement that it is authorized to 943  
acquire, replace, improve, extend, enlarge, or construct, 944  
including all costs in connection with and incidental to the 945  
acquisition, replacement, improvement, extension, enlargement, or 946  
construction, and their financing, as provided by section 306.37 947  
of the Revised Code; 948

(O) May enter into and supervise franchise agreements for the 949  
operation of a transit system; 950

(P) May accept the assignment of and supervise an existing 951  
franchise agreement for the operation of a transit system; 952

(Q) May exercise a right to purchase a transit system in 953  
accordance with the acquisition terms of an existing franchise 954  
agreement; and in connection with the purchase the regional 955  
transit authority may issue revenue bonds as provided by section 956  
306.37 of the Revised Code or issue bonds secured by its general 957  
credit as provided in section 306.40 of the Revised Code; 958

(R) May apply for and accept grants or loans from the United 959  
States, the state, or any other public or any private source for 960

the purpose of providing for the development or improvement of 961  
transit facilities, mass transportation facilities, equipment, 962  
techniques, methods, or services, and grants or loans needed to 963  
exercise a right to purchase a transit system pursuant to 964  
agreement with the owner of those transit facilities, or for 965  
providing lawful financial assistance to existing transit systems; 966  
and may provide any consideration that may be required in order to 967  
obtain those grants or loans from the United States, the state, or 968  
other public or private source, either of which grants or loans 969  
may be evidenced by the issuance of revenue bonds as provided by 970  
section 306.37 of the Revised Code or general obligation bonds as 971  
provided by section 306.40 of the Revised Code; 972

(S) May employ and fix the compensation of consulting 973  
engineers, superintendents, managers, and such other engineering, 974  
construction, accounting and financial experts, attorneys, and 975  
other employees and agents necessary for the accomplishment of its 976  
purposes; 977

(T) May procure insurance against loss to it by reason of 978  
damages to its properties resulting from fire, theft, accident, or 979  
other casualties or by reason of its liability for any damages to 980  
persons or property occurring in the construction or operation of 981  
transit facilities under its jurisdiction or the conduct of its 982  
activities; 983

(U) May maintain funds that it considers necessary for the 984  
efficient performance of its duties; 985

(V) May direct its agents or employees, when properly 986  
identified in writing, after at least five days' written notice, 987  
to enter upon lands within or without its territorial boundaries 988  
in order to make surveys and examinations preliminary to the 989  
location and construction of transit facilities, without liability 990  
to it or its agents or employees except for actual damage done; 991

(W) On its own motion, may request the appropriate zoning board, as defined in section 4563.03 of the Revised Code, to establish and enforce zoning regulations pertaining to any transit facility under its jurisdiction in the manner prescribed by sections 4563.01 to 4563.21 of the Revised Code;

(X) If it acquires any existing transit system, shall assume all the employer's obligations under any existing labor contract between the employees and management of the system. If the board acquires, constructs, controls, or operates any such facilities, it shall negotiate arrangements to protect the interests of employees affected by the acquisition, construction, control, or operation. The arrangements shall include, but are not limited to:

(1) The preservation of rights, privileges, and benefits under existing collective bargaining agreements or otherwise, the preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security in addition to participation in the public employees retirement system as required in Chapter 145. of the Revised Code;

(2) The continuation of collective bargaining rights;

(3) The protection of individual employees against a worsening of their positions with respect to their employment;

(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;

(5) Paid training or retraining programs;

(6) Signed written labor agreements.

The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.

(Y) May provide for and maintain security operations,

including a transit police department, subject to section 306.352 1022  
of the Revised Code. Regional transit authority police officers 1023  
shall have the power and duty to act as peace officers within 1024  
transit facilities owned, operated, or leased by the transit 1025  
authority to protect the transit authority's property and the 1026  
person and property of passengers, to preserve the peace, and to 1027  
enforce all laws of the state and ordinances and regulations of 1028  
political subdivisions in which the transit authority operates. 1029  
Regional transit authority police officers also shall have the 1030  
power and duty to act as peace officers when they render emergency 1031  
assistance outside their jurisdiction to any other peace officer 1032  
who is not a regional transit authority police officer and who has 1033  
arrest authority under section 2935.03 of the Revised Code. 1034  
Regional transit authority police officers may render emergency 1035  
assistance if there is a threat of imminent physical danger to the 1036  
peace officer, a threat of physical harm to another person, or any 1037  
other serious emergency situation and if either the peace officer 1038  
who is assisted requests emergency assistance or it appears that 1039  
the peace officer who is assisted is unable to request emergency 1040  
assistance and the circumstances observed by the regional transit 1041  
authority police officer reasonably indicate that emergency 1042  
assistance is appropriate. 1043

Before exercising powers of arrest and the other powers and 1044  
duties of a peace officer, each regional transit authority police 1045  
officer shall take an oath and give bond to the state in a sum 1046  
that the board of trustees prescribes for the proper performance 1047  
of the officer's duties. 1048

Persons employed as regional transit authority police 1049  
officers shall complete training for the position to which they 1050  
have been appointed as required by the Ohio peace officer training 1051  
commission as authorized in section 109.77 of the Revised Code, or 1052  
be otherwise qualified. The cost of the training shall be provided 1053

by the regional transit authority. 1054

(Z) May procure a policy or policies insuring members of its 1055  
board of trustees against liability on account of damages or 1056  
injury to persons and property resulting from any act or omission 1057  
of a member in the member's official capacity as a member of the 1058  
board or resulting solely out of the member's membership on the 1059  
board; 1060

(AA) May enter into any agreement for the sale and leaseback 1061  
or lease and leaseback of transit facilities, which agreement may 1062  
contain all necessary covenants for the security and protection of 1063  
any lessor or the regional transit authority including, but not 1064  
limited to, indemnification of the lessor against the loss of 1065  
anticipated tax benefits arising from acts, omissions, or 1066  
misrepresentations of the regional transit authority. In 1067  
connection with that transaction, the regional transit authority 1068  
may contract for insurance and letters of credit and pay any 1069  
premiums or other charges for the insurance and letters of credit. 1070  
The fiscal officer shall not be required to furnish any 1071  
certificate under section 5705.41 of the Revised Code in 1072  
connection with the execution of any such agreement. 1073

(BB) In regard to any contract entered into on or after March 1074  
19, 1993, for the rendering of services or the supplying of 1075  
materials or for the construction, demolition, alteration, repair, 1076  
or reconstruction of transit facilities in which a bond is 1077  
required for the faithful performance of the contract, may permit 1078  
the person awarded the contract to utilize a letter of credit 1079  
issued by a bank or other financial institution in lieu of the 1080  
bond; 1081

(CC) May enter into agreements with municipal corporations 1082  
located within the territorial jurisdiction of the regional 1083  
transit authority permitting regional transit authority police 1084  
officers employed under division (Y) of this section to exercise 1085

full arrest powers, as provided in section 2935.03 of the Revised Code, for the purpose of preserving the peace and enforcing all laws of the state and ordinances and regulations of the municipal corporation within the areas that may be agreed to by the regional transit authority and the municipal corporation.

(DD) If the regional transit authority levies a tax specifically for such purpose, shall enter into agreements with counties, municipal corporations, and townships located within the territorial boundaries of the regional transit authority to fund the general construction and maintenance of roads and bridges related to the provision of service by the regional transit system.

Such agreements are subject to all of the following:

(1) The regional transit authority shall submit each such agreement for approval to the appropriate public works integrating committee.

(2) The integrating committee of each district designated under section 164.03 of the Revised Code shall, on at least an annual basis, review and approve or deny agreements submitted to it under division (DD)(1) of this section.

(3) In district two, as described in section 164.03 of the Revised Code, approvals and denials shall be by an affirmative vote of six of the members of the integrating committee.

(4) An integrating committee shall notify the authority of the approval or denial.

(5) The regional transit authority shall expend funds only as authorized in an approved agreement.

**Sec. 306.54.** Subject to making due provisions for the payment and performance of its obligations, the resolution or ordinance creating the regional transit authority may provide for its

dissolution or modification in membership under circumstances 1116  
described therein, or a regional transit authority may be 1117  
dissolved or its membership modified by its board of trustees with 1118  
the consent of the subdivision or subdivisions creating such 1119  
regional transit authority by a majority vote of the legislative 1120  
authorities of each such subdivision. In the event of dissolution 1121  
the properties of the regional transit authority shall be 1122  
transferred to the subdivision creating it, or if created by more 1123  
than one subdivision, to the subdivisions creating it in such 1124  
manner as may be agreed upon by such subdivisions. 1125

**Sec. 306.70.** A tax proposed to be levied by a board of county 1126  
commissioners or by the board of trustees of a regional transit 1127  
authority pursuant to sections 5739.023 and 5741.022 of the 1128  
Revised Code shall not become effective until it is submitted to 1129  
the electors residing within the county or within the territorial 1130  
boundaries of the regional transit authority and approved by a 1131  
majority of the electors voting on it. Such question shall be 1132  
submitted at a general election or at a special election on a day 1133  
specified in the resolution levying the tax and occurring not less 1134  
than ninety days after such resolution is certified to the board 1135  
of elections, in accordance with section 3505.071 of the Revised 1136  
Code. 1137

The board of elections of the county or of each county in 1138  
which any territory of the regional transit authority is located 1139  
shall make the necessary arrangements for the submission of such 1140  
question to the electors of the county or regional transit 1141  
authority, and the election shall be held, canvassed, and 1142  
certified in the same manner as regular elections for the election 1143  
of county officers. Notice of the election shall be published in a 1144  
newspaper of general circulation in the territory of the county or 1145  
of the regional transit authority once a week for two consecutive 1146  
weeks prior to the election or as provided in section 7.16 of the 1147

Revised Code. If the board of elections operates and maintains a 1148  
web site, notice of the election also shall be posted on that web 1149  
site for thirty days prior to the election. The notice shall state 1150  
the type, rate, and purpose of the tax to be levied, the length of 1151  
time during which the tax will be in effect, and the time and 1152  
place of the election. 1153

More than one such question may be submitted at the same 1154  
election. The form of the ballots cast at such election shall be: 1155

"Shall a(n) ..... (sales and use) ..... 1156  
tax be levied ~~for all transit purposes of~~ by the 1157  
..... (here insert name of the county or regional 1158  
transit authority) for the purpose of ..... (here 1159  
insert the purpose or purposes of the levy) at a rate not 1160  
exceeding ..... (here insert percentage) per cent 1161  
for ..... (here insert number of years the tax is to be 1162  
in effect, or that it is to be in effect for a continuing period 1163  
of time)?" 1164

If the tax proposed to be levied is a continuation of an 1165  
existing tax, whether at the same rate or at an increased or 1166  
reduced rate, or an increase in the rate of an existing tax, the 1167  
notice and ballot form shall so state. If one of the purposes of 1168  
the proposed tax is to fund public infrastructure projects as 1169  
described in division (DD) of section 306.35 of the Revised Code, 1170  
the notice and ballot shall also so state. When specified in a 1171  
resolution adopted under section 5739.023 of the Revised Code, the 1172  
notice and ballot may also state the percentage of the tax 1173  
proceeds to be allocated among each of the purposes of the 1174  
proposed tax and, if one of the purposes is to provide general 1175  
revenue for the transit authority, the percentage of the proceeds 1176  
to be allocated among the specific projects, functions, or other 1177  
uses to be funded by that general revenue. 1178

The board of elections to which the resolution was certified 1179

shall certify the results of the election to the county auditor of 1180  
the county or secretary-treasurer of the regional transit 1181  
authority levying the tax and to the tax commissioner of the 1182  
state. 1183

Sec. 321.50. (A) As used in this section and section 321.51 1184  
of the Revised Code: 1185

(1) "Eligible county" means a county appearing on the most 1186  
recent determination certified by the chief of the division of oil 1187  
and gas resources management under division (C) of section 1509.11 1188  
of the Revised Code. 1189

(2) "Cost of capital improvement projects" has the same 1190  
meaning as in section 164.01 of the Revised Code. 1191

(B) The county treasurer of each eligible county shall create 1192  
in the county treasury an oil and gas infrastructure fund. The 1193  
treasurer shall deposit any money received by the treasurer under 1194  
section 1509.02 of the Revised Code into the fund. 1195

Not later than twenty days following the deposit of money 1196  
into the fund, the treasurer shall distribute the money to 1197  
subdivisions in proportion to the amount the subdivision would 1198  
receive from the county's undivided local government fund 1199  
according to the formula used by the county to distribute money 1200  
from that fund under section 5747.51 or 5747.53 of the Revised 1201  
Code. 1202

A subdivision shall use money received from the oil and gas 1203  
infrastructure fund exclusively for the purpose of paying the cost 1204  
of capital improvement projects. 1205

Sec. 321.51. The county treasurer of each eligible county 1206  
shall create in the county treasury a township road maintenance 1207  
fund. The treasurer shall deposit any money received by the 1208  
treasurer under section 1509.02 of the Revised Code into the fund. 1209

The treasurer shall notify the chair of the county's township road maintenance committee whenever the treasurer deposits money into the fund. The treasurer shall distribute money from the fund into the township road funds of townships in the county as prescribed in an order of the township road maintenance committee under section 505.96 of the Revised Code.

**Sec. 505.267.** (A) As used in this section:

(1) "Lease-purchase agreement" has the same meaning as a lease with an option to purchase.

(2) "Public obligation" has the same meaning as in section 133.01 of the Revised Code.

(B) For any purpose for which a board of township trustees, a joint police district board, a township fire district, a joint fire district, a joint ambulance district, or a fire and ambulance district is authorized to acquire real or personal property, that board may enter into a lease-purchase agreement in accordance with this section to acquire the property. The board's resolution authorizing the lease-purchase agreement may provide for the issuance of certificates of participation or other evidences of fractionalized interests in the lease-purchase agreement, for the purpose of financing, or refinancing or refunding, any public obligation that financed or refinanced the acquisition of the property. Sections 9.94, 133.03, and 133.30 of the Revised Code shall apply to any such fractionalized interests.

The lease-purchase agreement shall provide for a series of terms in which no term extends beyond the end of the fiscal year of the township or district in which that term commences. In total, the terms provided for in the agreement shall be for not more than the useful life of the real or personal property that is the subject of the agreement. A property's useful life shall be determined either by the maximum number of installment payments

permitted under the statute that authorizes the board to acquire 1241  
the property or, if there is no such provision, by the maximum 1242  
number of years to maturity provided for the issuance of bonds in 1243  
division (B) of section 133.20 of the Revised Code for that 1244  
property. If the useful life cannot be determined under either of 1245  
those statutes, it shall be estimated as provided in division (C) 1246  
of section 133.20 of the Revised Code. 1247

The lease-purchase agreement shall provide that, at the end 1248  
of the final term in the agreement, if all obligations of the 1249  
township or district have been satisfied, the title to the leased 1250  
property shall vest in the township or district executing the 1251  
lease-purchase agreement, if that title has not vested in the 1252  
township or district before or during the lease terms; except that 1253  
the lease-purchase agreement may require the township or district 1254  
to pay an additional lump sum payment as a condition of obtaining 1255  
that title. 1256

(C) A board of trustees that enters into a lease-purchase 1257  
agreement under this section may do any of the following with the 1258  
property that is the subject of the agreement: 1259

(1) If the property is personal property, assign the board's 1260  
rights to that property; 1261

(2) Grant the lessor a security interest in the property; 1262

(3) If the property is real property, grant leases, 1263  
easements, or licenses for underlying land or facilities under the 1264  
board's control for terms not exceeding five years beyond the 1265  
final term of the lease-purchase agreement. 1266

(D) The authority granted in this section is in addition to, 1267  
and not in derogation of, any other financing authority provided 1268  
by law. 1269

**Sec. 505.71.** The boards of township trustees of one or more 1270

townships and the legislative authorities of any one or more 1271  
municipal corporations within or adjoining those townships, or the 1272  
boards of township trustees of two or more townships, or the 1273  
legislative authorities of two or more municipal corporations, 1274  
may, by adoption of a joint resolution by a majority of the 1275  
members of each board of township trustees and by a majority of 1276  
the members of the legislative authority of each municipal 1277  
corporation, create a joint ambulance district comprising the 1278  
municipal corporations and all or any portions of the townships as 1279  
are mutually agreed upon, except that no portion of a township or 1280  
municipal corporation being served by a joint emergency medical 1281  
services district shall be part of a joint ambulance district. A 1282  
district so created shall be given a name different from the name 1283  
of any participating township or municipal corporation. 1284

The governing body of a district shall be a board of 1285  
trustees, which shall include one representative appointed by each 1286  
board of township trustees and one representative appointed by the 1287  
legislative authority of each municipal corporation in the 1288  
district. Members of the board of trustees may be compensated at a 1289  
rate not to exceed seventy-five dollars per meeting, not to exceed 1290  
fifteen meetings per year, and may be reimbursed for all necessary 1291  
expenses incurred. The board shall employ a clerk. Before entering 1292  
upon official duties, the clerk shall execute a bond, in the 1293  
amount and with surety to be approved by the board, payable to the 1294  
state, and conditioned for the faithful performance of all 1295  
official duties required of the clerk. The bond shall be deposited 1296  
with the presiding officer of the board, and copies of it, 1297  
certified by the presiding officer, shall be filed with the county 1298  
auditor of each county with a subdivision included in the 1299  
district. 1300

To provide the services and equipment it considers necessary 1301  
for the district, the board may levy taxes, subject to Chapter 1302

5705. of the Revised Code, and issue bonds and other evidences of 1303  
indebtedness, subject to Chapter 133. of the Revised Code, after 1304  
submitting the question of that issuance to the electors of the 1305  
district in the manner provided by Chapter 133. of the Revised 1306  
Code. The district may purchase, lease, lease with an option to 1307  
purchase, construct, maintain, and use all materials, equipment, 1308  
vehicles, buildings, and land necessary to perform its duties. 1309

Any municipal corporation or township may join an existing 1310  
district by the adoption of a resolution requesting membership and 1311  
upon approval of the board of the district. Any municipal 1312  
corporation or township may withdraw from a district by the 1313  
adoption of a resolution ordering withdrawal. On or after the 1314  
first day of January of the year following the adoption of the 1315  
resolution of withdrawal, the municipal corporation or township 1316  
withdrawing ceases to be a part of the district, and the power of 1317  
the district to levy a tax upon taxable property in the 1318  
withdrawing township or municipal corporation terminates, except 1319  
that the district shall continue to levy and collect taxes for the 1320  
payment of indebtedness within the territory of the district as it 1321  
was comprised at the time the indebtedness was incurred. 1322

Upon the withdrawal of any township or municipal corporation 1323  
from a district, the county auditor shall ascertain, apportion, 1324  
and order a division of the funds on hand, moneys and taxes in the 1325  
process of collection, except for taxes levied for the payment of 1326  
indebtedness, credits, and real and personal property, either in 1327  
money or in kind, on the basis of the valuation of the respective 1328  
tax duplicates of the withdrawing municipal corporation or 1329  
township and the remaining territory of the district. 1330

When the number of townships and municipal corporations 1331  
constituting a district is reduced to one, the district ceases to 1332  
exist by operation of law, and the funds, credits, and property 1333  
remaining after apportionments to withdrawing municipal 1334

corporations or townships shall be assumed by the one remaining 1335  
township or municipal corporation. When a district ceases to exist 1336  
and an indebtedness remains unpaid, the board of county 1337  
commissioners shall continue to levy and collect taxes for the 1338  
payment of that indebtedness within the territory of the district 1339  
as it was comprised at the time the indebtedness was incurred. 1340

Sec. 505.96. (A) There is hereby created in each county that 1341  
is or has been an eligible county, as that term is defined in 1342  
section 321.50 of the Revised Code, the township road maintenance 1343  
committee, which shall consist of one trustee of each township 1344  
located in the county appointed by the board of trustees of each 1345  
township. A member of the committee may be removed by the member's 1346  
appointing board. Members shall be appointed on or before the 1347  
first day of June of each year and shall serve one-year terms. 1348  
Members may be reappointed to the committee. 1349

Any member appointed to the committee under this section 1350  
shall continue as a member until the later of the end of the term 1351  
for which the member is appointed or the date the member's 1352  
successor joins the committee. A vacancy occurring among the 1353  
members shall be filled in the same manner as the original 1354  
appointment. Members of the committee shall not be compensated or 1355  
reimbursed for members' expenses. 1356

(B) At the first meeting of the committee, which shall occur 1357  
not later than the fifteenth day of June of each year, members of 1358  
the committee shall elect a chair and notify the county treasurer 1359  
of the result of the committee's election. The committee shall 1360  
meet at the call of the chair. A majority of the committee 1361  
constitutes a quorum. The committee is a public body for the 1362  
purposes of section 121.22 of the Revised Code. Records of the 1363  
committee are public records for the purposes of section 149.43 of 1364  
the Revised Code. 1365

(C) On or before the thirty-first day of September of each year, the committee shall issue an order and certify that order to the county treasurer distributing money in the county's township road maintenance fund to the township road funds of townships in the county in the proportions prescribed by the committee. In prescribing the proportion to be distributed to each township, the committee shall consider the following factors:

(1) The number of centerline miles within the boundaries of the township as determined under division (A)(3)(b) of section 5735.27 of the Revised Code;

(2) The amount of money received by the township from the county's oil and gas infrastructure fund in that year;

(3) The number and locations of producing oil and gas wells located in the township.

(D) A township shall use money received from the township maintenance fund exclusively for the purposes of maintaining and constructing roads and purchasing road maintenance equipment.

**Sec. 1349.61.** (A)(1) Subject to division (C) of this section, no person or entity shall sell a gift card to a purchaser containing an expiration date that is less than two years after the date the gift card is issued.

(2) No person or entity, within two years after a gift card is issued, shall charge service charges or fees relative to that gift card, including dormancy fees, latency fees, or administrative fees, that have the effect of reducing the total amount for which the holder of the gift card may redeem the gift card.

(B) A gift card sold without an expiration date is valid until redeemed or replaced with a new gift card.

(C) Division (A) of this section does not apply to any of the

following gift cards:	1396
(1) A gift card that is distributed by the issuer to a consumer pursuant to an awards, loyalty, or promotional program without any money or anything of value being given in exchange for the gift card by the consumer;	1397 1398 1399 1400
(2) A gift card that is sold below face value at a volume discount to employers or to nonprofit and charitable organizations for fundraising purposes, if the expiration date on that gift card is not more than thirty days after the date of sale;	1401 1402 1403 1404
(3) A gift card that is sold by a nonprofit or charitable organization for fundraising purposes;	1405 1406
(4) A gift card that an employer gives to an employee if use of the gift card is limited to the employer's business establishment, which may include a group of merchants that are affiliated with that business establishment;	1407 1408 1409 1410
(5) A gift certificate issued in accordance with section 1533.131 of the Revised Code that may be used to obtain hunting and fishing licenses, fur taker, special deer, and special wild turkey permits, and wetlands habitat stamps;	1411 1412 1413 1414
(6) A gift card that is usable with multiple, unaffiliated sellers of goods or services;	1415 1416
(7) A gift card that an employer issues to an employee in recognition of services performed by the employee.	1417 1418
(D) Whoever violates division (A)(2) of this section is liable to the holder for any amount that the redemption value of the gift card was reduced, any court costs incurred, and reasonable attorney's fees.	1419 1420 1421 1422
(E) As used in this section:	1423
(1) "Gift card" means a certificate, electronic card, or other medium issued by a merchant that evidences the giving of	1424 1425

consideration in exchange for the right to redeem the certificate, 1426  
electronic card, or other medium for goods, food, services, 1427  
credit, or money of at least an equal value, including any 1428  
electronic card issued by a merchant with a monetary value where 1429  
the issuer has received payment for the full monetary value for 1430  
the future purchase or delivery of goods or services and any 1431  
certificate issued by a merchant where the issuer has received 1432  
payment for the full monetary face value of the certificate for 1433  
the future purchase or delivery of goods and services. "Gift card" 1434  
does not include a prepaid calling card used to make telephone 1435  
calls. 1436

(2) "Employee" ~~has the same meaning as in section 4121.01 of~~ 1437  
~~the Revised Code means every person who may be required or~~ 1438  
~~directed by any employer, in consideration of direct or indirect~~ 1439  
~~gain or profit, to engage in any employment, or to go, or work, or~~ 1440  
~~be at any time in any place of employment.~~ 1441

(3) "Employer" means every person, firm, corporation, agent, 1442  
manager, representative, or other person having control or custody 1443  
of any employment, place of employment, or employee. 1444

**Sec. 1509.02.** (A) There is hereby created in the department 1445  
of natural resources the division of oil and gas resources 1446  
management, which shall be administered by the chief of the 1447  
division of oil and gas resources management. The division has 1448  
sole and exclusive authority to regulate the permitting, location, 1449  
and spacing of oil and gas wells and production operations within 1450  
the state, excepting only those activities regulated under federal 1451  
laws for which oversight has been delegated to the environmental 1452  
protection agency and activities regulated under sections 6111.02 1453  
to 6111.028 of the Revised Code. The regulation of oil and gas 1454  
activities is a matter of general statewide interest that requires 1455  
uniform statewide regulation, and this chapter and rules adopted 1456

under it constitute a comprehensive plan with respect to all 1457  
aspects of the locating, drilling, well stimulation, completing, 1458  
and operating of oil and gas wells within this state, including 1459  
site construction and restoration, permitting related to those 1460  
activities, and the disposal of wastes from those wells. In order 1461  
to assist the division in the furtherance of its sole and 1462  
exclusive authority as established in this section, the chief may 1463  
enter into cooperative agreements with other state agencies for 1464  
advice and consultation, including visitations at the surface 1465  
location of a well on behalf of the division. Such cooperative 1466  
agreements do not confer on other state agencies any authority to 1467  
administer or enforce this chapter and rules adopted under it. In 1468  
addition, such cooperative agreements shall not be construed to 1469  
dilute or diminish the division's sole and exclusive authority as 1470  
established in this section. Nothing in this section affects the 1471  
authority granted to the director of transportation and local 1472  
authorities in section 723.01 or 4513.34 of the Revised Code, 1473  
provided that the authority granted under those sections shall not 1474  
be exercised in a manner that discriminates against, unfairly 1475  
impedes, or obstructs oil and gas activities and operations 1476  
regulated under this chapter. 1477

The chief shall not hold any other public office, nor shall 1478  
the chief be engaged in any occupation or business that might 1479  
interfere with or be inconsistent with the duties as chief. 1480

Money collected by the chief pursuant to sections 1509.06, 1481  
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 1509.28, 1482  
1509.34, 1509.50, and 5749.02 of the Revised Code, all civil 1483  
penalties paid under section 1509.33 of the Revised Code, and, 1484  
notwithstanding any section of the Revised Code relating to the 1485  
distribution or crediting of fines for violations of the Revised 1486  
Code, all fines imposed under divisions (A) and (B) of section 1487  
1509.99 of the Revised Code and fines imposed under divisions (C) 1488

and (D) of section 1509.99 of the Revised Code for all violations 1489  
prosecuted by the attorney general and for violations prosecuted 1490  
by prosecuting attorneys that do not involve the transportation of 1491  
brine by vehicle shall be deposited into the state treasury to the 1492  
credit of the oil and gas well fund, which is hereby created. 1493  
Fines imposed under divisions (C) and (D) of section 1509.99 of 1494  
the Revised Code for violations prosecuted by prosecuting 1495  
attorneys that involve the transportation of brine by vehicle and 1496  
penalties associated with a compliance agreement entered into 1497  
pursuant to this chapter shall be paid to the county treasury of 1498  
the county where the violation occurred. 1499

The fund shall be used solely and exclusively for the 1500  
purposes enumerated in division (B) of section 1509.071 of the 1501  
Revised Code, for the expenses of the division associated with the 1502  
administration of this chapter and Chapter 1571. of the Revised 1503  
Code and rules adopted under them, and for expenses that are 1504  
critical and necessary for the protection of human health and 1505  
safety and the environment related to oil and gas production in 1506  
this state. The expenses of the division in excess of the moneys 1507  
available in the fund shall be paid from general revenue fund 1508  
appropriations to the department. 1509

(B) The director of budget and management shall, on or before 1510  
the last day of any fiscal year beginning on or after July 1, 1511  
2019, in which the balance of the oil and gas well fund on the 1512  
last day of that year exceeds or will exceed fifty million 1513  
dollars, transfer five million dollars from the oil and gas well 1514  
fund to the oil and gas infrastructure fund, which is hereby 1515  
created in the state treasury. On or before the last day of the 1516  
fiscal year in which that transfer occurs, the director shall pay 1517  
the balance of the oil and gas infrastructure fund as follows: 1518

(1) Sixty per cent to the county treasurer of each eligible 1519  
county, as that term is defined in section 321.50 of the Revised 1520

Code, in each county's proportion most recently certified to the 1521  
director by the chief of the division of oil and gas resources 1522  
under division (C) of section 1509.11 of the Revised Code, for 1523  
deposit in the county's oil and gas infrastructure fund under 1524  
section 321.50 of the Revised Code; 1525

(2) Twenty per cent to the township road maintenance fund of 1526  
each eligible county in the proportion certified to the director 1527  
by the chief under division (C) of section 1509.11 of the Revised 1528  
Code; 1529

(3) Twenty per cent to the general fund of each municipal 1530  
corporation or the general fund of each township in the municipal 1531  
corporation's or township's proportion most recently certified to 1532  
the director by the chief under division (D) of section 1509.11 of 1533  
the Revised Code. Money received by a municipal corporation or 1534  
township under division (B)(3) of this section may be used for any 1535  
lawful purpose. 1536

**Sec. 1509.11.** (A)(1) The owner of any well, except a 1537  
horizontal well, that is producing or capable of producing oil or 1538  
gas shall file with the chief of the division of oil and gas 1539  
resources management, on or before the thirty-first day of March, 1540  
a statement of production of oil, gas, and brine for the last 1541  
preceding calendar year in such form as the chief may prescribe. 1542  
An owner that has more than one hundred such wells in this state 1543  
shall submit electronically the statement of production in a 1544  
format that is approved by the chief. 1545

(2) The owner of any horizontal well that is producing or 1546  
capable of producing oil or gas shall file with the chief, on the 1547  
forty-fifth day following the close of each calendar quarter, a 1548  
statement of production of oil, gas, and brine for the preceding 1549  
calendar quarter in a form that the chief prescribes. An owner 1550  
that has more than one hundred horizontal wells in this state 1551

shall submit electronically the statement of production in a 1552  
format that is approved by the chief. 1553

(B) The chief shall not disclose information received from 1554  
the department of taxation under division (C)(12) of section 1555  
5703.21 of the Revised Code until the related statement of 1556  
production required by division (A) of this section is filed with 1557  
the chief. 1558

(C) Not later than the fifteenth day of June of each year, 1559  
beginning in 2020, the chief shall calculate and certify to the 1560  
director of budget and management, for each county in which one or 1561  
more wells producing oil or gas in the Utica or Marcellus 1562  
formation were located in the preceding calendar year, the number 1563  
of wells producing oil or gas in the Utica or Marcellus formation 1564  
located in that county in the preceding calendar year divided by 1565  
the total number of wells producing oil or gas in the Utica or 1566  
Marcellus formation located in the state in that calendar year. 1567

(D) Not later than the fifteenth day of June of each year, 1568  
the chief shall calculate and certify to the director of budget 1569  
and management, for each municipal corporation and township in 1570  
which one or more wells producing oil or gas in the Utica or 1571  
Marcellus formation were located in the preceding calendar year, 1572  
the number of such wells located in the municipal corporation or 1573  
township in the preceding calendar year divided by the total 1574  
number of such wells located in the state in that calendar year. 1575  
For the purposes of division (D) of this section, a well is 1576  
located in a township only if the well is located in the 1577  
unincorporated territory of that township. 1578

**Sec. 1901.18.** (A) Except as otherwise provided in this 1579  
division or section 1901.181 of the Revised Code, subject to the 1580  
monetary jurisdiction of municipal courts as set forth in section 1581  
1901.17 of the Revised Code, a municipal court has original 1582

jurisdiction within its territory in all of the following actions	1583
or proceedings and to perform all of the following functions:	1584
(1) In any civil action, of whatever nature or remedy, of	1585
which judges of county courts have jurisdiction;	1586
(2) In any action or proceeding at law for the recovery of	1587
money or personal property of which the court of common pleas has	1588
jurisdiction;	1589
(3) In any action at law based on contract, to determine,	1590
preserve, and enforce all legal and equitable rights involved in	1591
the contract, to decree an accounting, reformation, or	1592
cancellation of the contract, and to hear and determine all legal	1593
and equitable remedies necessary or proper for a complete	1594
determination of the rights of the parties to the contract;	1595
(4) In any action or proceeding for the sale of personal	1596
property under chattel mortgage, lien, encumbrance, or other	1597
charge, for the foreclosure and marshalling of liens on personal	1598
property of that nature, and for the rendering of personal	1599
judgment in the action or proceeding;	1600
(5) In any action or proceeding to enforce the collection of	1601
its own judgments or the judgments rendered by any court within	1602
the territory to which the municipal court has succeeded, and to	1603
subject the interest of a judgment debtor in personal property to	1604
satisfy judgments enforceable by the municipal court;	1605
(6) In any action or proceeding in the nature of	1606
interpleader;	1607
(7) In any action of replevin;	1608
(8) In any action of forcible entry and detainer;	1609
(9) In any action concerning the issuance and enforcement of	1610
temporary protection orders pursuant to section 2919.26 of the	1611
Revised Code or protection orders pursuant to section 2903.213 of	1612

the Revised Code or the enforcement of protection orders issued by 1613  
courts of another state, as defined in section 2919.27 of the 1614  
Revised Code; 1615

(10) If the municipal court has a housing or environmental 1616  
division, in any action over which the division is given 1617  
jurisdiction by section 1901.181 of the Revised Code, provided 1618  
that, except as specified in division (B) of that section, no 1619  
judge of the court other than the judge of the division shall hear 1620  
or determine any action over which the division has jurisdiction; 1621

(11) In any action brought pursuant to division (I) of 1622  
section 4781.40 of the Revised Code, if the residential premises 1623  
that are the subject of the action are located within the 1624  
territorial jurisdiction of the court; 1625

(12) In any civil action as described in division (B)(1) of 1626  
section 3767.41 of the Revised Code that relates to a public 1627  
nuisance, and, to the extent any provision of this chapter 1628  
conflicts or is inconsistent with a provision of that section, the 1629  
provision of that section shall control in the civil action; 1630

(13) In a proceeding brought pursuant to section 955.222 of 1631  
the Revised Code by the owner of a dog that has been designated as 1632  
a nuisance dog, dangerous dog, or vicious dog; 1633

(14) In every civil action concerning a violation of a state 1634  
traffic law or a municipal traffic ordinance. 1635

(B) The Cleveland municipal court also shall have 1636  
jurisdiction within its territory in all of the following actions 1637  
or proceedings and to perform all of the following functions: 1638

(1) In all actions and proceedings for the sale of real 1639  
property under lien of a judgment of the municipal court or a lien 1640  
for machinery, material, or fuel furnished or labor performed, 1641  
irrespective of amount, and, in those actions and proceedings, the 1642  
court may proceed to foreclose and marshal all liens and all 1643

vested or contingent rights, to appoint a receiver, and to render 1644  
personal judgment irrespective of amount in favor of any party. 1645

(2) In all actions for the foreclosure of a mortgage on real 1646  
property given to secure the payment of money or the enforcement 1647  
of a specific lien for money or other encumbrance or charge on 1648  
real property, when the amount claimed by the plaintiff does not 1649  
exceed fifteen thousand dollars and the real property is situated 1650  
within the territory, and, in those actions, the court may proceed 1651  
to foreclose all liens and all vested and contingent rights and 1652  
may proceed to render judgments and make findings and orders 1653  
between the parties in the same manner and to the same extent as 1654  
in similar actions in the court of common pleas. 1655

(3) In all actions for the recovery of real property situated 1656  
within the territory to the same extent as courts of common pleas 1657  
have jurisdiction; 1658

(4) In all actions for injunction to prevent or terminate 1659  
violations of the ordinances and regulations of the city of 1660  
Cleveland enacted or promulgated under the police power of the 1661  
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 1662  
Constitution, over which the court of common pleas has or may have 1663  
jurisdiction, and, in those actions, the court may proceed to 1664  
render judgments and make findings and orders in the same manner 1665  
and to the same extent as in similar actions in the court of 1666  
common pleas. 1667

(C) As used in this section, "violation of a state traffic 1668  
law or a municipal traffic ordinance" has the same meaning as in 1669  
section 1901.20 of the Revised Code. 1670

**Sec. 1901.20.** (A)(1) The municipal court has jurisdiction to 1671  
hear misdemeanor cases committed within its territory and has 1672  
jurisdiction over the violation of any ordinance of any municipal 1673  
corporation within its territory, ~~unless the violation is a~~ 1674

including exclusive jurisdiction over every civil action 1675  
concerning a violation based upon evidence recorded by a traffic 1676  
law photo monitoring device and issued pursuant to division (B)(3) 1677  
of section 4511.093 of the Revised Code or the of a state traffic 1678  
law or a municipal traffic ordinance. The municipal court does not 1679  
have jurisdiction over a violation that is required to be handled 1680  
by a parking violations bureau or joint parking violations bureau 1681  
pursuant to Chapter 4521. of the Revised Code. However, the 1682  
municipal court has jurisdiction over the violation of a vehicle 1683  
parking or standing resolution or regulation if a local authority, 1684  
as defined in division (D) of section 4521.01 of the Revised Code, 1685  
has specified that it is not to be considered a criminal offense, 1686  
if the violation is committed within the limits of the court's 1687  
territory, and if the violation is not required to be handled by a 1688  
parking violations bureau or joint parking violations bureau 1689  
pursuant to Chapter 4521. of the Revised Code. 1690

The municipal court, if it has a housing or environmental 1691  
division, has jurisdiction over any criminal action over which the 1692  
housing or environmental division is given jurisdiction by section 1693  
1901.181 of the Revised Code, provided that, except as specified 1694  
in division (B) of that section, no judge of the court other than 1695  
the judge of the division shall hear or determine any action over 1696  
which the division has jurisdiction. In all such prosecutions and 1697  
cases, the court shall proceed to a final determination of the 1698  
prosecution or case. 1699

(2) A judge of a municipal court does not have the authority 1700  
to dismiss a criminal complaint, charge, information, or 1701  
indictment solely at the request of the complaining witness and 1702  
over the objection of the prosecuting attorney, village solicitor, 1703  
city director of law, or other chief legal officer who is 1704  
responsible for the prosecution of the case. 1705

(B) The municipal court has jurisdiction to hear felony cases 1706

committed within its territory. In all felony cases, the court may 1707  
conduct preliminary hearings and other necessary hearings prior to 1708  
the indictment of the defendant or prior to the court's finding 1709  
that there is probable and reasonable cause to hold or recognize 1710  
the defendant to appear before a court of common pleas and may 1711  
discharge, recognize, or commit the defendant. 1712

(C)~~(1)~~ A municipal court has jurisdiction over an appeal from 1713  
a judgment or default judgment entered pursuant to Chapter 4521. 1714  
of the Revised Code, as authorized by division (D) of section 1715  
4521.08 of the Revised Code. The appeal shall be placed on the 1716  
regular docket of the court and shall be determined by a judge of 1717  
the court. 1718

~~(2) A municipal court has jurisdiction over an appeal of a 1719  
written decision rendered by a hearing officer under section 1720  
4511.099 of the Revised Code if the hearing officer that rendered 1721  
the decision was appointed by a local authority within the 1722  
jurisdiction of the court. 1723~~

(D) As used in this section, "violation of a state traffic 1724  
law or a municipal traffic ordinance" includes, but is not limited 1725  
to, a traffic law violation recorded by a traffic law 1726  
photo-monitoring device, as defined in section 4511.092 of the 1727  
Revised Code. 1728

**Sec. 1907.02.** (A)(1) In addition to other jurisdiction 1729  
granted a county court in the Revised Code, a county court has 1730  
jurisdiction of all misdemeanor cases. A county court has 1731  
jurisdiction to conduct preliminary hearings in felony cases, to 1732  
bind over alleged felons to the court of common pleas, and to take 1733  
other action in felony cases as authorized by Criminal Rule 5. 1734

(2) A judge of a county court does not have the authority to 1735  
dismiss a criminal complaint, charge, information, or indictment 1736  
solely at the request of the complaining witness and over the 1737

objection of the prosecuting attorney, village solicitor, city 1738  
director of law, or other chief legal officer who is responsible 1739  
for the prosecution of the case. 1740

(B) A county court has jurisdiction of the violation of a 1741  
vehicle parking or standing ordinance, resolution, or regulation 1742  
if a local authority, as defined in division (D) of section 1743  
4521.01 of the Revised Code, has specified that it is not to be 1744  
considered a criminal offense, if the violation is committed 1745  
within the limits of the court's territory, and if the violation 1746  
is not required to be handled by a parking violations bureau or 1747  
joint parking violations bureau pursuant to Chapter 4521. of the 1748  
Revised Code. A county court does not have jurisdiction over 1749  
violations of ordinances, resolutions, or regulations that are 1750  
required to be handled by a parking violations bureau or joint 1751  
parking violations bureau pursuant to that chapter. 1752

A county court also has jurisdiction of an appeal from a 1753  
judgment or default judgment entered pursuant to Chapter 4521. of 1754  
the Revised Code, as authorized by division (D) of section 4521.08 1755  
of the Revised Code. Any such appeal shall be placed on the 1756  
regular docket of the court and shall be determined by a judge of 1757  
the court. 1758

(C) A county court has exclusive jurisdiction over ~~an appeal~~ 1759  
~~of a written decision rendered by a hearing officer under section~~ 1760  
~~4511.099 of the Revised Code if the hearing officer that rendered~~ 1761  
~~the decision was appointed by a local authority within the~~ 1762  
~~jurisdiction of the court~~ every civil action concerning a 1763  
violation of a state traffic law or a municipal traffic ordinance, 1764  
if the violation is committed within the limits of the court's 1765  
territory. 1766

(D) As used in this section, "violation of a state traffic 1767  
law or a municipal traffic ordinance" has the same meaning as in 1768  
section 1901.20 of the Revised Code. 1769

<b>Sec. 1907.031.</b> (A) Except as otherwise provided in section	1770
1907.03 of the Revised Code and in addition to the jurisdiction	1771
authorized in other sections of this chapter and in section	1772
1909.11 of the Revised Code, a county court has original	1773
jurisdiction within its district in all of the following actions	1774
or proceedings and to perform all of the following functions:	1775
(1) In an action or proceeding at law for the recovery of	1776
money or personal property of which the court of common pleas has	1777
jurisdiction;	1778
(2) In an action at law based on contract, to determine,	1779
preserve, and enforce all legal and equitable rights involved in	1780
the contract, to decree an accounting, reformation, or	1781
cancellation of the contract, and to hear and determine all legal	1782
and equitable remedies necessary or proper for a complete	1783
determination of the rights of the parties to the contract;	1784
(3) In an action or proceeding for the sale of personal	1785
property under chattel mortgage, lien, encumbrance, or other	1786
charge, for the foreclosure and marshalling of liens on the	1787
personal property, and for the rendering of personal judgment in	1788
the action or proceeding;	1789
(4) In an action or proceeding to enforce the collection of	1790
its own judgments and to subject the interest of a judgment debtor	1791
in personal property to satisfy judgments enforceable by the	1792
county court;	1793
(5) In an action or proceeding in the nature of interpleader;	1794
(6) In an action of forcible entry and detainer;	1795
(7) In a proceeding brought pursuant to section 955.222 of	1796
the Revised Code by the owner of a dog that has been designated as	1797
a nuisance dog, dangerous dog, or vicious dog;	1798
<u>(8) In every civil action or proceeding concerning a</u>	1799

violation of a state traffic law or a municipal traffic ordinance. 1800

(B) A county court has original jurisdiction in civil actions 1801  
as described in division (B)(1) of section 3767.41 of the Revised 1802  
Code that relate to a public nuisance. To the extent any provision 1803  
of this chapter conflicts or is inconsistent with a provision of 1804  
that section, the provision of that section shall control in such 1805  
a civil action. 1806

(C) As used in this section, "violation of a state traffic 1807  
law or a municipal traffic ordinance" has the same meaning as in 1808  
section 1901.20 of the Revised Code. 1809

**Sec. 3327.012.** Payments to school districts for 1810  
transportation of school pupils shall be made on a current basis 1811  
according to an estimate which shall be filed with the state board 1812  
of education by respective school districts in accordance with 1813  
rules which the state board of education shall promulgate. The sum 1814  
due the respective school district as calculated from approved 1815  
cost in accordance with the rules of the board of education shall 1816  
be adjusted annually in the quarter next following the end of the 1817  
school year. The superintendent of public instruction, subject to 1818  
the approval of the state board of education, may contract with 1819  
any firm, person, county transit system, regional transit 1820  
authority, or board of education to provide pupil transportation 1821  
services authorized by this section. In no event shall the payment 1822  
for such contract service exceed the average transportation cost 1823  
per pupil, such average cost to be based on the cost of 1824  
transportation of children by all boards of education in Ohio 1825  
during the next preceding year. 1826

**Sec. 3944.01.** As used in this chapter, "car sharing period," 1827  
"peer-to-peer car sharing," "peer-to-peer car sharing program," 1828  
"peer-to-peer car sharing program agreement," "primary policy of 1829

automobile insurance," "shared vehicle," "shared vehicle driver," 1830  
and "shared vehicle owner" have the same meanings as in section 1831  
4516.01 of the Revised Code. 1832

Sec. 3944.02. (A) Except as provided in division (B) of this 1833  
section, a peer-to-peer car sharing program shall assume liability 1834  
of a shared vehicle owner for any death, bodily injury, or 1835  
property damage to a third party or an uninsured or underinsured 1836  
motorist that are proximately caused by the operation of the 1837  
shared vehicle during the car sharing period in an amount stated 1838  
in the peer-to-peer car sharing program agreement. The amount 1839  
shall be not less than that specified in division (A)(1) of 1840  
section 3944.03 of the Revised Code. 1841

(B) The assumption of liability under division (A) of this 1842  
section shall not apply if the shared vehicle owner made an 1843  
intentional or fraudulent material misrepresentation to the 1844  
peer-to-peer car sharing program regarding the vehicle owner's 1845  
automobile insurance policy or the type or condition of the shared 1846  
vehicle before the car sharing period in which the loss occurred. 1847

Sec. 3944.03. (A)(1) A peer-to-peer car sharing program shall 1848  
ensure that, during each car sharing period, the shared vehicle 1849  
owner and shared vehicle driver are each covered by a primary 1850  
policy of automobile insurance that recognizes their status as a 1851  
shared vehicle owner or shared vehicle driver and provides 1852  
coverage for the operation of the shared vehicle during the car 1853  
sharing period. Each policy shall be maintained in the following 1854  
amounts: 1855

(a) At least twenty-five thousand dollars because of bodily 1856  
injury to or death of one person in any one accident; 1857

(b) At least fifty thousand dollars because of bodily injury 1858  
or death of two or more persons in any one accident; 1859

(c) At least twenty-five thousand dollars because of injury to property of others in any one accident. 1860  
1861

(2) The insurance required by division (A)(1) of this section may be satisfied by any of the following or a combination of any of the following: 1862  
1863  
1864

(a) An automobile insurance policy that is maintained by the shared vehicle owner; 1865  
1866

(b) An automobile insurance policy that is maintained by the shared vehicle driver; 1867  
1868

(c) An automobile insurance policy that is maintained by the peer-to-peer car sharing program. 1869  
1870

(3)(a) If personal automobile insurance maintained by a shared vehicle owner or shared vehicle driver does not provide liability coverage in the amounts required by division (A)(1) of this section, insurance maintained by the peer-to-peer car sharing program shall provide the required coverage, beginning with the first dollar of the claim and shall have the duty to defend the claim. 1871  
1872  
1873  
1874  
1875  
1876  
1877

(b) An automobile insurance policy maintained by a peer-to-peer car sharing program in accordance with this section shall not require the driver's personal automobile insurer or policy to first deny a claim before providing coverage. 1878  
1879  
1880  
1881

(B) An automobile insurance policy required by this section shall be purchased from either of the following: 1882  
1883

(1) A domestic, foreign, or alien insurance company organized or admitted under Title XXXIX of the Revised Code to issue such a policy; 1884  
1885  
1886

(2) An insurer not holding a license in this state if both of the following criteria are met: 1887  
1888

(a) The insurer is an eligible surplus lines insurance 1889

company and the policy is obtained through a person or entity that 1890  
holds a surplus lines broker's license in accordance with sections 1891  
3905.30 to 3905.38 of the Revised Code or the insurer is an 1892  
eligible risk retention group. 1893

(b) The insurer has a credit rating of not less than "A-" 1894  
from an insurance rating agency. 1895

(C) A shared vehicle driver shall carry proof of insurance 1896  
satisfying the coverage requirements of division (A)(1) of this 1897  
section either physically or through use of an electronic wireless 1898  
communications device described in section 4509.103 of the Revised 1899  
Code at all times during the car sharing period. In the event of 1900  
an accident, the shared vehicle driver shall provide this 1901  
insurance information to all parties claiming an interest in the 1902  
insurance, other insurers, and upon request of a peace officer or 1903  
state highway patrol trooper in accordance with division (D)(2) of 1904  
section 4509.101 of the Revised Code. Upon such a request, the 1905  
driver also shall disclose to the interested parties, insurers, 1906  
and officers and troopers whether the driver was driving as a 1907  
shared vehicle driver at the time of the accident. 1908

(D) An automobile insurance policy that meets the 1909  
requirements of this section satisfies the requirement for proof 1910  
of financial responsibility for motor vehicles under Chapter 4509. 1911  
of the Revised Code. 1912

(E) The automobile insurance policy described in division (A) 1913  
of this section shall be the primary policy during each car 1914  
sharing period. 1915

(F) Nothing in this chapter does either of the following: 1916

(1) Limits the liability of the peer-to-peer car sharing 1917  
program for any act or omission of the peer-to-peer car sharing 1918  
program that results in death, bodily injury, or property damage 1919  
as a proximate result of the operation of a shared vehicle through 1920

the peer-to-peer car sharing program; 1921

(2) Limits the ability of the peer-to-peer car sharing 1922  
program to seek, by contract, indemnification from the shared 1923  
vehicle owner or the shared vehicle driver for economic loss 1924  
sustained by the peer-to-peer car sharing program proximately 1925  
resulting from a breach of the terms and conditions of the car 1926  
sharing program agreement. 1927

Sec. 3944.04. At the time a vehicle owner registers as a 1928  
shared vehicle owner on a peer-to-peer car sharing program 1929  
pursuant to Chapter 4516. of the Revised Code and prior to the 1930  
time when the shared vehicle owner makes a shared vehicle 1931  
available for car sharing on the peer-to-peer car sharing program, 1932  
the peer-to-peer car sharing program shall notify the shared 1933  
vehicle owner that, if the shared vehicle has a lien against it, 1934  
the use of the shared vehicle through a peer-to-peer car sharing 1935  
program may violate the terms of the contract with the lienholder. 1936

Sec. 3944.05. An insurer that writes automobile insurance in 1937  
this state may exclude any and all coverage of, and the duty to 1938  
defend or indemnify an insured against, any claim under a shared 1939  
vehicle owner's personal automobile insurance policy. Nothing in 1940  
this section invalidates or limits an exclusion contained in an 1941  
automobile insurance policy, including any insurance policy in use 1942  
or approved for use that excludes coverage for motor vehicles made 1943  
available for rent, sharing, or hire, or for any business use. 1944

Sec. 3944.06. (A) Except as provided in division (B) of this 1945  
section, an insurer may not deny, cancel, void, terminate, 1946  
rescind, or fail to renew a shared vehicle owner's automobile 1947  
insurance policy solely because the covered vehicle has been made 1948  
available for sharing through a peer-to-peer car sharing program. 1949

(B) An insurer may deny, cancel, void, terminate, rescind, or 1950

fail to renew a shared vehicle owner's automobile insurance policy 1951  
covering a shared vehicle if the shared vehicle owner fails to 1952  
provide complete and accurate information about the use of the 1953  
shared vehicle as requested by the insurer during the application 1954  
or renewal process. 1955

(C) An insurer may limit the number of vehicles made 1956  
available for sharing through a peer-to-peer car sharing program 1957  
that it will insure on a single policy. 1958

**Sec. 3944.07.** (A) A peer-to-peer car sharing program shall 1959  
collect and verify records pertaining to the use of a vehicle, 1960  
including all of the following: 1961

(1) The number of times a shared vehicle was used through the 1962  
program; 1963

(2) Fees paid by the shared vehicle driver; 1964

(3) Revenues received by the shared vehicle owner. 1965

(B) The program shall provide the information contained in 1966  
the records upon request to the shared vehicle owner, the shared 1967  
vehicle owner's insurer, or the shared vehicle driver's insurer to 1968  
facilitate the investigation of a claim. The program shall retain 1969  
the records for not less than two years. 1970

**Sec. 3944.08.** A peer-to-peer car sharing program and a shared 1971  
vehicle owner shall be exempt from vicarious liability in 1972  
accordance with 49 U.S.C. 30106 and under any state or local law 1973  
that imposes liability solely based on vehicle ownership. 1974

**Sec. 3944.09.** An insurer that defends or indemnifies a claim 1975  
against a shared vehicle that is excluded under the terms of its 1976  
policy shall have the right to seek contribution against the 1977  
insurer of the peer-to-peer car sharing program if the claim meets 1978  
both of the following conditions: 1979

(A) The claim was made against the shared vehicle owner or the shared vehicle driver for death, bodily injury, or property damage that occurred during the car sharing period. 1980  
1981  
1982

(B) Coverage was excluded under the terms of the insurer's policy. 1983  
1984

Sec. 3944.10. A peer-to-peer car sharing program has an insurable interest in a shared vehicle during the car sharing period. Nothing in this section shall be construed to require a peer-to-peer car sharing program to provide insurance to a shared vehicle owner or shared vehicle driver. 1985  
1986  
1987  
1988  
1989

**Sec. 4111.03.** (A) An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee's wage rate for hours worked in excess of forty hours in one workweek, in the manner and methods provided in and subject to the exemptions of section 7 and section 13 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 1990  
1991  
1992  
1993  
1994  
1995  
1996

Any employee employed in agriculture shall not be covered by the overtime provision of this section. 1997  
1998

A motor carrier may elect to apply the overtime provision of this section to an individual who is excluded from the provision under division (D)(3)(i) of this section. 1999  
2000  
2001

(B) If a county employee elects to take compensatory time off in lieu of overtime pay, for any overtime worked, compensatory time may be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior within one hundred eighty days after the overtime is worked. 2002  
2003  
2004  
2005  
2006  
2007

(C) A county appointing authority with the exception of the county department of job and family services may, by rule or 2008  
2009

resolution as is appropriate, indicate the authority's intention 2010  
not to be bound by division (B) of this section, and to adopt a 2011  
different policy for the calculation and payment of overtime than 2012  
that established by that division. Upon adoption, the alternative 2013  
overtime policy prevails. Prior to the adoption of an alternative 2014  
overtime policy, a county appointing authority with the exception 2015  
of the county department of job and family services shall give a 2016  
written notice of the alternative policy to each employee at least 2017  
ten days prior to its effective date. 2018

(D) As used in this section: 2019

(1) "Employ" means to suffer or to permit to work. 2020

(2) "Employer" means the state of Ohio, its 2021  
instrumentalities, and its political subdivisions and their 2022  
instrumentalities, any individual, partnership, association, 2023  
corporation, business trust, or any person or group of persons, 2024  
acting in the interest of an employer in relation to an employee, 2025  
but does not include either of the following: 2026

(a) An employer whose annual gross volume of sales made for 2027  
business done is less than one hundred fifty thousand dollars, 2028  
exclusive of excise taxes at the retail level which are separately 2029  
stated; 2030

(b) A franchisor with respect to the franchisor's 2031  
relationship with a franchisee or an employee of a franchisee, 2032  
unless the franchisor agrees to assume that role in writing or a 2033  
court of competent jurisdiction determines that the franchisor 2034  
exercises a type or degree of control over the franchisee or the 2035  
franchisee's employees that is not customarily exercised by a 2036  
franchisor for the purpose of protecting the franchisor's 2037  
trademark, brand, or both. For purposes of this division, 2038  
"franchisor" and "franchisee" have the same meanings as in 16 2039  
C.F.R. 436.1. 2040

(3) "Employee" means any individual employed by an employer	2041
but does not include:	2042
(a) Any individual employed by the United States;	2043
(b) Any individual employed as a baby-sitter in the	2044
employer's home, or a live-in companion to a sick, convalescing,	2045
or elderly person whose principal duties do not include	2046
housekeeping;	2047
(c) Any individual engaged in the delivery of newspapers to	2048
the consumer;	2049
(d) Any individual employed as an outside salesperson	2050
compensated by commissions or employed in a bona fide executive,	2051
administrative, or professional capacity as such terms are defined	2052
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	2053
U.S.C.A. 201, as amended;	2054
(e) Any individual who works or provides personal services of	2055
a charitable nature in a hospital or health institution for which	2056
compensation is not sought or contemplated;	2057
(f) A member of a police or fire protection agency or student	2058
employed on a part-time or seasonal basis by a political	2059
subdivision of this state;	2060
(g) Any individual in the employ of a camp or recreational	2061
area for children under eighteen years of age and owned and	2062
operated by a nonprofit organization or group of organizations	2063
described in Section 501(c)(3) of the "Internal Revenue Code of	2064
1954," and exempt from income tax under Section 501(a) of that	2065
code;	2066
(h) Any individual employed directly by the house of	2067
representatives or directly by the senate;	2068
<u>(i) An individual who provides services for or on behalf of a</u>	2069
<u>motor carrier transporting property, who is an operator of a</u>	2070

vehicle or vessel, and to whom all of the following factors apply: 2071

(i) The individual owns the equipment that is used in 2072  
performing the services for or on behalf of the carrier, or the 2073  
individual leases the equipment under a bona fide lease agreement 2074  
that is not a temporary replacement lease agreement. 2075

(ii) The individual is responsible for supplying the 2076  
necessary personal services to operate the equipment used to 2077  
provide the service. 2078

(iii) The compensation paid to the individual is based on 2079  
factors related to work performed, including on a mileage-based 2080  
rate or a percentage of any schedule of rates, and not solely on 2081  
the basis of the hours or time expended. 2082

(iv) The individual substantially controls the means and 2083  
manner of performing the services, in conformance with regulatory 2084  
requirements and specifications of the shipper. 2085

(v) The individual enters into a written contract with the 2086  
carrier for whom the individual is performing the services that 2087  
describes the relationship between the individual and the carrier 2088  
to be that of an independent contractor and not that of an 2089  
employee. 2090

(vi) The individual is responsible for substantially all of 2091  
the principal operating costs of the vehicle or vessel and 2092  
equipment used to provide the services, including maintenance, 2093  
fuel, repairs, supplies, vehicle or vessel insurance, and personal 2094  
expenses, except that the individual may be paid by the carrier 2095  
the carrier's fuel surcharge and incidental costs, including 2096  
tolls, permits, and lumper fees. 2097

(vii) The individual is responsible for any economic loss or 2098  
economic gain from the arrangement with the carrier. 2099

(4) "Motor carrier" has the same meaning as in section 2100

4923.01 of the Revised Code. 2101

**Sec. 4111.14.** (A) Pursuant to the general assembly's 2102  
authority to establish a minimum wage under Section 34 of Article 2103  
II, Ohio Constitution, this section is in implementation of 2104  
Section 34a of Article II, Ohio Constitution. In implementing 2105  
Section 34a of Article II, Ohio Constitution, the general assembly 2106  
hereby finds that the purpose of Section 34a of Article II, Ohio 2107  
Constitution, is to: 2108

(1) Ensure that Ohio employees, as defined in division (B)(1) 2109  
of this section, are paid the wage rate required by Section 34a of 2110  
Article II, Ohio Constitution; 2111

(2) Ensure that covered Ohio employers maintain certain 2112  
records that are directly related to the enforcement of the wage 2113  
rate requirements in Section 34a of Article II, Ohio Constitution; 2114

(3) Ensure that Ohio employees who are paid the wage rate 2115  
required by Section 34a of Article II, Ohio Constitution, may 2116  
enforce their right to receive that wage rate in the manner set 2117  
forth in Section 34a of Article II, Ohio Constitution; and 2118

(4) Protect the privacy of Ohio employees' pay and personal 2119  
information specified in Section 34a of Article II, Ohio 2120  
Constitution, by restricting an employee's access, and access by a 2121  
person acting on behalf of that employee, to the employee's own 2122  
pay and personal information. 2123

(B) In accordance with Section 34a of Article II, Ohio 2124  
Constitution, the terms "employer," "employee," "employ," 2125  
"person," and "independent contractor" have the same meanings as 2126  
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 2127  
U.S.C. 203, as amended. In construing the meaning of these terms, 2128  
due consideration and great weight shall be given to the United 2129  
States department of labor's and federal courts' interpretations 2130

of those terms under the Fair Labor Standards Act and its 2131  
regulations. As used in division (B) of this section: 2132

(1) "Employee" means individuals employed in Ohio, but does 2133  
not mean individuals who are excluded from the definition of 2134  
"employee" under 29 U.S.C. 203(e) or individuals who are exempted 2135  
from the minimum wage requirements in 29 U.S.C. 213 and from the 2136  
definition of "employee" in this chapter. 2137

(2) "Employ" and "employee" do not include any person acting 2138  
as a volunteer. In construing who is a volunteer, "volunteer" 2139  
shall have the same meaning as in sections 553.101 to 553.106 of 2140  
Title 29 of the Code of Federal Regulations, as amended, and due 2141  
consideration and great weight shall be given to the United States 2142  
department of labor's and federal courts' interpretations of the 2143  
term "volunteer" under the Fair Labor Standards Act and its 2144  
regulations. 2145

(3) "Employer" does not include a franchisor with respect to 2146  
the franchisor's relationship with a franchisee or an employee of 2147  
a franchisee, unless the franchisor agrees to assume that role in 2148  
writing or a court of competent jurisdiction determines that the 2149  
franchisor exercises a type or degree of control over the 2150  
franchisee or the franchisee's employees that is not customarily 2151  
exercised by a franchisor for the purpose of protecting the 2152  
franchisor's trademark, brand, or both. For purposes of this 2153  
division, "franchisor" and "franchisee" have the same meanings as 2154  
in 16 C.F.R. 436.1. 2155

(4) Subject to division (B)(5) of this section, "employee" 2156  
does not include an individual who provides services for or on 2157  
behalf of a motor carrier transporting property, who is an 2158  
operator of a vehicle or vessel, and to whom all of the following 2159  
factors apply: 2160

(a) The individual owns the equipment that is used in 2161

performing the services for or on behalf of the carrier, or the 2162  
individual leases the equipment under a bona fide lease agreement 2163  
that is not a temporary replacement lease agreement. 2164

(b) The individual is responsible for supplying the necessary 2165  
personal services to operate the equipment used to provide the 2166  
service. 2167

(c) The compensation paid to the individual is based on 2168  
factors related to work performed, including on a mileage-based 2169  
rate or a percentage of any schedule of rates, and not solely on 2170  
the basis of the hours or time expended. 2171

(d) The individual substantially controls the means and 2172  
manner of performing the services, in conformance with regulatory 2173  
requirements and specifications of the shipper. 2174

(e) The individual enters into a written contract with the 2175  
carrier for whom the individual is performing the services that 2176  
describes the relationship between the individual and the carrier 2177  
to be that of an independent contractor and not that of an 2178  
employee. 2179

(f) The individual is responsible for substantially all of 2180  
the principal operating costs of the vehicle or vessel and 2181  
equipment used to provide the services, including maintenance, 2182  
fuel, repairs, supplies, vehicle or vessel insurance, and personal 2183  
expenses, except that the individual may be paid by the carrier 2184  
the carrier's fuel surcharge and incidental costs, including 2185  
tolls, permits, and lumper fees. 2186

(g) The individual is responsible for any economic loss or 2187  
economic gain from the arrangement with the carrier. 2188

(5) A motor carrier may elect to consider an individual 2189  
described in division (B)(4) of this section as an employee for 2190  
purposes of this section. 2191

(6) "Motor carrier" has the same meaning as in section 2192  
4923.01 of the Revised Code. 2193

(C) In accordance with Section 34a of Article II, Ohio 2194  
Constitution, the state may issue licenses to employers 2195  
authorizing payment of a wage below that required by Section 34a 2196  
of Article II, Ohio Constitution, to individuals with mental or 2197  
physical disabilities that may otherwise adversely affect their 2198  
opportunity for employment. In issuing such licenses, the state 2199  
shall abide by the rules adopted pursuant to section 4111.06 of 2200  
the Revised Code. 2201

(D)(1) In accordance with Section 34a of Article II, Ohio 2202  
Constitution, individuals employed in or about the property of an 2203  
employer or an individual's residence on a casual basis are not 2204  
included within the coverage of Section 34a of Article II, Ohio 2205  
Constitution. As used in division (D) of this section: 2206

(a) "Casual basis" means employment that is irregular or 2207  
intermittent and that is not performed by an individual whose 2208  
vocation is to be employed in or about the property of the 2209  
employer or individual's residence. In construing who is employed 2210  
on a "casual basis," due consideration and great weight shall be 2211  
given to the United States department of labor's and federal 2212  
courts' interpretations of the term "casual basis" under the Fair 2213  
Labor Standards Act and its regulations. 2214

(b) "An individual employed in or about the property of an 2215  
employer or individual's residence" means an individual employed 2216  
on a casual basis or an individual employed in or about a 2217  
residence on a casual basis, respectively. 2218

(2) In accordance with Section 34a of Article II, Ohio 2219  
Constitution, employees of a solely family-owned and operated 2220  
business who are family members of an owner are not included 2221  
within the coverage of Section 34a of Article II, Ohio 2222

Constitution. As used in division (D)(2) of this section, "family member" means a parent, spouse, child, stepchild, sibling, grandparent, grandchild, or other member of an owner's immediate family.

(E) In accordance with Section 34a of Article II, Ohio Constitution, an employer shall at the time of hire provide an employee with the employer's name, address, telephone number, and other contact information and update such information when it changes. As used in division (E) of this section:

(1) "Other contact information" may include, where applicable, the address of the employer's internet site on the world wide web, the employer's electronic mail address, fax number, or the name, address, and telephone number of the employer's statutory agent. "Other contact information" does not include the name, address, telephone number, fax number, internet site address, or electronic mail address of any employee, shareholder, officer, director, supervisor, manager, or other individual employed by or associated with an employer.

(2) "When it changes" means that the employer shall provide its employees with the change in its name, address, telephone number, or other contact information within sixty business days after the change occurs. The employer shall provide the changed information by using any of its usual methods of communicating with its employees, including, but not limited to, listing the change on the employer's internet site on the world wide web, internal computer network, or a bulletin board where it commonly posts employee communications or by insertion or inclusion with employees' paychecks or pay stubs.

(F) In accordance with Section 34a of Article II, Ohio Constitution, an employer shall maintain a record of the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid an employee for a period of not less than

three years following the last date the employee was employed by 2255  
that employer. As used in division (F) of this section: 2256

(1) "Address" means an employee's home address as maintained 2257  
in the employer's personnel file or personnel database for that 2258  
employee. 2259

(2)(a) With respect to employees who are not exempt from the 2260  
overtime pay requirements of the Fair Labor Standards Act or this 2261  
chapter, "pay rate" means an employee's base rate of pay. 2262

(b) With respect to employees who are exempt from the 2263  
overtime pay requirements of the Fair Labor Standards Act or this 2264  
chapter, "pay rate" means an employee's annual base salary or 2265  
other rate of pay by which the particular employee qualifies for 2266  
that exemption under the Fair Labor Standards Act or this chapter, 2267  
but does not include bonuses, stock options, incentives, deferred 2268  
compensation, or any other similar form of compensation. 2269

(3) "Record" means the name, address, occupation, pay rate, 2270  
hours worked for each day worked, and each amount paid an employee 2271  
in one or more documents, databases, or other paper or electronic 2272  
forms of record-keeping maintained by an employer. No one 2273  
particular method or form of maintaining such a record or records 2274  
is required under this division. An employer is not required to 2275  
create or maintain a single record containing only the employee's 2276  
name, address, occupation, pay rate, hours worked for each day 2277  
worked, and each amount paid an employee. An employer shall 2278  
maintain a record or records from which the employee or person 2279  
acting on behalf of that employee could reasonably review the 2280  
information requested by the employee or person. 2281

An employer is not required to maintain the records specified 2282  
in division (F)(3) of this section for any period before January 2283  
1, 2007. On and after January 1, 2007, the employer shall maintain 2284  
the records required by division (F)(3) of this section for three 2285

years from the date the hours were worked by the employee and for 2286  
three years after the date the employee's employment ends. 2287

(4)(a) Except for individuals specified in division (F)(4)(b) 2288  
of this section, "hours worked for each day worked" means the 2289  
total amount of time worked by an employee in whatever increments 2290  
the employer uses for its payroll purposes during a day worked by 2291  
the employee. An employer is not required to keep a record of the 2292  
time of day an employee begins and ends work on any given day. As 2293  
used in division (F)(4) of this section, "day" means a fixed 2294  
period of twenty-four consecutive hours during which an employee 2295  
performs work for an employer. 2296

(b) An employer is not required to keep records of "hours 2297  
worked for each day worked" for individuals for whom the employer 2298  
is not required to keep those records under the Fair Labor 2299  
Standards Act and its regulations or individuals who are not 2300  
subject to the overtime pay requirements specified in section 2301  
4111.03 of the Revised Code. 2302

(5) "Each amount paid an employee" means the total gross 2303  
wages paid to an employee for each pay period. As used in division 2304  
(F)(5) of this section, "pay period" means the period of time 2305  
designated by an employer to pay an employee the employee's gross 2306  
wages in accordance with the employer's payroll practices under 2307  
section 4113.15 of the Revised Code. 2308

(G) In accordance with Section 34a of Article II, Ohio 2309  
Constitution, an employer must provide such information without 2310  
charge to an employee or person acting on behalf of an employee 2311  
upon request. As used in division (G) of this section: 2312

(1) "Such information" means the name, address, occupation, 2313  
pay rate, hours worked for each day worked, and each amount paid 2314  
for the specific employee who has requested that specific 2315  
employee's own information and does not include the name, address, 2316

occupation, pay rate, hours worked for each day worked, or each 2317  
amount paid of any other employee of the employer. "Such 2318  
information" does not include hours worked for each day worked by 2319  
individuals for whom an employer is not required to keep that 2320  
information under the Fair Labor Standards Act and its regulations 2321  
or individuals who are not subject to the overtime pay 2322  
requirements specified in section 4111.03 of the Revised Code. 2323

(2) "Acting on behalf of an employee" means a person acting 2324  
on behalf of an employee as any of the following: 2325

(a) The certified or legally recognized collective bargaining 2326  
representative for that employee under the applicable federal law 2327  
or Chapter 4117. of the Revised Code; 2328

(b) The employee's attorney; 2329

(c) The employee's parent, guardian, or legal custodian. 2330

A person "acting on behalf of an employee" must be 2331  
specifically authorized by an employee in order to make a request 2332  
for that employee's own name, address, occupation, pay rate, hours 2333  
worked for each day worked, and each amount paid to that employee. 2334

(3) "Provide" means that an employer shall provide the 2335  
requested information within thirty business days after the date 2336  
the employer receives the request, unless either of the following 2337  
occurs: 2338

(a) The employer and the employee or person acting on behalf 2339  
of the employee agree to some alternative time period for 2340  
providing the information. 2341

(b) The thirty-day period would cause a hardship on the 2342  
employer under the circumstances, in which case the employer must 2343  
provide the requested information as soon as practicable. 2344

(4) A "request" made by an employee or a person acting on 2345  
behalf of an employee means a request by an employee or a person 2346

acting on behalf of an employee for the employee's own 2347  
information. The employer may require that the employee provide 2348  
the employer with a written request that has been signed by the 2349  
employee and notarized and that reasonably specifies the 2350  
particular information being requested. The employer may require 2351  
that the person acting on behalf of an employee provide the 2352  
employer with a written request that has been signed by the 2353  
employee whose information is being requested and notarized and 2354  
that reasonably specifies the particular information being 2355  
requested. 2356

(H) In accordance with Section 34a of Article II, Ohio 2357  
Constitution, an employee, person acting on behalf of one or more 2358  
employees, and any other interested party may file a complaint 2359  
with the state for a violation of any provision of Section 34a of 2360  
Article II, Ohio Constitution, or any law or regulation 2361  
implementing its provisions. Such complaint shall be promptly 2362  
investigated and resolved by the state. The employee's name shall 2363  
be kept confidential unless disclosure is necessary to resolution 2364  
of a complaint and the employee consents to disclosure. As used in 2365  
division (H) of this section: 2366

(1) "Complaint" means a complaint of an alleged violation 2367  
pertaining to harm suffered by the employee filing the complaint, 2368  
by a person acting on behalf of one or more employees, or by an 2369  
interested party. 2370

(2) "Acting on behalf of one or more employees" has the same 2371  
meaning as "acting on behalf of an employee" in division (G)(2) of 2372  
this section. Each employee must provide a separate written and 2373  
notarized authorization before the person acting on that 2374  
employee's or those employees' behalf may request the name, 2375  
address, occupation, pay rate, hours worked for each day worked, 2376  
and each amount paid for the particular employee. 2377

(3) "Interested party" means a party who alleges to be 2378

injured by the alleged violation and who has standing to file a 2379  
complaint under common law principles of standing. 2380

(4) "Resolved by the state" means that the complaint has been 2381  
resolved to the satisfaction of the state. 2382

(5) "Shall be kept confidential" means that the state shall 2383  
keep the name of the employee confidential as required by division 2384  
(H) of this section. 2385

(I) In accordance with Section 34a of Article II, Ohio 2386  
Constitution, the state may on its own initiative investigate an 2387  
employer's compliance with Section 34a of Article II, Ohio 2388  
Constitution, and any law or regulation implementing Section 34a 2389  
of Article II, Ohio Constitution. The employer shall make 2390  
available to the state any records related to such investigation 2391  
and other information required for enforcement of Section 34a of 2392  
Article II, Ohio Constitution or any law or regulation 2393  
implementing Section 34a of Article II, Ohio Constitution. The 2394  
state shall investigate an employer's compliance with this section 2395  
in accordance with the procedures described in section 4111.04 of 2396  
the Revised Code. All records and information related to 2397  
investigations by the state are confidential and are not a public 2398  
record subject to section 149.43 of the Revised Code. This 2399  
division does not prevent the state from releasing to or 2400  
exchanging with other state and federal wage and hour regulatory 2401  
authorities information related to investigations. 2402

(J) In accordance with Section 34a of Article II, Ohio 2403  
Constitution, damages shall be calculated as an additional two 2404  
times the amount of the back wages and in the case of a violation 2405  
of an anti-retaliation provision an amount set by the state or 2406  
court sufficient to compensate the employee and deter future 2407  
violations, but not less than one hundred fifty dollars for each 2408  
day that the violation continued. The "not less than one hundred 2409  
fifty dollar" penalty specified in division (J) of this section 2410

shall be imposed only for violations of the anti-retaliation 2411  
provision in Section 34a of Article II, Ohio Constitution. 2412

(K) In accordance with Section 34a of Article II, Ohio 2413  
Constitution, an action for equitable and monetary relief may be 2414  
brought against an employer by the attorney general and/or an 2415  
employee or person acting on behalf of an employee or all 2416  
similarly situated employees in any court of competent 2417  
jurisdiction, including the court of common pleas of an employee's 2418  
county of residence, for any violation of Section 34a of Article 2419  
II, Ohio Constitution, or any law or regulation implementing its 2420  
provisions within three years of the violation or of when the 2421  
violation ceased if it was of a continuing nature, or within one 2422  
year after notification to the employee of final disposition by 2423  
the state of a complaint for the same violation, whichever is 2424  
later. 2425

(1) As used in division (K) of this section, "notification" 2426  
means the date on which the notice was sent to the employee by the 2427  
state. 2428

(2) No employee shall join as a party plaintiff in any civil 2429  
action that is brought under division (K) of this section by an 2430  
employee, person acting on behalf of an employee, or person acting 2431  
on behalf of all similarly situated employees unless that employee 2432  
first gives written consent to become such a party plaintiff and 2433  
that consent is filed with the court in which the action is 2434  
brought. 2435

(3) A civil action regarding an alleged violation of this 2436  
section shall be maintained only under division (K) of this 2437  
section. This division does not preclude the joinder in a single 2438  
civil action of an action under this division and an action under 2439  
section 4111.10 of the Revised Code. 2440

(4) Any agreement between an employee and employer to work 2441

for less than the wage rate specified in Section 34a of Article 2442  
II, Ohio Constitution, is no defense to an action under this 2443  
section. 2444

(L) In accordance with Section 34a of Article II, Ohio 2445  
Constitution, there shall be no exhaustion requirement, no 2446  
procedural, pleading, or burden of proof requirements beyond those 2447  
that apply generally to civil suits in order to maintain such 2448  
action and no liability for costs or attorney's fees on an 2449  
employee except upon a finding that such action was frivolous in 2450  
accordance with the same standards that apply generally in civil 2451  
suits. Nothing in division (L) of this section affects the right 2452  
of an employer and employee to agree to submit a dispute under 2453  
this section to alternative dispute resolution, including, but not 2454  
limited to, arbitration, in lieu of maintaining the civil suit 2455  
specified in division (K) of this section. Nothing in this 2456  
division limits the state's ability to investigate or enforce this 2457  
section. 2458

(M) An employer who provides such information specified in 2459  
Section 34a of Article II, Ohio Constitution, shall be immune from 2460  
any civil liability for injury, death, or loss to person or 2461  
property that otherwise might be incurred or imposed as a result 2462  
of providing that information to an employee or person acting on 2463  
behalf of an employee in response to a request by the employee or 2464  
person, and the employer shall not be subject to the provisions of 2465  
Chapters 1347. and 1349. of the Revised Code to the extent that 2466  
such provisions would otherwise apply. As used in division (M) of 2467  
this section, "such information," "acting on behalf of an 2468  
employee," and "request" have the same meanings as in division (G) 2469  
of this section. 2470

(N) As used in this section, "the state" means the director 2471  
of commerce. 2472

Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 of 2473  
the Revised Code: 2474

(1) "Place of employment" means every place, whether indoors 2475  
or out, or underground, and the premises appurtenant thereto, 2476  
where either temporarily or permanently any industry, trade, or 2477  
business is carried on, or where any process or operation, 2478  
directly or indirectly related to any industry, trade, or 2479  
business, is carried on and where any person is directly or 2480  
indirectly employed by another for direct or indirect gain or 2481  
profit, but does not include any place where persons are employed 2482  
in private domestic service or agricultural pursuits which do not 2483  
involve the use of mechanical power. 2484

(2) "Employment" means any trade, occupation, or process of 2485  
manufacture or any method of carrying on such trade, occupation, 2486  
or process of manufacture in which any person may be engaged, 2487  
except in such private domestic service or agricultural pursuits 2488  
as do not involve the use of mechanical power. 2489

(3) "Employer" means every person, firm, corporation, agent, 2490  
manager, representative, or other person having control or custody 2491  
of any employment, place of employment, or employee. "Employer" 2492  
does not include a franchisor with respect to the franchisor's 2493  
relationship with a franchisee or an employee of a franchisee, 2494  
unless the franchisor agrees to assume that role in writing or a 2495  
court of competent jurisdiction determines that the franchisor 2496  
exercises a type or degree of control over the franchisee or the 2497  
franchisee's employees that is not customarily exercised by a 2498  
franchisor for the purpose of protecting the franchisor's 2499  
trademark, brand, or both. For purposes of this division, 2500  
"franchisor" and "franchisee" have the same meanings as in 16 2501  
C.F.R. 436.1. 2502

(4)(a) "Employee" means ~~every~~ a person who may be required or 2503

directed by any employer, in consideration of direct or indirect 2504  
gain or profit, to engage in any employment, or to go, or work, or 2505  
be at any time in any place of employment, including a person 2506  
described in division (A)(4)(b) of this section if a motor carrier 2507  
elects to consider the individual to be an employee. 2508

(b) "Employee" does not include a person who provides 2509  
services for or on behalf of a motor carrier transporting 2510  
property, who is an operator of a vehicle or vessel, and to whom 2511  
all of the following factors apply: 2512

(i) The person owns the equipment that is used in performing 2513  
the services for or on behalf of the carrier, or the person leases 2514  
the equipment under a bona fide lease agreement that is not a 2515  
temporary replacement lease agreement. 2516

(ii) The person is responsible for supplying the necessary 2517  
personal services to operate the equipment used to provide the 2518  
service. 2519

(iii) The compensation paid to the person is based on factors 2520  
related to work performed, including on a mileage-based rate or a 2521  
percentage of any schedule of rates, and not solely on the basis 2522  
of the hours or time expended. 2523

(iv) The person substantially controls the means and manner 2524  
of performing the services, in conformance with regulatory 2525  
requirements and specifications of the shipper. 2526

(v) The person enters into a written contract with the 2527  
carrier for whom the person is performing the services that 2528  
describes the relationship between the person and the carrier to 2529  
be that of an independent contractor and not that of an employee. 2530

(vi) The person is responsible for substantially all of the 2531  
principal operating costs of the vehicle or vessel and equipment 2532  
used to provide the services, including maintenance, fuel, 2533  
repairs, supplies, vehicle or vessel insurance, and personal 2534

expenses, except that the person may be paid by the carrier the 2535  
carrier's fuel surcharge and incidental costs, including tolls, 2536  
permits, and lumper fees. 2537

(vii) The person is responsible for any economic loss or 2538  
economic gain from the arrangement with the carrier. 2539

(5) "Frequenter" means every person, other than an employee, 2540  
who may go in or be in a place of employment under circumstances 2541  
which render the person other than a trespasser. 2542

(6) "Deputy" means any person employed by the industrial 2543  
commission or the bureau of workers' compensation, designated as a 2544  
deputy by the commission or the administrator of workers' 2545  
compensation, who possesses special, technical, scientific, 2546  
managerial, professional, or personal abilities or qualities in 2547  
matters within the jurisdiction of the commission or the bureau, 2548  
and who may be engaged in the performance of duties under the 2549  
direction of the commission or the bureau calling for the exercise 2550  
of such abilities or qualities. 2551

(7) "Order" means any decision, rule, regulation, direction, 2552  
requirement, or standard, or any other determination or decision 2553  
that the bureau is empowered to and does make. 2554

(8) "General order" means an order that applies generally 2555  
throughout the state to all persons, employments, or places of 2556  
employment, or all persons, employments, or places of employment 2557  
of a class under the jurisdiction of the bureau. All other orders 2558  
shall be considered special orders. 2559

(9) "Local order" means any ordinance, order, rule, or 2560  
determination of the legislative authority of any municipal 2561  
corporation, or any trustees, or board or officers of any 2562  
municipal corporation upon any matter over which the bureau has 2563  
jurisdiction. 2564

(10) "Welfare" means comfort, decency, and moral well-being. 2565

(11) "Safe" or "safety," as applied to any employment or a place of employment, means such freedom from danger to the life, health, safety, or welfare of employees or frequenters as the nature of the employment will reasonably permit, including requirements as to the hours of labor with relation to the health and welfare of employees.

(12) "Employee organization" means any labor or bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.

(13) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

(B) As used in the Revised Code:

(1) "Industrial commission" means the chairperson of the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the chairperson as the chief executive officer of the three-member industrial commission pursuant to divisions (A), (B), (C), and (D) of section 4121.03 of the Revised Code.

(2) "Industrial commission" means the three-member industrial commission created pursuant to section 4121.02 of the Revised Code when the context refers to the authority vested in the three-member industrial commission pursuant to division (E) of section 4121.03 of the Revised Code.

(3) "Industrial commission" means the industrial commission as a state agency when the context refers to the authority vested in the industrial commission as a state agency.

**Sec. 4123.01.** As used in this chapter:

(A)(1) "Employee" means:

(a) Every person in the service of the state, or of any county, municipal corporation, township, or school district therein, including regular members of lawfully constituted police and fire departments of municipal corporations and townships, whether paid or volunteer, and wherever serving within the state or on temporary assignment outside thereof, and executive officers of boards of education, under any appointment or contract of hire, express or implied, oral or written, including any elected official of the state, or of any county, municipal corporation, or township, or members of boards of education.

As used in division (A)(1)(a) of this section, the term "employee" includes the following persons when responding to an inherently dangerous situation that calls for an immediate response on the part of the person, regardless of whether the person is within the limits of the jurisdiction of the person's regular employment or voluntary service when responding, on the condition that the person responds to the situation as the person otherwise would if the person were on duty in the person's jurisdiction:

(i) Off-duty peace officers. As used in division (A)(1)(a)(i) of this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(ii) Off-duty firefighters, whether paid or volunteer, of a lawfully constituted fire department.

(iii) Off-duty first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, or emergency medical technicians-paramedic, whether paid or volunteer, of an ambulance service organization or emergency medical service organization pursuant to Chapter 4765. of the Revised Code.

(b) Every person in the service of any person, firm, or

private corporation, including any public service corporation, 2627  
that (i) employs one or more persons regularly in the same 2628  
business or in or about the same establishment under any contract 2629  
of hire, express or implied, oral or written, including aliens and 2630  
minors, household workers who earn one hundred sixty dollars or 2631  
more in cash in any calendar quarter from a single household and 2632  
casual workers who earn one hundred sixty dollars or more in cash 2633  
in any calendar quarter from a single employer, or (ii) is bound 2634  
by any such contract of hire or by any other written contract, to 2635  
pay into the state insurance fund the premiums provided by this 2636  
chapter. 2637

(c) Every person who performs labor or provides services 2638  
pursuant to a construction contract, as defined in section 4123.79 2639  
of the Revised Code, if at least ten of the following criteria 2640  
apply: 2641

(i) The person is required to comply with instructions from 2642  
the other contracting party regarding the manner or method of 2643  
performing services; 2644

(ii) The person is required by the other contracting party to 2645  
have particular training; 2646

(iii) The person's services are integrated into the regular 2647  
functioning of the other contracting party; 2648

(iv) The person is required to perform the work personally; 2649

(v) The person is hired, supervised, or paid by the other 2650  
contracting party; 2651

(vi) A continuing relationship exists between the person and 2652  
the other contracting party that contemplates continuing or 2653  
recurring work even if the work is not full time; 2654

(vii) The person's hours of work are established by the other 2655  
contracting party; 2656

(viii) The person is required to devote full time to the business of the other contracting party;	2657 2658
(ix) The person is required to perform the work on the premises of the other contracting party;	2659 2660
(x) The person is required to follow the order of work set by the other contracting party;	2661 2662
(xi) The person is required to make oral or written reports of progress to the other contracting party;	2663 2664
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	2665 2666
(xiii) The person's expenses are paid for by the other contracting party;	2667 2668
(xiv) The person's tools and materials are furnished by the other contracting party;	2669 2670
(xv) The person is provided with the facilities used to perform services;	2671 2672
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	2673 2674
(xvii) The person is not performing services for a number of employers at the same time;	2675 2676
(xviii) The person does not make the same services available to the general public;	2677 2678
(xix) The other contracting party has a right to discharge the person;	2679 2680
(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	2681 2682 2683
Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund	2684 2685

the amount of premium determined and fixed by the administrator of  
workers' compensation for the person's employment or occupation or  
who is a self-insuring employer and who has failed to pay  
compensation and benefits directly to the employer's injured and  
to the dependents of the employer's killed employees as required  
by section 4123.35 of the Revised Code, shall be considered as the  
employee of the person who has entered into a contract, whether  
written or verbal, with such independent contractor unless such  
employees or their legal representatives or beneficiaries elect,  
after injury or death, to regard such independent contractor as  
the employer.

(d) Every person who provides services for or on behalf of a  
motor carrier transporting property and who is an operator of a  
vehicle or vessel, unless all of the following factors apply to  
the person:

(i) The person owns the equipment that is used in performing  
the services for or on behalf of the carrier, or the person leases  
the equipment under a bona fide lease agreement that is not a  
temporary replacement lease agreement.

(ii) The person is responsible for supplying the necessary  
personal services to operate the equipment used to provide the  
service.

(iii) The compensation paid to the person is based on factors  
related to work performed, including on a mileage-based rate or a  
percentage of any schedule of rates, and not solely on the basis  
of the hours or time expended.

(iv) The person substantially controls the means and manner  
of performing the services, in conformance with regulatory  
requirements and specifications of the shipper.

(v) The person enters into a written contract with the  
carrier for whom the person is performing the services that

describes the relationship between the person and the carrier to 2717  
be that of an independent contractor and not that of an employee. 2718

(vi) The person is responsible for substantially all of the 2719  
principal operating costs of the vehicle or vessel and equipment 2720  
used to provide the services, including maintenance, fuel, 2721  
repairs, supplies, vehicle or vessel insurance, and personal 2722  
expenses, except that the person may be paid by the carrier the 2723  
carrier's fuel surcharge and incidental costs, including tolls, 2724  
permits, and lumper fees. 2725

(vii) The person is responsible for any economic loss or 2726  
economic gain from the arrangement with the carrier. 2727

(2) "Employee" does not mean any of the following: 2728

(a) A duly ordained, commissioned, or licensed minister or 2729  
assistant or associate minister of a church in the exercise of 2730  
ministry; 2731

(b) Any officer of a family farm corporation; 2732

(c) An individual incorporated as a corporation; 2733

(d) An officer of a nonprofit corporation, as defined in 2734  
section 1702.01 of the Revised Code, who volunteers the person's 2735  
services as an officer; 2736

(e) An individual who otherwise is an employee of an employer 2737  
but who signs the waiver and affidavit specified in section 2738  
4123.15 of the Revised Code on the condition that the 2739  
administrator has granted a waiver and exception to the 2740  
individual's employer under section 4123.15 of the Revised Code; 2741

(f)(i) A qualifying employee described in division (A)(14)(a) 2742  
of section 5703.94 of the Revised Code when the qualifying 2743  
employee is performing disaster work in this state during a 2744  
disaster response period pursuant to a qualifying solicitation 2745  
received by the employee's employer; 2746

(ii) A qualifying employee described in division (A)(14)(b) 2747  
of section 5703.94 of the Revised Code when the qualifying 2748  
employee is performing disaster work in this state during a 2749  
disaster response period on critical infrastructure owned or used 2750  
by the employee's employer; 2751

(iii) As used in division (A)(2)(f) of this section, 2752  
"critical infrastructure," "disaster response period," "disaster 2753  
work," and "qualifying employee" have the same meanings as in 2754  
section 5703.94 of the Revised Code. 2755

Any employer may elect to include as an "employee" within 2756  
this chapter, any person excluded from the definition of 2757  
"employee" pursuant to division (A)(1)(d) or (A)(2)(a), (b), (c), 2758  
or (e) of this section in accordance with rules adopted by the 2759  
administrator, with the advice and consent of the bureau of 2760  
workers' compensation board of directors. If an employer is a 2761  
partnership, sole proprietorship, individual incorporated as a 2762  
corporation, or family farm corporation, such employer may elect 2763  
to include as an "employee" within this chapter, any member of 2764  
such partnership, the owner of the sole proprietorship, the 2765  
individual incorporated as a corporation, or the officers of the 2766  
family farm corporation. Nothing in this section shall prohibit a 2767  
partner, sole proprietor, or any person excluded from the 2768  
definition of "employee" pursuant to division (A)(2)(a), (b), (c), 2769  
or (e) of this section from electing to be included as an 2770  
"employee" under this chapter in accordance with rules adopted by 2771  
the administrator, with the advice and consent of the board. 2772

In the event of an election, the employer or person electing 2773  
coverage shall serve upon the bureau of workers' compensation 2774  
written notice naming the person to be covered and include the 2775  
person's remuneration for premium purposes in all future payroll 2776  
reports. No partner, sole proprietor, or person excluded from the 2777  
definition of "employee" pursuant to division (A)(1)(d) or 2778

(A)(2)(a), (b), (c), or (e) of this section, shall receive 2779  
benefits or compensation under this chapter until the bureau 2780  
receives written notice of the election permitted by this section. 2781

For informational purposes only, the bureau shall prescribe 2782  
such language as it considers appropriate, on such of its forms as 2783  
it considers appropriate, to advise employers of their right to 2784  
elect to include as an "employee" within this chapter a sole 2785  
proprietor, any member of a partnership, or a person excluded from 2786  
the definition of "employee" under division (A)(1)(d) or 2787  
(A)(2)(a), (b), (c), or (e) of this section, that they should 2788  
check any health and disability insurance policy, or other form of 2789  
health and disability plan or contract, presently covering them, 2790  
or the purchase of which they may be considering, to determine 2791  
whether such policy, plan, or contract excludes benefits for 2792  
illness or injury that they might have elected to have covered by 2793  
workers' compensation. 2794

(B)(1) "Employer" means: 2795

(a) The state, including state hospitals, each county, 2796  
municipal corporation, township, school district, and hospital 2797  
owned by a political subdivision or subdivisions other than the 2798  
state; 2799

(b) Every person, firm, professional employer organization, 2800  
and private corporation, including any public service corporation, 2801  
that (i) has in service one or more employees or shared employees 2802  
regularly in the same business or in or about the same 2803  
establishment under any contract of hire, express or implied, oral 2804  
or written, or (ii) is bound by any such contract of hire or by 2805  
any other written contract, to pay into the insurance fund the 2806  
premiums provided by this chapter. 2807

All such employers are subject to this chapter. Any member of 2808  
a firm or association, who regularly performs manual labor in or 2809

about a mine, factory, or other establishment, including a 2810  
household establishment, shall be considered an employee in 2811  
determining whether such person, firm, or private corporation, or 2812  
public service corporation, has in its service, one or more 2813  
employees and the employer shall report the income derived from 2814  
such labor to the bureau as part of the payroll of such employer, 2815  
and such member shall thereupon be entitled to all the benefits of 2816  
an employee. 2817

(2) "Employer" does not include a franchisor with respect to 2818  
the franchisor's relationship with a franchisee or an employee of 2819  
a franchisee, unless the franchisor agrees to assume that role in 2820  
writing or a court of competent jurisdiction determines that the 2821  
franchisor exercises a type or degree of control over the 2822  
franchisee or the franchisee's employees that is not customarily 2823  
exercised by a franchisor for the purpose of protecting the 2824  
franchisor's trademark, brand, or both. For purposes of this 2825  
division, "franchisor" and "franchisee" have the same meanings as 2826  
in 16 C.F.R. 436.1. 2827

(C) "Injury" includes any injury, whether caused by external 2828  
accidental means or accidental in character and result, received 2829  
in the course of, and arising out of, the injured employee's 2830  
employment. "Injury" does not include: 2831

(1) Psychiatric conditions except where the claimant's 2832  
psychiatric conditions have arisen from an injury or occupational 2833  
disease sustained by that claimant or where the claimant's 2834  
psychiatric conditions have arisen from sexual conduct in which 2835  
the claimant was forced by threat of physical harm to engage or 2836  
participate; 2837

(2) Injury or disability caused primarily by the natural 2838  
deterioration of tissue, an organ, or part of the body; 2839

(3) Injury or disability incurred in voluntary participation 2840

in an employer-sponsored recreation or fitness activity if the 2841  
employee signs a waiver of the employee's right to compensation or 2842  
benefits under this chapter prior to engaging in the recreation or 2843  
fitness activity; 2844

(4) A condition that pre-existed an injury unless that 2845  
pre-existing condition is substantially aggravated by the injury. 2846  
Such a substantial aggravation must be documented by objective 2847  
diagnostic findings, objective clinical findings, or objective 2848  
test results. Subjective complaints may be evidence of such a 2849  
substantial aggravation. However, subjective complaints without 2850  
objective diagnostic findings, objective clinical findings, or 2851  
objective test results are insufficient to substantiate a 2852  
substantial aggravation. 2853

(D) "Child" includes a posthumous child and a child legally 2854  
adopted prior to the injury. 2855

(E) "Family farm corporation" means a corporation founded for 2856  
the purpose of farming agricultural land in which the majority of 2857  
the voting stock is held by and the majority of the stockholders 2858  
are persons or the spouse of persons related to each other within 2859  
the fourth degree of kinship, according to the rules of the civil 2860  
law, and at least one of the related persons is residing on or 2861  
actively operating the farm, and none of whose stockholders are a 2862  
corporation. A family farm corporation does not cease to qualify 2863  
under this division where, by reason of any devise, bequest, or 2864  
the operation of the laws of descent or distribution, the 2865  
ownership of shares of voting stock is transferred to another 2866  
person, as long as that person is within the degree of kinship 2867  
stipulated in this division. 2868

(F) "Occupational disease" means a disease contracted in the 2869  
course of employment, which by its causes and the characteristics 2870  
of its manifestation or the condition of the employment results in 2871  
a hazard which distinguishes the employment in character from 2872

employment generally, and the employment creates a risk of 2873  
contracting the disease in greater degree and in a different 2874  
manner from the public in general. 2875

(G) "Self-insuring employer" means an employer who is granted 2876  
the privilege of paying compensation and benefits directly under 2877  
section 4123.35 of the Revised Code, including a board of county 2878  
commissioners for the sole purpose of constructing a sports 2879  
facility as defined in section 307.696 of the Revised Code, 2880  
provided that the electors of the county in which the sports 2881  
facility is to be built have approved construction of a sports 2882  
facility by ballot election no later than November 6, 1997. 2883

(H) "Private employer" means an employer as defined in 2884  
division (B)(1)(b) of this section. 2885

(I) "Professional employer organization" has the same meaning 2886  
as in section 4125.01 of the Revised Code. 2887

(J) "Public employer" means an employer as defined in 2888  
division (B)(1)(a) of this section. 2889

(K) "Sexual conduct" means vaginal intercourse between a male 2890  
and female; anal intercourse, fellatio, and cunnilingus between 2891  
persons regardless of gender; and, without privilege to do so, the 2892  
insertion, however slight, of any part of the body or any 2893  
instrument, apparatus, or other object into the vaginal or anal 2894  
cavity of another. Penetration, however slight, is sufficient to 2895  
complete vaginal or anal intercourse. 2896

(L) "Other-states' insurer" means an insurance company that 2897  
is authorized to provide workers' compensation insurance coverage 2898  
in any of the states that permit employers to obtain insurance for 2899  
workers' compensation claims through insurance companies. 2900

(M) "Other-states' coverage" means both of the following: 2901

(1) Insurance coverage secured by an eligible employer for 2902

workers' compensation claims of employees who are in employment 2903  
relationships localized in a state other than this state or those 2904  
employees' dependents; 2905

(2) Insurance coverage secured by an eligible employer for 2906  
workers' compensation claims that arise in a state other than this 2907  
state where an employer elects to obtain coverage through either 2908  
the administrator or an other-states' insurer. 2909

(N) "Limited other-states coverage" means insurance coverage 2910  
provided by the administrator to an eligible employer for workers' 2911  
compensation claims of employees who are in an employment 2912  
relationship localized in this state but are temporarily working 2913  
in a state other than this state, or those employees' dependents. 2914

(O) "Motor carrier" has the same meaning as in section 2915  
4923.01 of the Revised Code. 2916

**Sec. 4141.01.** As used in this chapter, unless the context 2917  
otherwise requires: 2918

(A)(1) "Employer" means the state, its instrumentalities, its 2919  
political subdivisions and their instrumentalities, Indian tribes, 2920  
and any individual or type of organization including any 2921  
partnership, limited liability company, association, trust, 2922  
estate, joint-stock company, insurance company, or corporation, 2923  
whether domestic or foreign, or the receiver, trustee in 2924  
bankruptcy, trustee, or the successor thereof, or the legal 2925  
representative of a deceased person who subsequent to December 31, 2926  
1971, or in the case of political subdivisions or their 2927  
instrumentalities, subsequent to December 31, 1973: 2928

(a) Had in employment at least one individual, or in the case 2929  
of a nonprofit organization, subsequent to December 31, 1973, had 2930  
not less than four individuals in employment for some portion of a 2931  
day in each of twenty different calendar weeks, in either the 2932

current or the preceding calendar year whether or not the same 2933  
individual was in employment in each such day; or 2934

(b) Except for a nonprofit organization, had paid for service 2935  
in employment wages of fifteen hundred dollars or more in any 2936  
calendar quarter in either the current or preceding calendar year; 2937  
or 2938

(c) Had paid, subsequent to December 31, 1977, for employment 2939  
in domestic service in a local college club, or local chapter of a 2940  
college fraternity or sorority, cash remuneration of one thousand 2941  
dollars or more in any calendar quarter in the current calendar 2942  
year or the preceding calendar year, or had paid subsequent to 2943  
December 31, 1977, for employment in domestic service in a private 2944  
home cash remuneration of one thousand dollars in any calendar 2945  
quarter in the current calendar year or the preceding calendar 2946  
year: 2947

(i) For the purposes of divisions (A)(1)(a) and (b) of this 2948  
section, there shall not be taken into account any wages paid to, 2949  
or employment of, an individual performing domestic service as 2950  
described in this division. 2951

(ii) An employer under this division shall not be an employer 2952  
with respect to wages paid for any services other than domestic 2953  
service unless the employer is also found to be an employer under 2954  
division (A)(1)(a), (b), or (d) of this section. 2955

(d) As a farm operator or a crew leader subsequent to 2956  
December 31, 1977, had in employment individuals in agricultural 2957  
labor; and 2958

(i) During any calendar quarter in the current calendar year 2959  
or the preceding calendar year, paid cash remuneration of twenty 2960  
thousand dollars or more for the agricultural labor; or 2961

(ii) Had at least ten individuals in employment in 2962  
agricultural labor, not including agricultural workers who are 2963

aliens admitted to the United States to perform agricultural labor 2964  
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 2965  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 2966  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 2967  
of the twenty different calendar weeks, in either the current or 2968  
preceding calendar year whether or not the same individual was in 2969  
employment in each day; or 2970

(e) Is not otherwise an employer as defined under division 2971  
(A)(1)(a) or (b) of this section; and 2972

(i) For which, within either the current or preceding 2973  
calendar year, service, except for domestic service in a private 2974  
home not covered under division (A)(1)(c) of this section, is or 2975  
was performed with respect to which such employer is liable for 2976  
any federal tax against which credit may be taken for 2977  
contributions required to be paid into a state unemployment fund; 2978

(ii) Which, as a condition for approval of this chapter for 2979  
full tax credit against the tax imposed by the "Federal 2980  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 2981  
required, pursuant to such act to be an employer under this 2982  
chapter; or 2983

(iii) Who became an employer by election under division 2984  
(A)(4) or (5) of this section and for the duration of such 2985  
election; or 2986

(f) In the case of the state, its instrumentalities, its 2987  
political subdivisions, and their instrumentalities, and Indian 2988  
tribes, had in employment, as defined in divisions (B)(2)(a) and 2989  
(B)(2)(1) of this section, at least one individual; 2990

(g) For the purposes of division (A)(1)(a) of this section, 2991  
if any week includes both the thirty-first day of December and the 2992  
first day of January, the days of that week before the first day 2993  
of January shall be considered one calendar week and the days 2994

beginning the first day of January another week. 2995

(2) Each individual employed to perform or to assist in 2996  
performing the work of any agent or employee of an employer is 2997  
employed by such employer for all the purposes of this chapter, 2998  
whether such individual was hired or paid directly by such 2999  
employer or by such agent or employee, provided the employer had 3000  
actual or constructive knowledge of the work. All individuals 3001  
performing services for an employer of any person in this state 3002  
who maintains two or more establishments within this state are 3003  
employed by a single employer for the purposes of this chapter. 3004

(3) An employer subject to this chapter within any calendar 3005  
year is subject to this chapter during the whole of such year and 3006  
during the next succeeding calendar year. 3007

(4) An employer not otherwise subject to this chapter who 3008  
files with the director of job and family services a written 3009  
election to become an employer subject to this chapter for not 3010  
less than two calendar years shall, with the written approval of 3011  
such election by the director, become an employer subject to this 3012  
chapter to the same extent as all other employers as of the date 3013  
stated in such approval, and shall cease to be subject to this 3014  
chapter as of the first day of January of any calendar year 3015  
subsequent to such two calendar years only if at least thirty days 3016  
prior to such first day of January the employer has filed with the 3017  
director a written notice to that effect. 3018

(5) Any employer for whom services that do not constitute 3019  
employment are performed may file with the director a written 3020  
election that all such services performed by individuals in the 3021  
employer's employ in one or more distinct establishments or places 3022  
of business shall be deemed to constitute employment for all the 3023  
purposes of this chapter, for not less than two calendar years. 3024  
Upon written approval of the election by the director, such 3025  
services shall be deemed to constitute employment subject to this 3026

chapter from and after the date stated in such approval. Such 3027  
services shall cease to be employment subject to this chapter as 3028  
of the first day of January of any calendar year subsequent to 3029  
such two calendar years only if at least thirty days prior to such 3030  
first day of January such employer has filed with the director a 3031  
written notice to that effect. 3032

(6) "Employer" does not include a franchisor with respect to 3033  
the franchisor's relationship with a franchisee or an employee of 3034  
a franchisee, unless the franchisor agrees to assume that role in 3035  
writing or a court of competent jurisdiction determines that the 3036  
franchisor exercises a type or degree of control over the 3037  
franchisee or the franchisee's employees that is not customarily 3038  
exercised by a franchisor for the purpose of protecting the 3039  
franchisor's trademark, brand, or both. For purposes of this 3040  
division, "franchisor" and "franchisee" have the same meanings as 3041  
in 16 C.F.R. 436.1. 3042

(B)(1) "Employment" means service performed by an individual 3043  
for remuneration under any contract of hire, written or oral, 3044  
express or implied, including service performed in interstate 3045  
commerce and service performed by an officer of a corporation, 3046  
without regard to whether such service is executive, managerial, 3047  
or manual in nature, and without regard to whether such officer is 3048  
a stockholder or a member of the board of directors of the 3049  
corporation, unless it is shown to the satisfaction of the 3050  
director that such individual has been and will continue to be 3051  
free from direction or control over the performance of such 3052  
service, both under a contract of service and in fact. The 3053  
director shall adopt rules to define "direction or control." 3054

(2) "Employment" includes: 3055

(a) Service performed after December 31, 1977, by an 3056  
individual in the employ of the state or any of its 3057  
instrumentalities, or any political subdivision thereof or any of 3058

its instrumentalities or any instrumentality of more than one of 3059  
the foregoing or any instrumentality of any of the foregoing and 3060  
one or more other states or political subdivisions and without 3061  
regard to divisions (A)(1)(a) and (b) of this section, provided 3062  
that such service is excluded from employment as defined in the 3063  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3064  
3306(c)(7) and is not excluded under division (B)(3) of this 3065  
section; or the services of employees covered by voluntary 3066  
election, as provided under divisions (A)(4) and (5) of this 3067  
section; 3068

(b) Service performed after December 31, 1971, by an 3069  
individual in the employ of a religious, charitable, educational, 3070  
or other organization which is excluded from the term "employment" 3071  
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 3072  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3073  
3306(c)(8) of that act and is not excluded under division (B)(3) 3074  
of this section; 3075

(c) Domestic service performed after December 31, 1977, for 3076  
an employer, as provided in division (A)(1)(c) of this section; 3077

(d) Agricultural labor performed after December 31, 1977, for 3078  
a farm operator or a crew leader, as provided in division 3079  
(A)(1)(d) of this section; 3080

(e) ~~Service~~ Subject to division (B)(2)(m) of this section, 3081  
service not covered under division (B)(1) of this section which is 3082  
performed after December 31, 1971: 3083

(i) As an agent-driver or commission-driver engaged in 3084  
distributing meat products, vegetable products, fruit products, 3085  
bakery products, beverages other than milk, laundry, or 3086  
dry-cleaning services, for the individual's employer or principal; 3087

(ii) As a traveling or city salesperson, other than as an 3088  
agent-driver or commission-driver, engaged on a full-time basis in 3089

the solicitation on behalf of and in the transmission to the 3090  
salesperson's employer or principal except for sideline sales 3091  
activities on behalf of some other person of orders from 3092  
wholesalers, retailers, contractors, or operators of hotels, 3093  
restaurants, or other similar establishments for merchandise for 3094  
resale, or supplies for use in their business operations, provided 3095  
that for the purposes of division (B)(2)(e)(ii) of this section, 3096  
the services shall be deemed employment if the contract of service 3097  
contemplates that substantially all of the services are to be 3098  
performed personally by the individual and that the individual 3099  
does not have a substantial investment in facilities used in 3100  
connection with the performance of the services other than in 3101  
facilities for transportation, and the services are not in the 3102  
nature of a single transaction that is not a part of a continuing 3103  
relationship with the person for whom the services are performed. 3104

(f) An individual's entire service performed within or both 3105  
within and without the state if: 3106

(i) The service is localized in this state. 3107

(ii) The service is not localized in any state, but some of 3108  
the service is performed in this state and either the base of 3109  
operations, or if there is no base of operations then the place 3110  
from which such service is directed or controlled, is in this 3111  
state or the base of operations or place from which such service 3112  
is directed or controlled is not in any state in which some part 3113  
of the service is performed but the individual's residence is in 3114  
this state. 3115

(g) Service not covered under division (B)(2)(f)(ii) of this 3116  
section and performed entirely without this state, with respect to 3117  
no part of which contributions are required and paid under an 3118  
unemployment compensation law of any other state, the Virgin 3119  
Islands, Canada, or of the United States, if the individual 3120  
performing such service is a resident of this state and the 3121

director approves the election of the employer for whom such 3122  
services are performed; or, if the individual is not a resident of 3123  
this state but the place from which the service is directed or 3124  
controlled is in this state, the entire services of such 3125  
individual shall be deemed to be employment subject to this 3126  
chapter, provided service is deemed to be localized within this 3127  
state if the service is performed entirely within this state or if 3128  
the service is performed both within and without this state but 3129  
the service performed without this state is incidental to the 3130  
individual's service within the state, for example, is temporary 3131  
or transitory in nature or consists of isolated transactions; 3132

(h) Service of an individual who is a citizen of the United 3133  
States, performed outside the United States except in Canada after 3134  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 3135  
and before the first day of January of the year following that in 3136  
which the United States secretary of labor approves the Virgin 3137  
Islands law for the first time, in the employ of an American 3138  
employer, other than service which is "employment" under divisions 3139  
(B)(2)(f) and (g) of this section or similar provisions of another 3140  
state's law, if: 3141

(i) The employer's principal place of business in the United 3142  
States is located in this state; 3143

(ii) The employer has no place of business in the United 3144  
States, but the employer is an individual who is a resident of 3145  
this state; or the employer is a corporation which is organized 3146  
under the laws of this state, or the employer is a partnership or 3147  
a trust and the number of partners or trustees who are residents 3148  
of this state is greater than the number who are residents of any 3149  
other state; or 3150

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 3151  
of this section is met but the employer has elected coverage in 3152  
this state or the employer having failed to elect coverage in any 3153

state, the individual has filed a claim for benefits, based on 3154  
such service, under this chapter. 3155

(i) For the purposes of division (B)(2)(h) of this section, 3156  
the term "American employer" means an employer who is an 3157  
individual who is a resident of the United States; or a 3158  
partnership, if two-thirds or more of the partners are residents 3159  
of the United States; or a trust, if all of the trustees are 3160  
residents of the United States; or a corporation organized under 3161  
the laws of the United States or of any state, provided the term 3162  
"United States" includes the states, the District of Columbia, the 3163  
Commonwealth of Puerto Rico, and the Virgin Islands. 3164

(j) Notwithstanding any other provisions of divisions (B)(1) 3165  
and (2) of this section, service, except for domestic service in a 3166  
private home not covered under division (A)(1)(c) of this section, 3167  
with respect to which a tax is required to be paid under any 3168  
federal law imposing a tax against which credit may be taken for 3169  
contributions required to be paid into a state unemployment fund, 3170  
or service, except for domestic service in a private home not 3171  
covered under division (A)(1)(c) of this section, which, as a 3172  
condition for full tax credit against the tax imposed by the 3173  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3174  
3311, is required to be covered under this chapter. 3175

(k) Construction services performed by any individual under a 3176  
construction contract, as defined in section 4141.39 of the 3177  
Revised Code, if the director determines that the employer for 3178  
whom services are performed has the right to direct or control the 3179  
performance of the services and that the individuals who perform 3180  
the services receive remuneration for the services performed. The 3181  
director shall presume that the employer for whom services are 3182  
performed has the right to direct or control the performance of 3183  
the services if ten or more of the following criteria apply: 3184

(i) The employer directs or controls the manner or method by 3185

which instructions are given to the individual performing services;	3186 3187
(ii) The employer requires particular training for the individual performing services;	3188 3189
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	3190 3191
(iv) The employer requires that services be provided by a particular individual;	3192 3193
(v) The employer hires, supervises, or pays the wages of the individual performing services;	3194 3195
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	3196 3197 3198
(vii) The employer requires the individual to perform services during established hours;	3199 3200
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	3201 3202 3203
(ix) The employer requires the individual to perform services on the employer's premises;	3204 3205
(x) The employer requires the individual performing services to follow the order of work established by the employer;	3206 3207
(xi) The employer requires the individual performing services to make oral or written reports of progress;	3208 3209
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	3210 3211
(xiii) The employer pays expenses for the individual performing services;	3212 3213
(xiv) The employer furnishes the tools and materials for use	3214

by the individual to perform services;	3215
(xv) The individual performing services has not invested in the facilities used to perform services;	3216 3217
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	3218 3219 3220
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	3221 3222
(xviii) The individual performing services does not make the services available to the general public;	3223 3224
(xix) The employer has a right to discharge the individual performing services;	3225 3226
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	3227 3228 3229
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	3230 3231 3232 3233 3234 3235 3236 3237 3238
<u>(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment:</u>	3239 3240 3241 3242 3243
<u>(i) The individual owns the equipment that is used in</u>	3244

performing the services for or on behalf of the carrier, or the 3245  
individual leases the equipment under a bona fide lease agreement 3246  
that is not a temporary replacement lease agreement. 3247

(ii) The individual is responsible for supplying the 3248  
necessary personal services to operate the equipment used to 3249  
provide the service. 3250

(iii) The compensation paid to the individual is based on 3251  
factors related to work performed, including on a mileage-based 3252  
rate or a percentage of any schedule of rates, and not solely on 3253  
the basis of the hours or time expended. 3254

(iv) The individual substantially controls the means and 3255  
manner of performing the services, in conformance with regulatory 3256  
requirements and specifications of the shipper. 3257

(v) The individual enters into a written contract with the 3258  
carrier for whom the individual is performing the services that 3259  
describes the relationship between the individual and the carrier 3260  
to be that of an independent contractor and not that of an 3261  
employee. 3262

(vi) The individual is responsible for substantially all of 3263  
the principal operating costs of the vehicle or vessel and 3264  
equipment used to provide the services, including maintenance, 3265  
fuel, repairs, supplies, vehicle or vessel insurance, and personal 3266  
expenses, except that the individual may be paid by the carrier 3267  
the carrier's fuel surcharge and incidental costs, including 3268  
tolls, permits, and lumper fees. 3269

(vii) The individual is responsible for any economic loss or 3270  
economic gain from the arrangement with the carrier. 3271

(3) "Employment" does not include the following services if 3272  
they are found not subject to the "Federal Unemployment Tax Act," 3273  
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 3274  
are not required to be included under division (B)(2)(j) of this 3275

section:	3276
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	3277 3278 3279
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	3280 3281 3282 3283
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:	3284 3285 3286
(i) As a publicly elected official;	3287
(ii) As a member of a legislative body, or a member of the judiciary;	3288 3289
(iii) As a military member of the Ohio national guard;	3290
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	3291 3292 3293 3294
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	3295 3296 3297 3298 3299
(d) In the employ of any governmental unit or instrumentality of the United States;	3300 3301
(e) Service performed after December 31, 1971:	3302
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by	3303 3304 3305

a student who is enrolled and is regularly attending classes at 3306  
the educational institution or institution of higher education; or 3307

(ii) By an individual who is enrolled at a nonprofit or 3308  
public educational institution which normally maintains a regular 3309  
faculty and curriculum and normally has a regularly organized body 3310  
of students in attendance at the place where its educational 3311  
activities are carried on as a student in a full-time program, 3312  
taken for credit at the institution, which combines academic 3313  
instruction with work experience, if the service is an integral 3314  
part of the program, and the institution has so certified to the 3315  
employer, provided that this subdivision shall not apply to 3316  
service performed in a program established for or on behalf of an 3317  
employer or group of employers. 3318

(f) Service performed by an individual in the employ of the 3319  
individual's son, daughter, or spouse and service performed by a 3320  
child under the age of eighteen in the employ of the child's 3321  
father or mother; 3322

(g) Service performed for one or more principals by an 3323  
individual who is compensated on a commission basis, who in the 3324  
performance of the work is master of the individual's own time and 3325  
efforts, and whose remuneration is wholly dependent on the amount 3326  
of effort the individual chooses to expend, and which service is 3327  
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 3328  
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 3329  
31, 1971: 3330

(i) By an individual for an employer as an insurance agent or 3331  
as an insurance solicitor, if all this service is performed for 3332  
remuneration solely by way of commission; 3333

(ii) As a home worker performing work, according to 3334  
specifications furnished by the employer for whom the services are 3335  
performed, on materials or goods furnished by such employer which 3336

are required to be returned to the employer or to a person 3337  
designated for that purpose. 3338

(h) Service performed after December 31, 1971: 3339

(i) In the employ of a church or convention or association of 3340  
churches, or in an organization which is operated primarily for 3341  
religious purposes and which is operated, supervised, controlled, 3342  
or principally supported by a church or convention or association 3343  
of churches; 3344

(ii) By a duly ordained, commissioned, or licensed minister 3345  
of a church in the exercise of the individual's ministry or by a 3346  
member of a religious order in the exercise of duties required by 3347  
such order; or 3348

(iii) In a facility conducted for the purpose of carrying out 3349  
a program of rehabilitation for individuals whose earning capacity 3350  
is impaired by age or physical or mental deficiency or injury, or 3351  
providing remunerative work for individuals who because of their 3352  
impaired physical or mental capacity cannot be readily absorbed in 3353  
the competitive labor market, by an individual receiving such 3354  
rehabilitation or remunerative work. 3355

(i) Service performed after June 30, 1939, with respect to 3356  
which unemployment compensation is payable under the "Railroad 3357  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 3358

(j) Service performed by an individual in the employ of any 3359  
organization exempt from income tax under section 501 of the 3360  
"Internal Revenue Code of 1954," if the remuneration for such 3361  
service does not exceed fifty dollars in any calendar quarter, or 3362  
if such service is in connection with the collection of dues or 3363  
premiums for a fraternal beneficial society, order, or association 3364  
and is performed away from the home office or is ritualistic 3365  
service in connection with any such society, order, or 3366  
association; 3367

(k) Casual labor not in the course of an employer's trade or 3368  
business; incidental service performed by an officer, appraiser, 3369  
or member of a finance committee of a bank, building and loan 3370  
association, savings and loan association, or savings association 3371  
when the remuneration for such incidental service exclusive of the 3372  
amount paid or allotted for directors' fees does not exceed sixty 3373  
dollars per calendar quarter is casual labor; 3374

(l) Service performed in the employ of a voluntary employees' 3375  
beneficial association providing for the payment of life, 3376  
sickness, accident, or other benefits to the members of such 3377  
association or their dependents or their designated beneficiaries, 3378  
if admission to a membership in such association is limited to 3379  
individuals who are officers or employees of a municipal or public 3380  
corporation, of a political subdivision of the state, or of the 3381  
United States and no part of the net earnings of such association 3382  
inures, other than through such payments, to the benefit of any 3383  
private shareholder or individual; 3384

(m) Service performed by an individual in the employ of a 3385  
foreign government, including service as a consular or other 3386  
officer or employee or of a nondiplomatic representative; 3387

(n) Service performed in the employ of an instrumentality 3388  
wholly owned by a foreign government if the service is of a 3389  
character similar to that performed in foreign countries by 3390  
employees of the United States or of an instrumentality thereof 3391  
and if the director finds that the secretary of state of the 3392  
United States has certified to the secretary of the treasury of 3393  
the United States that the foreign government, with respect to 3394  
whose instrumentality exemption is claimed, grants an equivalent 3395  
exemption with respect to similar service performed in the foreign 3396  
country by employees of the United States and of instrumentalities 3397  
thereof; 3398

(o) Service with respect to which unemployment compensation 3399

is payable under an unemployment compensation system established 3400  
by an act of congress; 3401

(p) Service performed as a student nurse in the employ of a 3402  
hospital or a nurses' training school by an individual who is 3403  
enrolled and is regularly attending classes in a nurses' training 3404  
school chartered or approved pursuant to state law, and service 3405  
performed as an intern in the employ of a hospital by an 3406  
individual who has completed a four years' course in a medical 3407  
school chartered or approved pursuant to state law; 3408

(q) Service performed by an individual under the age of 3409  
eighteen in the delivery or distribution of newspapers or shopping 3410  
news, not including delivery or distribution to any point for 3411  
subsequent delivery or distribution; 3412

(r) Service performed in the employ of the United States or 3413  
an instrumentality of the United States immune under the 3414  
Constitution of the United States from the contributions imposed 3415  
by this chapter, except that to the extent that congress permits 3416  
states to require any instrumentalities of the United States to 3417  
make payments into an unemployment fund under a state unemployment 3418  
compensation act, this chapter shall be applicable to such 3419  
instrumentalities and to services performed for such 3420  
instrumentalities in the same manner, to the same extent, and on 3421  
the same terms as to all other employers, individuals, and 3422  
services, provided that if this state is not certified for any 3423  
year by the proper agency of the United States under section 3304 3424  
of the "Internal Revenue Code of 1954," the payments required of 3425  
such instrumentalities with respect to such year shall be refunded 3426  
by the director from the fund in the same manner and within the 3427  
same period as is provided in division (E) of section 4141.09 of 3428  
the Revised Code with respect to contributions erroneously 3429  
collected; 3430

(s) Service performed by an individual as a member of a band 3431

or orchestra, provided such service does not represent the 3432  
principal occupation of such individual, and which service is not 3433  
subject to or required to be covered for full tax credit against 3434  
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 3435  
183 (1939), 26 U.S.C.A. 3301 to 3311. 3436

(t) Service performed in the employ of a day camp whose 3437  
camping season does not exceed twelve weeks in any calendar year, 3438  
and which service is not subject to the "Federal Unemployment Tax 3439  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 3440  
performed after December 31, 1971: 3441

(i) In the employ of a hospital, if the service is performed 3442  
by a patient of the hospital, as defined in division (W) of this 3443  
section; 3444

(ii) For a prison or other correctional institution by an 3445  
inmate of the prison or correctional institution; 3446

(iii) Service performed after December 31, 1977, by an inmate 3447  
of a custodial institution operated by the state, a political 3448  
subdivision, or a nonprofit organization. 3449

(u) Service that is performed by a nonresident alien 3450  
individual for the period the individual temporarily is present in 3451  
the United States as a nonimmigrant under division (F), (J), (M), 3452  
or (Q) of section 101(a)(15) of the "Immigration and Nationality 3453  
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 3454  
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 3455  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 3456

(v) Notwithstanding any other provisions of division (B)(3) 3457  
of this section, services that are excluded under divisions 3458  
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 3459  
from employment when performed for a nonprofit organization, as 3460  
defined in division (X) of this section, or for this state or its 3461  
instrumentalities, or for a political subdivision or its 3462

instrumentalities or for Indian tribes;	3463
(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;	3464 3465 3466 3467 3468
(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;	3469 3470 3471 3472 3473
(y) Service performed by a person committed to a penal institution.	3474 3475
(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:	3476 3477 3478
(i) As a publicly elected official;	3479
(ii) As a member of an Indian tribal council;	3480
(iii) As a member of a legislative or judiciary body;	3481
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	3482 3483 3484 3485 3486
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	3487 3488
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program	3489 3490 3491 3492

assisted or financed in whole or in part by any federal agency or 3493  
an agency of a state or political subdivision, thereof, by an 3494  
individual receiving the work-relief or work-training. 3495

(bb) Participation in a learn to earn program as defined in 3496  
section 4141.293 of the Revised Code. 3497

(4) If the services performed during one half or more of any 3498  
pay period by an employee for the person employing that employee 3499  
constitute employment, all the services of such employee for such 3500  
period shall be deemed to be employment; but if the services 3501  
performed during more than one half of any such pay period by an 3502  
employee for the person employing that employee do not constitute 3503  
employment, then none of the services of such employee for such 3504  
period shall be deemed to be employment. As used in division 3505  
(B)(4) of this section, "pay period" means a period, of not more 3506  
than thirty-one consecutive days, for which payment of 3507  
remuneration is ordinarily made to the employee by the person 3508  
employing that employee. Division (B)(4) of this section does not 3509  
apply to services performed in a pay period by an employee for the 3510  
person employing that employee, if any of such service is excepted 3511  
by division (B)(3)(o) of this section. 3512

(C) "Benefits" means money payments payable to an individual 3513  
who has established benefit rights, as provided in this chapter, 3514  
for loss of remuneration due to the individual's unemployment. 3515

(D) "Benefit rights" means the weekly benefit amount and the 3516  
maximum benefit amount that may become payable to an individual 3517  
within the individual's benefit year as determined by the 3518  
director. 3519

(E) "Claim for benefits" means a claim for waiting period or 3520  
benefits for a designated week. 3521

(F) "Additional claim" means the first claim for benefits 3522  
filed following any separation from employment during a benefit 3523

year; "continued claim" means any claim other than the first claim 3524  
for benefits and other than an additional claim. 3525

(G) "Wages" means remuneration paid to an employee by each of 3526  
the employee's employers with respect to employment; except that 3527  
wages shall not include that part of remuneration paid during any 3528  
calendar year to an individual by an employer or such employer's 3529  
predecessor in interest in the same business or enterprise, which 3530  
in any calendar year is in excess of nine thousand dollars on and 3531  
after January 1, 1995; nine thousand five hundred dollars on and 3532  
after January 1, 2018; and nine thousand dollars on and after 3533  
January 1, 2020. Remuneration in excess of such amounts shall be 3534  
deemed wages subject to contribution to the same extent that such 3535  
remuneration is defined as wages under the "Federal Unemployment 3536  
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 3537  
amended. The remuneration paid an employee by an employer with 3538  
respect to employment in another state, upon which contributions 3539  
were required and paid by such employer under the unemployment 3540  
compensation act of such other state, shall be included as a part 3541  
of remuneration in computing the amount specified in this 3542  
division. 3543

(H)(1) "Remuneration" means all compensation for personal 3544  
services, including commissions and bonuses and the cash value of 3545  
all compensation in any medium other than cash, except that in the 3546  
case of agricultural or domestic service, "remuneration" includes 3547  
only cash remuneration. Gratuities customarily received by an 3548  
individual in the course of the individual's employment from 3549  
persons other than the individual's employer and which are 3550  
accounted for by such individual to the individual's employer are 3551  
taxable wages. 3552

The reasonable cash value of compensation paid in any medium 3553  
other than cash shall be estimated and determined in accordance 3554  
with rules prescribed by the director, provided that 3555

"remuneration" does not include: 3556

(a) Payments as provided in divisions (b)(2) to (b)(20) of 3557  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 3558  
26 U.S.C.A. 3301 to 3311, as amended; 3559

(b) The payment by an employer, without deduction from the 3560  
remuneration of the individual in the employer's employ, of the 3561  
tax imposed upon an individual in the employer's employ under 3562  
section 3101 of the "Internal Revenue Code of 1954," with respect 3563  
to services performed after October 1, 1941. 3564

(2) "Cash remuneration" means all remuneration paid in cash, 3565  
including commissions and bonuses, but not including the cash 3566  
value of all compensation in any medium other than cash. 3567

(I) "Interested party" means the director and any party to 3568  
whom notice of a determination of an application for benefit 3569  
rights or a claim for benefits is required to be given under 3570  
section 4141.28 of the Revised Code. 3571

(J) "Annual payroll" means the total amount of wages subject 3572  
to contributions during a twelve-month period ending with the last 3573  
day of the second calendar quarter of any calendar year. 3574

(K) "Average annual payroll" means the average of the last 3575  
three annual payrolls of an employer, provided that if, as of any 3576  
computation date, the employer has had less than three annual 3577  
payrolls in such three-year period, such average shall be based on 3578  
the annual payrolls which the employer has had as of such date. 3579

(L)(1) "Contributions" means the money payments to the state 3580  
unemployment compensation fund required of employers by section 3581  
4141.25 of the Revised Code and of the state and any of its 3582  
political subdivisions electing to pay contributions under section 3583  
4141.242 of the Revised Code. Employers paying contributions shall 3584  
be described as "contributory employers." 3585

(2) "Payments in lieu of contributions" means the money 3586  
payments to the state unemployment compensation fund required of 3587  
reimbursing employers under sections 4141.241 and 4141.242 of the 3588  
Revised Code. 3589

(M) An individual is "totally unemployed" in any week during 3590  
which the individual performs no services and with respect to such 3591  
week no remuneration is payable to the individual. 3592

(N) An individual is "partially unemployed" in any week if, 3593  
due to involuntary loss of work, the total remuneration payable to 3594  
the individual for such week is less than the individual's weekly 3595  
benefit amount. 3596

(O) "Week" means the calendar week ending at midnight 3597  
Saturday unless an equivalent week of seven consecutive calendar 3598  
days is prescribed by the director. 3599

(1) "Qualifying week" means any calendar week in an 3600  
individual's base period with respect to which the individual 3601  
earns or is paid remuneration in employment subject to this 3602  
chapter. A calendar week with respect to which an individual earns 3603  
remuneration but for which payment was not made within the base 3604  
period, when necessary to qualify for benefit rights, may be 3605  
considered to be a qualifying week. The number of qualifying weeks 3606  
which may be established in a calendar quarter shall not exceed 3607  
the number of calendar weeks in the quarter. 3608

(2) "Average weekly wage" means the amount obtained by 3609  
dividing an individual's total remuneration for all qualifying 3610  
weeks during the base period by the number of such qualifying 3611  
weeks, provided that if the computation results in an amount that 3612  
is not a multiple of one dollar, such amount shall be rounded to 3613  
the next lower multiple of one dollar. 3614

(P) "Weekly benefit amount" means the amount of benefits an 3615  
individual would be entitled to receive for one week of total 3616

unemployment. 3617

(Q)(1) "Base period" means the first four of the last five 3618  
completed calendar quarters immediately preceding the first day of 3619  
an individual's benefit year, except as provided in division 3620  
(Q)(2) of this section. 3621

(2) If an individual does not have sufficient qualifying 3622  
weeks and wages in the base period to qualify for benefit rights, 3623  
the individual's base period shall be the four most recently 3624  
completed calendar quarters preceding the first day of the 3625  
individual's benefit year. Such base period shall be known as the 3626  
"alternate base period." If information as to weeks and wages for 3627  
the most recent quarter of the alternate base period is not 3628  
available to the director from the regular quarterly reports of 3629  
wage information, which are systematically accessible, the 3630  
director may, consistent with the provisions of section 4141.28 of 3631  
the Revised Code, base the determination of eligibility for 3632  
benefits on the affidavit of the claimant with respect to weeks 3633  
and wages for that calendar quarter. The claimant shall furnish 3634  
payroll documentation, where available, in support of the 3635  
affidavit. The determination based upon the alternate base period 3636  
as it relates to the claimant's benefit rights, shall be amended 3637  
when the quarterly report of wage information from the employer is 3638  
timely received and that information causes a change in the 3639  
determination. As provided in division (B) of section 4141.28 of 3640  
the Revised Code, any benefits paid and charged to an employer's 3641  
account, based upon a claimant's affidavit, shall be adjusted 3642  
effective as of the beginning of the claimant's benefit year. No 3643  
calendar quarter in a base period or alternate base period shall 3644  
be used to establish a subsequent benefit year. 3645

(3) The "base period" of a combined wage claim, as described 3646  
in division (H) of section 4141.43 of the Revised Code, shall be 3647  
the base period prescribed by the law of the state in which the 3648

claim is allowed. 3649

(4) For purposes of determining the weeks that comprise a 3650  
completed calendar quarter under this division, only those weeks 3651  
ending at midnight Saturday within the calendar quarter shall be 3652  
utilized. 3653

(R)(1) "Benefit year" with respect to an individual means the 3654  
fifty-two week period beginning with the first day of that week 3655  
with respect to which the individual first files a valid 3656  
application for determination of benefit rights, and thereafter 3657  
the fifty-two week period beginning with the first day of that 3658  
week with respect to which the individual next files a valid 3659  
application for determination of benefit rights after the 3660  
termination of the individual's last preceding benefit year, 3661  
except that the application shall not be considered valid unless 3662  
the individual has had employment in six weeks that is subject to 3663  
this chapter or the unemployment compensation act of another 3664  
state, or the United States, and has, since the beginning of the 3665  
individual's previous benefit year, in the employment earned three 3666  
times the average weekly wage determined for the previous benefit 3667  
year. The "benefit year" of a combined wage claim, as described in 3668  
division (H) of section 4141.43 of the Revised Code, shall be the 3669  
benefit year prescribed by the law of the state in which the claim 3670  
is allowed. Any application for determination of benefit rights 3671  
made in accordance with section 4141.28 of the Revised Code is 3672  
valid if the individual filing such application is unemployed, has 3673  
been employed by an employer or employers subject to this chapter 3674  
in at least twenty qualifying weeks within the individual's base 3675  
period, and has earned or been paid remuneration at an average 3676  
weekly wage of not less than twenty-seven and one-half per cent of 3677  
the statewide average weekly wage for such weeks. For purposes of 3678  
determining whether an individual has had sufficient employment 3679  
since the beginning of the individual's previous benefit year to 3680

file a valid application, "employment" means the performance of 3681  
services for which remuneration is payable. 3682

(2) Effective for benefit years beginning on and after 3683  
December 26, 2004, any application for determination of benefit 3684  
rights made in accordance with section 4141.28 of the Revised Code 3685  
is valid if the individual satisfies the criteria described in 3686  
division (R)(1) of this section, and if the reason for the 3687  
individual's separation from employment is not disqualifying 3688  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 3689  
of the Revised Code. A disqualification imposed pursuant to 3690  
division (D)(2) of section 4141.29 or section 4141.291 of the 3691  
Revised Code must be removed as provided in those sections as a 3692  
requirement of establishing a valid application for benefit years 3693  
beginning on and after December 26, 2004. 3694

(3) The statewide average weekly wage shall be calculated by 3695  
the director once a year based on the twelve-month period ending 3696  
the thirtieth day of June, as set forth in division (B)(3) of 3697  
section 4141.30 of the Revised Code, rounded down to the nearest 3698  
dollar. Increases or decreases in the amount of remuneration 3699  
required to have been earned or paid in order for individuals to 3700  
have filed valid applications shall become effective on Sunday of 3701  
the calendar week in which the first day of January occurs that 3702  
follows the twelve-month period ending the thirtieth day of June 3703  
upon which the calculation of the statewide average weekly wage 3704  
was based. 3705

(4) As used in this division, an individual is "unemployed" 3706  
if, with respect to the calendar week in which such application is 3707  
filed, the individual is "partially unemployed" or "totally 3708  
unemployed" as defined in this section or if, prior to filing the 3709  
application, the individual was separated from the individual's 3710  
most recent work for any reason which terminated the individual's 3711  
employee-employer relationship, or was laid off indefinitely or 3712

for a definite period of seven or more days. 3713

(S) "Calendar quarter" means the period of three consecutive 3714  
calendar months ending on the thirty-first day of March, the 3715  
thirtieth day of June, the thirtieth day of September, and the 3716  
thirty-first day of December, or the equivalent thereof as the 3717  
director prescribes by rule. 3718

(T) "Computation date" means the first day of the third 3719  
calendar quarter of any calendar year. 3720

(U) "Contribution period" means the calendar year beginning 3721  
on the first day of January of any year. 3722

(V) "Agricultural labor," for the purpose of this division, 3723  
means any service performed prior to January 1, 1972, which was 3724  
agricultural labor as defined in this division prior to that date, 3725  
and service performed after December 31, 1971: 3726

(1) On a farm, in the employ of any person, in connection 3727  
with cultivating the soil, or in connection with raising or 3728  
harvesting any agricultural or horticultural commodity, including 3729  
the raising, shearing, feeding, caring for, training, and 3730  
management of livestock, bees, poultry, and fur-bearing animals 3731  
and wildlife; 3732

(2) In the employ of the owner or tenant or other operator of 3733  
a farm in connection with the operation, management, conservation, 3734  
improvement, or maintenance of such farm and its tools and 3735  
equipment, or in salvaging timber or clearing land of brush and 3736  
other debris left by hurricane, if the major part of such service 3737  
is performed on a farm; 3738

(3) In connection with the production or harvesting of any 3739  
commodity defined as an agricultural commodity in section 15 (g) 3740  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 3741  
U.S.C. 1141j, as amended, or in connection with the ginning of 3742  
cotton, or in connection with the operation or maintenance of 3743

ditches, canals, reservoirs, or waterways, not owned or operated 3744  
for profit, used exclusively for supplying and storing water for 3745  
farming purposes; 3746

(4) In the employ of the operator of a farm in handling, 3747  
planting, drying, packing, packaging, processing, freezing, 3748  
grading, storing, or delivering to storage or to market or to a 3749  
carrier for transportation to market, in its unmanufactured state, 3750  
any agricultural or horticultural commodity, but only if the 3751  
operator produced more than one half of the commodity with respect 3752  
to which such service is performed; 3753

(5) In the employ of a group of operators of farms, or a 3754  
cooperative organization of which the operators are members, in 3755  
the performance of service described in division (V)(4) of this 3756  
section, but only if the operators produced more than one-half of 3757  
the commodity with respect to which the service is performed; 3758

(6) Divisions (V)(4) and (5) of this section shall not be 3759  
deemed to be applicable with respect to service performed: 3760

(a) In connection with commercial canning or commercial 3761  
freezing or in connection with any agricultural or horticultural 3762  
commodity after its delivery to a terminal market for distribution 3763  
for consumption; or 3764

(b) On a farm operated for profit if the service is not in 3765  
the course of the employer's trade or business. 3766

As used in division (V) of this section, "farm" includes 3767  
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 3768  
plantations, ranches, nurseries, ranges, greenhouses, or other 3769  
similar structures used primarily for the raising of agricultural 3770  
or horticultural commodities and orchards. 3771

(W) "Hospital" means an institution which has been registered 3772  
or licensed by the Ohio department of health as a hospital. 3773

(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

For the purposes of this division, all colleges and universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(AA) "Alien" means, for the purposes of division (A)(1)(d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer

or farm operator, and: 3804

(a) Pays, either on the individual's own behalf or on behalf 3805  
of the other employer or farm operator, the individuals so 3806  
furnished by the individual for the service in agricultural labor 3807  
performed by them; 3808

(b) Has not entered into a written agreement with the other 3809  
employer or farm operator under which the agricultural worker is 3810  
designated as in the employ of the other employer or farm 3811  
operator. 3812

(2) For the purposes of this chapter, any individual who is a 3813  
member of a crew furnished by a crew leader to perform service in 3814  
agricultural labor for any other employer or farm operator shall 3815  
be treated as an employee of the crew leader if: 3816

(a) The crew leader holds a valid certificate of registration 3817  
under the "Farm Labor Contractor Registration Act of 1963," 90 3818  
Stat. 2668, 7 U.S.C. 2041; or 3819

(b) Substantially all the members of the crew operate or 3820  
maintain tractors, mechanized harvesting or crop-dusting 3821  
equipment, or any other mechanized equipment, which is provided by 3822  
the crew leader; and 3823

(c) If the individual is not in the employment of the other 3824  
employer or farm operator within the meaning of division (B)(1) of 3825  
this section. 3826

(3) For the purposes of this division, any individual who is 3827  
furnished by a crew leader to perform service in agricultural 3828  
labor for any other employer or farm operator and who is not 3829  
treated as in the employment of the crew leader under division 3830  
(BB)(2) of this section shall be treated as the employee of the 3831  
other employer or farm operator and not of the crew leader. The 3832  
other employer or farm operator shall be treated as having paid 3833  
cash remuneration to the individual in an amount equal to the 3834

amount of cash remuneration paid to the individual by the crew 3835  
leader, either on the crew leader's own behalf or on behalf of the 3836  
other employer or farm operator, for the service in agricultural 3837  
labor performed for the other employer or farm operator. 3838

(CC) "Educational institution" means an institution other 3839  
than an institution of higher education as defined in division (Y) 3840  
of this section, including an educational institution operated by 3841  
an Indian tribe, which: 3842

(1) Offers participants, trainees, or students an organized 3843  
course of study or training designed to transfer to them 3844  
knowledge, skills, information, doctrines, attitudes, or abilities 3845  
from, by, or under the guidance of an instructor or teacher; and 3846

(2) Is approved, chartered, or issued a permit to operate as 3847  
a school by the state board of education, other government agency, 3848  
or Indian tribe that is authorized within the state to approve, 3849  
charter, or issue a permit for the operation of a school. 3850

For the purposes of this division, the courses of study or 3851  
training which the institution offers may be academic, technical, 3852  
trade, or preparation for gainful employment in a recognized 3853  
occupation. 3854

(DD) "Cost savings day" means any unpaid day off from work in 3855  
which employees continue to accrue employee benefits which have a 3856  
determinable value including, but not limited to, vacation, 3857  
pension contribution, sick time, and life and health insurance. 3858

(EE) "Motor carrier" has the same meaning as in section 3859  
4923.01 of the Revised Code. 3860

**Sec. 4301.62.** (A) As used in this section: 3861

(1) "Chauffeured limousine" means a vehicle registered under 3862  
section 4503.24 of the Revised Code. 3863

(2) "Street," "highway," and "motor vehicle" have the same 3864

meanings as in section 4511.01 of the Revised Code. 3865

(B) No person shall have in the person's possession an opened 3866  
container of beer or intoxicating liquor in any of the following 3867  
circumstances: 3868

(1) Except as provided in division (C)(1)(e) of this section, 3869  
in an agency store; 3870

(2) Except as provided in division (C) of this section, on 3871  
the premises of the holder of any permit issued by the division of 3872  
liquor control; 3873

(3) In any other public place; 3874

(4) Except as provided in division (D) or (E) of this 3875  
section, while operating or being a passenger in or on a motor 3876  
vehicle on any street, highway, or other public or private 3877  
property open to the public for purposes of vehicular travel or 3878  
parking; 3879

(5) Except as provided in division (D) or (E) of this 3880  
section, while being in or on a stationary motor vehicle on any 3881  
street, highway, or other public or private property open to the 3882  
public for purposes of vehicular travel or parking. 3883

(C)(1) A person may have in the person's possession an opened 3884  
container of any of the following: 3885

(a) Beer or intoxicating liquor that has been lawfully 3886  
purchased for consumption on the premises where bought from the 3887  
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 3888  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 3889  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, 3890  
or F-8 permit; 3891

(b) Beer, wine, or mixed beverages served for consumption on 3892  
the premises by the holder of an F-3 permit, wine served as a 3893  
tasting sample by an A-2 permit holder or S permit holder for 3894

consumption on the premises of a farmers market for which an F-10 3895  
permit has been issued, or wine served for consumption on the 3896  
premises by the holder of an F-4 or F-6 permit; 3897

(c) Beer or intoxicating liquor consumed on the premises of a 3898  
convention facility as provided in section 4303.201 of the Revised 3899  
Code; 3900

(d) Beer or intoxicating liquor to be consumed during 3901  
tastings and samplings approved by rule of the liquor control 3902  
commission; 3903

(e) Spirituous liquor to be consumed for purposes of a 3904  
tasting sample, as defined in section 4301.171 of the Revised 3905  
Code. 3906

(2) A person may have in the person's possession on an F 3907  
liquor permit premises an opened container of beer or intoxicating 3908  
liquor that was not purchased from the holder of the F permit if 3909  
the premises for which the F permit is issued is a music festival 3910  
and the holder of the F permit grants permission for that 3911  
possession on the premises during the period for which the F 3912  
permit is issued. As used in this division, "music festival" means 3913  
a series of outdoor live musical performances, extending for a 3914  
period of at least three consecutive days and located on an area 3915  
of land of at least forty acres. 3916

(3)(a) A person may have in the person's possession on a D-2 3917  
liquor permit premises an opened or unopened container of wine 3918  
that was not purchased from the holder of the D-2 permit if the 3919  
premises for which the D-2 permit is issued is an outdoor 3920  
performing arts center, the person is attending an orchestral 3921  
performance, and the holder of the D-2 permit grants permission 3922  
for the possession and consumption of wine in certain 3923  
predesignated areas of the premises during the period for which 3924  
the D-2 permit is issued. 3925

(b) As used in division (C)(3)(a) of this section:	3926
(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.	3927 3928 3929
(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.	3930 3931 3932 3933
(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.	3934 3935 3936 3937 3938 3939 3940 3941
(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:	3942 3943 3944 3945
(a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;	3946 3947 3948 3949
(b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.	3950 3951 3952 3953
As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.	3954 3955 3956

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

(i) The person is attending a racing event at the facility;  
and

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

(I) It is two and four-tenths miles or more in length.

(II) It is located on two hundred acres or more of land.

(III) The primary business of the owner of the facility is the hosting and promoting of racing events.

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:

(i) The permit holder's premises is located within the outdoor refreshment area.

(ii) The permit held by the permit holder has an outdoor

refreshment area designation. 3986

(b) Division (C)(7) of this section does not authorize a 3987  
person to do either of the following: 3988

(i) Enter the premises of an establishment within an outdoor 3989  
refreshment area while possessing an opened container of beer or 3990  
intoxicating liquor acquired elsewhere; 3991

(ii) Possess an opened container of beer or intoxicating 3992  
liquor while being in or on a motor vehicle within an outdoor 3993  
refreshment area, ~~unless the motor vehicle is stationary and is~~ 3994  
~~not being operated in a lane of vehicular travel or~~ unless the 3995  
possession is otherwise authorized under division (D) or (E) of 3996  
this section. 3997

(8)(a) A person may have in the person's possession on the 3998  
property of a market, within a defined F-8 permit premises, an 3999  
opened container of beer or intoxicating liquor that was purchased 4000  
from a D permit premises that is located immediately adjacent to 4001  
the market if both of the following apply: 4002

(i) The market grants permission for the possession and 4003  
consumption of beer and intoxicating liquor within the defined F-8 4004  
permit premises; 4005

(ii) The market is hosting an event pursuant to an F-8 permit 4006  
and the market has notified the division of liquor control about 4007  
the event in accordance with division (A)(3) of section 4303.208 4008  
of the Revised Code. 4009

(b) As used in division (C)(8) of this section, "market" 4010  
means a market, for which an F-8 permit is held, that has been in 4011  
operation since 1860. 4012

(D) This section does not apply to a person who pays all or a 4013  
portion of the fee imposed for the use of a chauffeured limousine 4014  
pursuant to a prearranged contract, or the guest of the person, 4015

when all of the following apply: 4016

(1) The person or guest is a passenger in the limousine. 4017

(2) The person or guest is located in the limousine, but is 4018  
not occupying a seat in the front compartment of the limousine 4019  
where the operator of the limousine is located. 4020

(3) The limousine is located on any street, highway, or other 4021  
public or private property open to the public for purposes of 4022  
vehicular travel or parking. 4023

(E) An opened bottle of wine that was purchased from the 4024  
holder of a permit that authorizes the sale of wine for 4025  
consumption on the premises where sold is not an opened container 4026  
for the purposes of this section if both of the following apply: 4027

(1) The opened bottle of wine is securely resealed by the 4028  
permit holder or an employee of the permit holder before the 4029  
bottle is removed from the premises. The bottle shall be secured 4030  
in such a manner that it is visibly apparent if the bottle has 4031  
been subsequently opened or tampered with. 4032

(2) The opened bottle of wine that is resealed in accordance 4033  
with division (E)(1) of this section is stored in the trunk of a 4034  
motor vehicle or, if the motor vehicle does not have a trunk, 4035  
behind the last upright seat or in an area not normally occupied 4036  
by the driver or passengers and not easily accessible by the 4037  
driver. 4038

(F)(1) Except if an ordinance or resolution is enacted or 4039  
adopted under division (F)(2) of this section, this section does 4040  
not apply to a person who, pursuant to a prearranged contract, is 4041  
a passenger riding on a commercial quadricycle when all of the 4042  
following apply: 4043

(a) The person is not occupying a seat in the front of the 4044  
commercial quadricycle where the operator is steering or braking. 4045

(b) The commercial quadricycle is being operated on a street, 4046  
highway, or other public or private property open to the public 4047  
for purposes of vehicular travel or parking. 4048

(c) The person has in their possession on the commercial 4049  
quadricycle an opened container of beer or wine. 4050

(d) The person has in their possession on the commercial 4051  
quadricycle not more than either thirty-six ounces of beer or 4052  
eighteen ounces of wine. 4053

(2) The legislative authority of a municipal corporation or 4054  
township may enact an ordinance or adopt a resolution, as 4055  
applicable, that prohibits a passenger riding on a commercial 4056  
quadricycle from possessing an opened container of beer or wine. 4057

(3) As used in this section, "commercial quadricycle" means a 4058  
vehicle that has fully-operative pedals for propulsion entirely by 4059  
human power and that meets all of the following requirements: 4060

(a) It has four wheels and is operated in a manner similar to 4061  
a bicycle. 4062

(b) It has at least five seats for passengers. 4063

(c) It is designed to be powered by the pedaling of the 4064  
operator and the passengers. 4065

(d) It is used for commercial purposes. 4066

(e) It is operated by the vehicle owner or an employee of the 4067  
owner. 4068

(G) This section does not apply to a person that has in the 4069  
person's possession an opened container of beer or intoxicating 4070  
liquor on the premises of a market if the beer or intoxicating 4071  
liquor has been purchased from a D liquor permit holder that is 4072  
located in the market. 4073

As used in division (G) of this section, "market" means an 4074  
establishment that: 4075

(1) Leases space in the market to individual vendors, not 4076  
less than fifty per cent of which are retail food establishments 4077  
or food service operations licensed under Chapter 3717. of the 4078  
Revised Code; 4079

(2) Has an indoor sales floor area of not less than 4080  
twenty-two thousand square feet; 4081

(3) Hosts a farmer's market on each Saturday from April 4082  
through December. 4083

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 4084  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 4085  
Revised Code, and in the penal laws, except as otherwise provided: 4086

(A) "Vehicles" means everything on wheels or runners, 4087  
including motorized bicycles, but does not mean electric personal 4088  
assistive mobility devices, low-speed electric scooters, vehicles 4089  
that are operated exclusively on rails or tracks or from overhead 4090  
electric trolley wires, and vehicles that belong to any police 4091  
department, municipal fire department, or volunteer fire 4092  
department, or that are used by such a department in the discharge 4093  
of its functions. 4094

(B) "Motor vehicle" means any vehicle, including mobile homes 4095  
and recreational vehicles, that is propelled or drawn by power 4096  
other than muscular power or power collected from overhead 4097  
electric trolley wires. "Motor vehicle" does not include utility 4098  
vehicles as defined in division (VV) of this section, under-speed 4099  
vehicles as defined in division (XX) of this section, mini-trucks 4100  
as defined in division (BBB) of this section, motorized bicycles, 4101  
electric bicycles, road rollers, traction engines, power shovels, 4102  
power cranes, and other equipment used in construction work and 4103  
not designed for or employed in general highway transportation, 4104  
well-drilling machinery, ditch-digging machinery, farm machinery, 4105  
and trailers that are designed and used exclusively to transport a 4106

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 no more than ten miles and at a speed of twenty-five miles per hour or less.

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

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

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

(F) "Collector's vehicle" means any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as 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 4138  
is over twenty-five years old and is owned solely as a collector's 4139  
item and for participation in club activities, exhibitions, tours, 4140  
parades, and similar uses, but that in no event is used for 4141  
general transportation. 4142

(H) "Noncommercial motor vehicle" means any motor vehicle, 4143  
including a farm truck as defined in section 4503.04 of the 4144  
Revised Code, that is designed by the manufacturer to carry a load 4145  
of no more than one ton and is used exclusively for purposes other 4146  
than engaging in business for profit. 4147

(I) "Bus" means any motor vehicle that has motor power and is 4148  
designed and used for carrying more than nine passengers, except 4149  
any motor vehicle that is designed and used for carrying not more 4150  
than fifteen passengers in a ridesharing arrangement. 4151

(J) "Commercial car" or "truck" means any motor vehicle that 4152  
has motor power and is designed and used for carrying merchandise 4153  
or freight, or that is used as a commercial tractor. 4154

(K) "Bicycle" means every device, other than a device that is 4155  
designed solely for use as a play vehicle by a child, that is 4156  
propelled solely by human power upon which a person may ride, and 4157  
that has two or more wheels, any of which is more than fourteen 4158  
inches in diameter. 4159

(L) "Motorized bicycle" or "moped" means any vehicle that 4160  
either has two tandem wheels or one wheel in the front and two 4161  
wheels in the rear, that may be pedaled, and that is equipped with 4162  
a helper motor of not more than fifty cubic centimeters piston 4163  
displacement that produces no more than one brake horsepower and 4164  
is capable of propelling the vehicle at a speed of no greater than 4165  
twenty miles per hour on a level surface. "Motorized bicycle" or 4166  
"moped" does not include an electric bicycle. 4167

(M) "Trailer" means any vehicle without motive power that is 4168

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

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

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

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

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

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

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

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

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

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

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

(a) "Travel trailer" 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.

(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 4231  
food, and for sleeping. 4232

(c) "Truck camper" means a nonself-propelled recreational 4233  
vehicle that does not have wheels for road use and is designed to 4234  
be placed upon and attached to a motor vehicle. "Truck camper" 4235  
does not include truck covers that consist of walls and a roof, 4236  
but do not have floors and facilities enabling them to be used as 4237  
a dwelling. 4238

(d) "Fifth wheel trailer" means a vehicle that is of such 4239  
size and weight as to be movable without a special highway permit, 4240  
that is constructed with a raised forward section that allows a 4241  
bi-level floor plan, and that is designed to be towed by a vehicle 4242  
equipped with a fifth-wheel hitch ordinarily installed in the bed 4243  
of a truck. 4244

(e) "Park trailer" means a vehicle that is commonly known as 4245  
a park model recreational vehicle, meets the American national 4246  
standard institute standard A119.5 (1988) for park trailers, is 4247  
built on a single chassis, has a gross trailer area of four 4248  
hundred square feet or less when set up, is designed for seasonal 4249  
or temporary living quarters, and may be connected to utilities 4250  
necessary for the operation of installed features and appliances. 4251

(R) "Pneumatic tires" means tires of rubber and fabric or 4252  
tires of similar material, that are inflated with air. 4253

(S) "Solid tires" means tires of rubber or similar elastic 4254  
material that are not dependent upon confined air for support of 4255  
the load. 4256

(T) "Solid tire vehicle" means any vehicle that is equipped 4257  
with two or more solid tires. 4258

(U) "Farm machinery" means all machines and tools that are 4259  
used in the production, harvesting, and care of farm products, and 4260  
includes trailers that are used to transport agricultural produce 4261

or agricultural production materials between a local place of 4262  
storage or supply and the farm, agricultural tractors, threshing 4263  
machinery, hay-baling machinery, corn shellers, hammermills, and 4264  
machinery used in the production of horticultural, agricultural, 4265  
and vegetable products. 4266

(V) "Owner" includes any person or firm, other than a 4267  
manufacturer or dealer, that has title to a motor vehicle, except 4268  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 4269  
includes in addition manufacturers and dealers. 4270

(W) "Manufacturer" and "dealer" include all persons and firms 4271  
that are regularly engaged in the business of manufacturing, 4272  
selling, displaying, offering for sale, or dealing in motor 4273  
vehicles, at an established place of business that is used 4274  
exclusively for the purpose of manufacturing, selling, displaying, 4275  
offering for sale, or dealing in motor vehicles. A place of 4276  
business that is used for manufacturing, selling, displaying, 4277  
offering for sale, or dealing in motor vehicles shall be deemed to 4278  
be used exclusively for those purposes even though snowmobiles or 4279  
all-purpose vehicles are sold or displayed for sale thereat, even 4280  
though farm machinery is sold or displayed for sale thereat, or 4281  
even though repair, accessory, gasoline and oil, storage, parts, 4282  
service, or paint departments are maintained thereat, or, in any 4283  
county having a population of less than seventy-five thousand at 4284  
the last federal census, even though a department in a place of 4285  
business is used to dismantle, salvage, or rebuild motor vehicles 4286  
by means of used parts, if such departments are operated for the 4287  
purpose of furthering and assisting in the business of 4288  
manufacturing, selling, displaying, offering for sale, or dealing 4289  
in motor vehicles. Places of business or departments in a place of 4290  
business used to dismantle, salvage, or rebuild motor vehicles by 4291  
means of using used parts are not considered as being maintained 4292  
for the purpose of assisting or furthering the manufacturing, 4293

selling, displaying, and offering for sale or dealing in motor vehicles. 4294  
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(X) "Operator" includes any person who drives or operates a motor vehicle upon the public highways. 4296  
4297

(Y) "Chauffeur" means any operator who operates a motor vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than a taxicab, who operates such vehicle for transporting, for gain, compensation, or profit, either persons or property owned by another. Any operator of a motor vehicle who is voluntarily involved in a ridesharing arrangement is not considered an employee for hire or operating such vehicle for gain, compensation, or profit. 4298  
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(Z) "State" includes the territories and federal districts of the United States, and the provinces of Canada. 4307  
4308

(AA) "Public roads and highways" for vehicles includes all public thoroughfares, bridges, and culverts. 4309  
4310

(BB) "Manufacturer's number" means the manufacturer's original serial number that is affixed to or imprinted upon the chassis or other part of the motor vehicle. 4311  
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(CC) "Motor number" means the manufacturer's original number that is affixed to or imprinted upon the engine or motor of the vehicle. 4314  
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(DD) "Distributor" means any person who is authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed motor vehicle dealers at an established place of business that is used exclusively for the purpose of distributing new motor vehicles to licensed motor vehicle dealers, except when the distributor also is a new motor vehicle dealer, in which case the distributor may distribute at the location of the distributor's licensed dealership. 4317  
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(EE) "Ridesharing arrangement" means the transportation of 4325  
persons in a motor vehicle where the transportation is incidental 4326  
to another purpose of a volunteer driver and includes ridesharing 4327  
arrangements known as carpools, vanpools, and buspools. 4328

(FF) "Apportionable vehicle" means any vehicle that is used 4329  
or intended for use in two or more international registration plan 4330  
member jurisdictions that allocate or proportionally register 4331  
vehicles, that is used for the transportation of persons for hire 4332  
or designed, used, or maintained primarily for the transportation 4333  
of property, and that meets any of the following qualifications: 4334

(1) Is a power unit having a gross vehicle weight in excess 4335  
of twenty-six thousand pounds; 4336

(2) Is a power unit having three or more axles, regardless of 4337  
the gross vehicle weight; 4338

(3) Is a combination vehicle with a gross vehicle weight in 4339  
excess of twenty-six thousand pounds. 4340

"Apportionable vehicle" does not include recreational 4341  
vehicles, vehicles displaying restricted plates, city pick-up and 4342  
delivery vehicles, or vehicles owned and operated by the United 4343  
States, this state, or any political subdivisions thereof. 4344

(GG) "Chartered party" means a group of persons who contract 4345  
as a group to acquire the exclusive use of a passenger-carrying 4346  
motor vehicle at a fixed charge for the vehicle in accordance with 4347  
the carrier's tariff, lawfully on file with the United States 4348  
department of transportation, for the purpose of group travel to a 4349  
specified destination or for a particular itinerary, either agreed 4350  
upon in advance or modified by the chartered group after having 4351  
left the place of origin. 4352

(HH) "International registration plan" means a reciprocal 4353  
agreement of member jurisdictions that is endorsed by the American 4354  
association of motor vehicle administrators, and that promotes and 4355

encourages the fullest possible use of the highway system by 4356  
authorizing apportioned registration of fleets of vehicles and 4357  
recognizing registration of vehicles apportioned in member 4358  
jurisdictions. 4359

(II) "Restricted plate" means a license plate that has a 4360  
restriction of time, geographic area, mileage, or commodity, and 4361  
includes license plates issued to farm trucks under division (J) 4362  
of section 4503.04 of the Revised Code. 4363

(JJ) "Gross vehicle weight," with regard to any commercial 4364  
car, trailer, semitrailer, or bus that is taxed at the rates 4365  
established under section 4503.042 or 4503.65 of the Revised Code, 4366  
means the unladen weight of the vehicle fully equipped plus the 4367  
maximum weight of the load to be carried on the vehicle. 4368

(KK) "Combined gross vehicle weight" with regard to any 4369  
combination of a commercial car, trailer, and semitrailer, that is 4370  
taxed at the rates established under section 4503.042 or 4503.65 4371  
of the Revised Code, means the total unladen weight of the 4372  
combination of vehicles fully equipped plus the maximum weight of 4373  
the load to be carried on that combination of vehicles. 4374

(LL) "Chauffeured limousine" means a motor vehicle that is 4375  
designed to carry nine or fewer passengers and is operated for 4376  
hire pursuant to a prearranged contract for the transportation of 4377  
passengers on public roads and highways along a route under the 4378  
control of the person hiring the vehicle and not over a defined 4379  
and regular route. "Prearranged contract" means an agreement, made 4380  
in advance of boarding, to provide transportation from a specific 4381  
location in a chauffeured limousine. "Chauffeured limousine" does 4382  
not include any vehicle that is used exclusively in the business 4383  
of funeral directing. 4384

(MM) "Manufactured home" has the same meaning as in division 4385  
(C)(4) of section 3781.06 of the Revised Code. 4386

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

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

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

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

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

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

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

(UU) "Limited driving privileges" means the privilege to

operate a motor vehicle that a court grants under section 4510.021 4418  
of the Revised Code to a person whose driver's or commercial 4419  
driver's license or permit or nonresident operating privilege has 4420  
been suspended. 4421

(VV) "Utility vehicle" means a self-propelled vehicle 4422  
designed with a bed, principally for the purpose of transporting 4423  
material or cargo in connection with construction, agricultural, 4424  
forestry, grounds maintenance, lawn and garden, materials 4425  
handling, or similar activities. 4426

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 4427  
vehicle with an attainable speed in one mile on a paved level 4428  
surface of more than twenty miles per hour but not more than 4429  
twenty-five miles per hour and with a gross vehicle weight rating 4430  
less than three thousand pounds. 4431

(XX) "Under-speed vehicle" means a three- or four-wheeled 4432  
vehicle, including a vehicle commonly known as a golf cart, with 4433  
an attainable speed on a paved level surface of not more than 4434  
twenty miles per hour and with a gross vehicle weight rating less 4435  
than three thousand pounds. 4436

(YY) "Motor-driven cycle or motor scooter" means any vehicle 4437  
designed to travel on not more than three wheels in contact with 4438  
the ground, with a seat for the driver and floor pad for the 4439  
driver's feet, and is equipped with a motor with a piston 4440  
displacement between fifty and one hundred cubic centimeters 4441  
piston displacement that produces not more than five brake 4442  
horsepower and is capable of propelling the vehicle at a speed 4443  
greater than twenty miles per hour on a level surface. 4444

(ZZ) "Motorcycle" means a motor vehicle with motive power 4445  
having a seat or saddle for the use of the operator, designed to 4446  
travel on not more than three wheels in contact with the ground, 4447  
and having no occupant compartment top or occupant compartment top 4448

that can be installed or removed by the user. 4449

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 4450  
motive power having a seat or saddle for the use of the operator, 4451  
designed to travel on not more than three wheels in contact with 4452  
the ground, and having an occupant compartment top or an occupant 4453  
compartment top that is installed. 4454

(BBB) "Mini-truck" means a vehicle that has four wheels, is 4455  
propelled by an electric motor with a rated power of seven 4456  
thousand five hundred watts or less or an internal combustion 4457  
engine with a piston displacement capacity of six hundred sixty 4458  
cubic centimeters or less, has a total dry weight of nine hundred 4459  
to two thousand two hundred pounds, contains an enclosed cabin and 4460  
a seat for the vehicle operator, resembles a pickup truck or van 4461  
with a cargo area or bed located at the rear of the vehicle, and 4462  
was not originally manufactured to meet federal motor vehicle 4463  
safety standards. 4464

(CCC) "Autocycle" means a three-wheeled motorcycle that is 4465  
manufactured to comply with federal safety requirements for 4466  
motorcycles and that is equipped with safety belts, a steering 4467  
wheel, and seating that does not require the operator to straddle 4468  
or sit astride to ride the motorcycle. 4469

(DDD) "Plug-in electric motor vehicle" means a passenger car 4470  
powered wholly by a battery cell energy system that can be 4471  
recharged by plugging the vehicle into any external source of 4472  
electricity. 4473

(EEE) "Hybrid motor vehicle" means a passenger car powered by 4474  
an internal propulsion system consisting of both of the following: 4475

(1) A combustion engine; 4476

(2) A battery cell energy system that cannot be recharged by 4477  
plugging into an external source of electricity but can be 4478  
recharged by other vehicle mechanisms that capture and store 4479

electric energy. 4480

(FFF) "Low-speed electric scooter" means a device weighing 4481  
less than one hundred pounds that has handlebars, is propelled by 4482  
an electric motor or human power, and has an attainable speed on a 4483  
paved level surface of not more than twenty miles per hour when 4484  
propelled by the electric motor. 4485

**Sec. 4501.031.** All moneys received under section 4504.09 of 4486  
the Revised Code shall be paid into the state treasury to the 4487  
credit of the local motor vehicle license tax fund, which is 4488  
hereby created, for distribution in the manner provided for in 4489  
this chapter. The treasurer of state may invest any portion of the 4490  
moneys credited to the fund in the same manner and subject to all 4491  
the laws governing the investment of state funds by the treasurer 4492  
of state. All investment earnings of the fund shall be credited to 4493  
the fund. 4494

The registrar of motor vehicles shall open an account with 4495  
each county and district of registration in the state, and may 4496  
assign each county and district a code for identification 4497  
purposes. The code for a county or district may be the same as the 4498  
code assigned to the county or district by the registrar under 4499  
section 4501.03 of the Revised Code. 4500

Once each month the registrar shall prepare vouchers in favor 4501  
of the county auditor of each county levying a county motor 4502  
vehicle license tax pursuant to section 4504.02, 4504.15, 4504.16, 4503  
or 4504.24 of the Revised Code and of each county in which is 4504  
located one or more townships levying a township motor vehicle 4505  
license tax pursuant to section 4504.18 or 4504.181 of the Revised 4506  
Code for the amount of the tax due the county or townships in the 4507  
county. 4508

All moneys received by the registrar under section 4504.09 of 4509  
the Revised Code shall be distributed to counties, townships, and 4510

municipal corporations within thirty days of the expiration of the 4511  
registration year. Necessary adjustments shall be made immediately 4512  
out of funds available for distribution for the following two 4513  
registration years. 4514

**Sec. 4501.042.** All moneys received under section 4504.09 of 4515  
the Revised Code from municipal motor vehicle license taxes levied 4516  
pursuant to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 4517  
4504.173 of the Revised Code, and any part of the moneys received 4518  
from county motor vehicle license taxes levied pursuant to section 4519  
4504.15 of the Revised Code which is to be distributed to 4520  
municipal corporations, shall be paid into the state treasury to 4521  
the credit of the local motor vehicle license tax fund created 4522  
under section 4501.031 of the Revised Code and shall be 4523  
distributed to the treasuries of the municipal corporations 4524  
levying or entitled to such tax moneys. 4525

**Sec. 4501.043.** All moneys received under section 4504.09 of 4526  
the Revised Code with respect to townships levying township 4527  
license taxes pursuant to ~~section~~ sections 4504.18 and 4504.181 of 4528  
the Revised Code and paid into the state treasury under section 4529  
4501.031 of the Revised Code shall be distributed to the 4530  
respective townships levying such taxes for allocation and 4531  
distribution as provided in section 4504.19 of the Revised Code. 4532

**Sec. 4503.038.** (A) Not later than ~~nine months~~ ninety days 4533  
after ~~June 30, 2017~~ the effective date of this amendment, the 4534  
registrar of motor vehicles shall adopt rules in accordance with 4535  
Chapter 119. of the Revised Code establishing a service fee that 4536  
applies for purposes of sections 4503.03, 4503.036, 4503.042, 4537  
4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4538  
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4539  
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 4540

shall be ~~not more than five dollars and twenty five cents~~. When 4541  
establishing the fee, the registrar shall ~~consider inflation and~~ 4542  
~~any other factors the registrar considers to be relevant to the~~ 4543  
~~determination.~~ 4544

(B) Not later than ~~nine months~~ ninety days after ~~June 30,~~ 4545  
~~2017~~ the effective date of this amendment, the registrar shall 4546  
adopt rules in accordance with Chapter 119. of the Revised Code 4547  
establishing prorated service fees that apply for purposes of 4548  
multi-year registrations authorized under section 4503.103 of the 4549  
Revised Code. ~~When establishing the fee, the registrar shall~~ 4550  
~~consider inflation and any other factors the registrar considers~~ 4551  
~~to be relevant to the determination.~~ 4552

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 4553  
motorcycle, and all-purpose vehicle required to be registered 4554  
under section 4519.02 of the Revised Code shall file an 4555  
application for registration under section 4519.03 of the Revised 4556  
Code. The owner of a motor vehicle, other than a snowmobile, 4557  
off-highway motorcycle, or all-purpose vehicle, that is not 4558  
designed and constructed by the manufacturer for operation on a 4559  
street or highway may not register it under this chapter except 4560  
upon certification of inspection pursuant to section 4513.02 of 4561  
the Revised Code by the sheriff, or the chief of police of the 4562  
municipal corporation or township, with jurisdiction over the 4563  
political subdivision in which the owner of the motor vehicle 4564  
resides. Except as provided in section 4503.103 of the Revised 4565  
Code, every owner of every other motor vehicle not previously 4566  
described in this section and every person mentioned as owner in 4567  
the last certificate of title of a motor vehicle that is operated 4568  
or driven upon the public roads or highways shall cause to be 4569  
filed each year, by mail or otherwise, in the office of the 4570  
registrar of motor vehicles or a deputy registrar, a written or 4571  
electronic application or a preprinted registration renewal notice 4572

issued under section 4503.102 of the Revised Code, the form of 4573  
which shall be prescribed by the registrar, for registration for 4574  
the following registration year, which shall begin on the first 4575  
day of January of every calendar year and end on the thirty-first 4576  
day of December in the same year. Applications for registration 4577  
and registration renewal notices shall be filed at the times 4578  
established by the registrar pursuant to section 4503.101 of the 4579  
Revised Code. A motor vehicle owner also may elect to apply for or 4580  
renew a motor vehicle registration by electronic means using 4581  
electronic signature in accordance with rules adopted by the 4582  
registrar. Except as provided in division (J) of this section, 4583  
applications for registration shall be made on blanks furnished by 4584  
the registrar for that purpose, containing the following 4585  
information: 4586

(1) A brief description of the motor vehicle to be 4587  
registered, including the year, make, model, and vehicle 4588  
identification number, and, in the case of commercial cars, the 4589  
gross weight of the vehicle fully equipped computed in the manner 4590  
prescribed in section 4503.08 of the Revised Code; 4591

(2) The name and residence address of the owner, and the 4592  
township and municipal corporation in which the owner resides; 4593

(3) The district of registration, which shall be determined 4594  
as follows: 4595

(a) In case the motor vehicle to be registered is used for 4596  
hire or principally in connection with any established business or 4597  
branch business, conducted at a particular place, the district of 4598  
registration is the municipal corporation in which that place is 4599  
located or, if not located in any municipal corporation, the 4600  
county and township in which that place is located. 4601

(b) In case the vehicle is not so used, the district of 4602  
registration is the municipal corporation or county in which the 4603

owner resides at the time of making the application. 4604

(4) Whether the motor vehicle is a new or used motor vehicle; 4605

(5) The date of purchase of the motor vehicle; 4606

(6) Whether the fees required to be paid for the registration 4607  
or transfer of the motor vehicle, during the preceding 4608  
registration year and during the preceding period of the current 4609  
registration year, have been paid. Each application for 4610  
registration shall be signed by the owner, either manually or by 4611  
electronic signature, or pursuant to obtaining a limited power of 4612  
attorney authorized by the registrar for registration, or other 4613  
document authorizing such signature. If the owner elects to apply 4614  
for or renew the motor vehicle registration with the registrar by 4615  
electronic means, the owner's manual signature is not required. 4616

(7) The owner's social security number, driver's license 4617  
number, or state identification number, or, where a motor vehicle 4618  
to be registered is used for hire or principally in connection 4619  
with any established business, the owner's federal taxpayer 4620  
identification number. The bureau of motor vehicles shall retain 4621  
in its records all social security numbers provided under this 4622  
section, but the bureau shall not place social security numbers on 4623  
motor vehicle certificates of registration. 4624

(B) Except as otherwise provided in this division, each time 4625  
an applicant first registers a motor vehicle in the applicant's 4626  
name, the applicant shall present for inspection a physical 4627  
certificate of title or memorandum certificate showing title to 4628  
the motor vehicle to be registered in the name of the applicant if 4629  
a physical certificate of title or memorandum certificate has been 4630  
issued by a clerk of a court of common pleas. If, under sections 4631  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 4632  
instead has issued an electronic certificate of title for the 4633  
applicant's motor vehicle, that certificate may be presented for 4634

inspection at the time of first registration in a manner 4635  
prescribed by rules adopted by the registrar. An applicant is not 4636  
required to present a certificate of title to an electronic motor 4637  
vehicle dealer acting as a limited authority deputy registrar in 4638  
accordance with rules adopted by the registrar. When a motor 4639  
vehicle inspection and maintenance program is in effect under 4640  
section 3704.14 of the Revised Code and rules adopted under it, 4641  
each application for registration for a vehicle required to be 4642  
inspected under that section and those rules shall be accompanied 4643  
by an inspection certificate for the motor vehicle issued in 4644  
accordance with that section. The application shall be refused if 4645  
any of the following applies: 4646

(1) The application is not in proper form. 4647

(2) The application is prohibited from being accepted by 4648  
division (D) of section 2935.27, division (A) of section 2937.221, 4649  
division (A) of section 4503.13, division (B) of section 4510.22, 4650  
or division (B)(1) of section 4521.10 of the Revised Code. 4651

(3) A certificate of title or memorandum certificate of title 4652  
is required but does not accompany the application or, in the case 4653  
of an electronic certificate of title, is required but is not 4654  
presented in a manner prescribed by the registrar's rules. 4655

(4) All registration and transfer fees for the motor vehicle, 4656  
for the preceding year or the preceding period of the current 4657  
registration year, have not been paid. 4658

(5) The owner or lessee does not have an inspection 4659  
certificate for the motor vehicle as provided in section 3704.14 4660  
of the Revised Code, and rules adopted under it, if that section 4661  
is applicable. 4662

This section does not require the payment of license or 4663  
registration taxes on a motor vehicle for any preceding year, or 4664  
for any preceding period of a year, if the motor vehicle was not 4665

taxable for that preceding year or period under sections 4503.02, 4666  
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 4667  
Revised Code. When a certificate of registration is issued upon 4668  
the first registration of a motor vehicle by or on behalf of the 4669  
owner, the official issuing the certificate shall indicate the 4670  
issuance with a stamp on the certificate of title or memorandum 4671  
certificate or, in the case of an electronic certificate of title, 4672  
an electronic stamp or other notation as specified in rules 4673  
adopted by the registrar, and with a stamp on the inspection 4674  
certificate for the motor vehicle, if any. The official also shall 4675  
indicate, by a stamp or by other means the registrar prescribes, 4676  
on the registration certificate issued upon the first registration 4677  
of a motor vehicle by or on behalf of the owner the odometer 4678  
reading of the motor vehicle as shown in the odometer statement 4679  
included in or attached to the certificate of title. Upon each 4680  
subsequent registration of the motor vehicle by or on behalf of 4681  
the same owner, the official also shall so indicate the odometer 4682  
reading of the motor vehicle as shown on the immediately preceding 4683  
certificate of registration. 4684

The registrar shall include in the permanent registration 4685  
record of any vehicle required to be inspected under section 4686  
3704.14 of the Revised Code the inspection certificate number from 4687  
the inspection certificate that is presented at the time of 4688  
registration of the vehicle as required under this division. 4689

(C)(1) Except as otherwise provided in division (C)(1) of 4690  
this section, the registrar and each deputy registrar shall 4691  
collect an additional fee of eleven dollars for each application 4692  
for registration and registration renewal received. For vehicles 4693  
specified in divisions (A)(1) to (21) of section 4503.042 of the 4694  
Revised Code, the registrar and deputy registrar shall collect an 4695  
additional fee of thirty dollars for each application for 4696  
registration and registration renewal received. No additional fee 4697

shall be charged for vehicles registered under section 4503.65 of 4698  
the Revised Code. The additional fee is for the purpose of 4699  
defraying the department of public safety's costs associated with 4700  
the administration and enforcement of the motor vehicle and 4701  
traffic laws of Ohio. Each deputy registrar shall transmit the 4702  
fees collected under ~~division~~ divisions (C)(1), (3), and (4) of 4703  
this section in the time and manner provided in this section. The 4704  
registrar shall deposit all moneys received under division (C)(1) 4705  
of this section into the public safety - highway purposes fund 4706  
established in section 4501.06 of the Revised Code. 4707

(2) In addition, a charge of twenty-five cents shall be made 4708  
for each reflectorized safety license plate issued, and a single 4709  
charge of twenty-five cents shall be made for each county 4710  
identification sticker or each set of county identification 4711  
stickers issued, as the case may be, to cover the cost of 4712  
producing the license plates and stickers, including material, 4713  
manufacturing, and administrative costs. Those fees shall be in 4714  
addition to the license tax. If the total cost of producing the 4715  
plates is less than twenty-five cents per plate, or if the total 4716  
cost of producing the stickers is less than twenty-five cents per 4717  
sticker or per set issued, any excess moneys accruing from the 4718  
fees shall be distributed in the same manner as provided by 4719  
section 4501.04 of the Revised Code for the distribution of 4720  
license tax moneys. If the total cost of producing the plates 4721  
exceeds twenty-five cents per plate, or if the total cost of 4722  
producing the stickers exceeds twenty-five cents per sticker or 4723  
per set issued, the difference shall be paid from the license tax 4724  
moneys collected pursuant to section 4503.02 of the Revised Code. 4725

(3) The registrar and each deputy registrar shall collect an 4726  
additional fee of two hundred dollars for each application for 4727  
registration or registration renewal received for any plug-in 4728  
electric motor vehicle. The registrar shall transmit all money 4729

arising from the fee imposed by division (C)(3) of this section to 4730  
the treasurer of state for distribution in accordance with 4731  
division (E) of section 5735.051 of the Revised Code. 4732

(4) The registrar and each deputy registrar shall collect an 4733  
additional fee of one hundred dollars for each application for 4734  
registration or registration renewal received for any hybrid motor 4735  
vehicle. The registrar shall transmit all money arising from the 4736  
fee imposed by division (C)(4) of this section to the treasurer of 4737  
state for distribution in accordance with division (E) of section 4738  
5735.051 of the Revised Code. 4739

(D) Each deputy registrar shall be allowed a fee equal to the 4740  
amount established under section 4503.038 of the Revised Code for 4741  
each application for registration and registration renewal notice 4742  
the deputy registrar receives, which shall be for the purpose of 4743  
compensating the deputy registrar for the deputy registrar's 4744  
services, and such office and rental expenses, as may be necessary 4745  
for the proper discharge of the deputy registrar's duties in the 4746  
receiving of applications and renewal notices and the issuing of 4747  
registrations. 4748

(E) Upon the certification of the registrar, the county 4749  
sheriff or local police officials shall recover license plates 4750  
erroneously or fraudulently issued. 4751

(F) Each deputy registrar, upon receipt of any application 4752  
for registration or registration renewal notice, together with the 4753  
license fee and any local motor vehicle license tax levied 4754  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 4755  
fee and tax, if any, in the manner provided in this section, 4756  
together with the original and duplicate copy of the application, 4757  
to the registrar. The registrar, subject to the approval of the 4758  
director of public safety, may deposit the funds collected by 4759  
those deputies in a local bank or depository to the credit of the 4760  
"state of Ohio, bureau of motor vehicles." Where a local bank or 4761

depository has been designated by the registrar, each deputy 4762  
registrar shall deposit all moneys collected by the deputy 4763  
registrar into that bank or depository not more than one business 4764  
day after their collection and shall make reports to the registrar 4765  
of the amounts so deposited, together with any other information, 4766  
some of which may be prescribed by the treasurer of state, as the 4767  
registrar may require and as prescribed by the registrar by rule. 4768  
The registrar, within three days after receipt of notification of 4769  
the deposit of funds by a deputy registrar in a local bank or 4770  
depository, shall draw on that account in favor of the treasurer 4771  
of state. The registrar, subject to the approval of the director 4772  
and the treasurer of state, may make reasonable rules necessary 4773  
for the prompt transmittal of fees and for safeguarding the 4774  
interests of the state and of counties, townships, municipal 4775  
corporations, and transportation improvement districts levying 4776  
local motor vehicle license taxes. The registrar may pay service 4777  
charges usually collected by banks and depositories for such 4778  
service. If deputy registrars are located in communities where 4779  
banking facilities are not available, they shall transmit the fees 4780  
forthwith, by money order or otherwise, as the registrar, by rule 4781  
approved by the director and the treasurer of state, may 4782  
prescribe. The registrar may pay the usual and customary fees for 4783  
such service. 4784

(G) This section does not prevent any person from making an 4785  
application for a motor vehicle license directly to the registrar 4786  
by mail, by electronic means, or in person at any of the 4787  
registrar's offices, upon payment of a service fee equal to the 4788  
amount established under section 4503.038 of the Revised Code for 4789  
each application. 4790

(H) No person shall make a false statement as to the district 4791  
of registration in an application required by division (A) of this 4792  
section. Violation of this division is falsification under section 4793

2921.13 of the Revised Code and punishable as specified in that 4794  
section. 4795

(I)(1) Where applicable, the requirements of division (B) of 4796  
this section relating to the presentation of an inspection 4797  
certificate issued under section 3704.14 of the Revised Code and 4798  
rules adopted under it for a motor vehicle, the refusal of a 4799  
license for failure to present an inspection certificate, and the 4800  
stamping of the inspection certificate by the official issuing the 4801  
certificate of registration apply to the registration of and 4802  
issuance of license plates for a motor vehicle under sections 4803  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4804  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4805  
4503.47, and 4503.51 of the Revised Code. 4806

(2)(a) The registrar shall adopt rules ensuring that each 4807  
owner registering a motor vehicle in a county where a motor 4808  
vehicle inspection and maintenance program is in effect under 4809  
section 3704.14 of the Revised Code and rules adopted under it 4810  
receives information about the requirements established in that 4811  
section and those rules and about the need in those counties to 4812  
present an inspection certificate with an application for 4813  
registration or preregistration. 4814

(b) Upon request, the registrar shall provide the director of 4815  
environmental protection, or any person that has been awarded a 4816  
contract under section 3704.14 of the Revised Code, an on-line 4817  
computer data link to registration information for all passenger 4818  
cars, noncommercial motor vehicles, and commercial cars that are 4819  
subject to that section. The registrar also shall provide to the 4820  
director of environmental protection a magnetic data tape 4821  
containing registration information regarding passenger cars, 4822  
noncommercial motor vehicles, and commercial cars for which a 4823  
multi-year registration is in effect under section 4503.103 of the 4824  
Revised Code or rules adopted under it, including, without 4825

limitation, the date of issuance of the multi-year registration, 4826  
the registration deadline established under rules adopted under 4827  
section 4503.101 of the Revised Code that was applicable in the 4828  
year in which the multi-year registration was issued, and the 4829  
registration deadline for renewal of the multi-year registration. 4830

(J) Subject to division (K) of this section, application for 4831  
registration under the international registration plan, as set 4832  
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 4833  
made to the registrar on forms furnished by the registrar. In 4834  
accordance with international registration plan guidelines and 4835  
pursuant to rules adopted by the registrar, the forms shall 4836  
include the following: 4837

(1) A uniform mileage schedule; 4838

(2) The gross vehicle weight of the vehicle or combined gross 4839  
vehicle weight of the combination vehicle as declared by the 4840  
registrant; 4841

(3) Any other information the registrar requires by rule. 4842

(K) The registrar shall determine the feasibility of 4843  
implementing an electronic commercial fleet licensing and 4844  
management program that will enable the owners of commercial 4845  
tractors, commercial trailers, and commercial semitrailers to 4846  
conduct electronic transactions by July 1, 2010, or sooner. If the 4847  
registrar determines that implementing such a program is feasible, 4848  
the registrar shall adopt new rules under this division or amend 4849  
existing rules adopted under this division as necessary in order 4850  
to respond to advances in technology. 4851

If international registration plan guidelines and provisions 4852  
allow member jurisdictions to permit applications for 4853  
registrations under the international registration plan to be made 4854  
via the internet, the rules the registrar adopts under this 4855  
division shall permit such action. 4856

Sec. 4503.103. (A)(1) The registrar of motor vehicles may 4857  
adopt rules to permit any person or lessee, other than a person 4858  
receiving an apportioned license plate under the international 4859  
registration plan, who owns or leases one or more motor vehicles 4860  
to file a written application for registration for no more than 4861  
five succeeding registration years. The rules adopted by the 4862  
registrar may designate the classes of motor vehicles that are 4863  
eligible for such registration. At the time of application, all 4864  
annual taxes and fees shall be paid for each year for which the 4865  
person is registering. 4866

(2)(a) The registrar shall adopt rules to permit any person 4867  
or lessee who owns or leases a trailer or semitrailer that is 4868  
subject to the tax rates prescribed in section 4503.042 of the 4869  
Revised Code for such trailers or semitrailers to file a written 4870  
application for registration for any number of succeeding 4871  
registration years, including a permanent registration. At the 4872  
time of application, all annual taxes and fees shall be paid for 4873  
each year for which the person is registering, provided that the 4874  
annual taxes due, regardless of the number of years for which the 4875  
person is registering, shall not exceed two hundred dollars. A 4876  
person who registers a vehicle under division (A)(2) of this 4877  
section shall pay for each year of registration the additional fee 4878  
established under division (C)(1) of section 4503.10 of the 4879  
Revised Code, provided that the additional fee due, regardless of 4880  
the number of years for which the person is registering, shall not 4881  
exceed eighty-eight dollars. The person also shall pay one single 4882  
deputy registrar service fee in the amount specified in division 4883  
(D) of section 4503.10 of the Revised Code or one single bureau of 4884  
motor vehicles service fee in the amount specified in division (G) 4885  
of that section, as applicable, regardless of the number of years 4886  
for which the person is registering. 4887

(b) In addition, each person registering a trailer or 4888

semitrailer under division (A)(2)(a) of this section shall pay any 4889  
applicable local motor vehicle license tax levied under Chapter 4890  
4504. of the Revised Code for each year for which the person is 4891  
registering, provided that not more than eight times any such 4892  
annual local taxes shall be due upon registration. 4893

(c) The period of registration for a trailer or semitrailer 4894  
registered under division (A)(2)(a) of this section is exclusive 4895  
to the trailer or semitrailer for which that certificate of 4896  
registration is issued and is not transferable to any other 4897  
trailer or semitrailer if the registration is a permanent 4898  
registration. 4899

(3) Except as provided in division (A)(4) of this section, 4900  
the registrar shall adopt rules to permit any person who owns a 4901  
motor vehicle to file an application for registration for not more 4902  
than five succeeding registration years. At the time of 4903  
application, the person shall pay the annual taxes and fees for 4904  
each registration year, calculated in accordance with division (C) 4905  
of section 4503.11 of the Revised Code. A person who is 4906  
registering a vehicle under division (A)(3) of this section shall 4907  
pay for each year of registration the additional fee established 4908  
under division (C)(1), (3), or (4) of section 4503.10 of the 4909  
Revised Code, as applicable. The person shall also pay the deputy 4910  
registrar service fee or the bureau of motor vehicles service fee 4911  
equal to the amount established under section 4503.038 of the 4912  
Revised Code. 4913

(4) Division (A)(3) of this section does not apply to a 4914  
person receiving an apportioned license plate under the 4915  
international registration plan, or the owner of a commercial car 4916  
used solely in intrastate commerce, or the owner of a bus as 4917  
defined in section 4513.50 of the Revised Code. 4918

(B) No person applying for a multi-year registration under 4919  
division (A) of this section is entitled to a refund of any taxes 4920

or fees paid. 4921

(C) The registrar shall not issue to any applicant who has 4922  
been issued a final, nonappealable order under division (D) of 4923  
this section a multi-year registration or renewal thereof under 4924  
this division or rules adopted under it for any motor vehicle that 4925  
is required to be inspected under section 3704.14 of the Revised 4926  
Code the district of registration of which, as determined under 4927  
section 4503.10 of the Revised Code, is or is located in the 4928  
county named in the order. 4929

(D) Upon receipt from the director of environmental 4930  
protection of a notice issued under rules adopted under section 4931  
3704.14 of the Revised Code indicating that an owner of a motor 4932  
vehicle that is required to be inspected under that section who 4933  
obtained a multi-year registration for the vehicle under division 4934  
(A) of this section or rules adopted under that division has not 4935  
obtained a required inspection certificate for the vehicle, the 4936  
registrar in accordance with Chapter 119. of the Revised Code 4937  
shall issue an order to the owner impounding the certificate of 4938  
registration and identification license plates for the vehicle. 4939  
The order also shall prohibit the owner from obtaining or renewing 4940  
a multi-year registration for any vehicle that is required to be 4941  
inspected under that section, the district of registration of 4942  
which is or is located in the same county as the county named in 4943  
the order during the number of years after expiration of the 4944  
current multi-year registration that equals the number of years 4945  
for which the current multi-year registration was issued. 4946

An order issued under this division shall require the owner 4947  
to surrender to the registrar the certificate of registration and 4948  
license plates for the vehicle named in the order within five days 4949  
after its issuance. If the owner fails to do so within that time, 4950  
the registrar shall certify that fact to the county sheriff or 4951  
local police officials who shall recover the certificate of 4952

registration and license plates for the vehicle. 4953

(E) Upon the occurrence of either of the following 4954  
circumstances, the registrar in accordance with Chapter 119. of 4955  
the Revised Code shall issue to the owner a modified order 4956  
rescinding the provisions of the order issued under division (D) 4957  
of this section impounding the certificate of registration and 4958  
license plates for the vehicle named in that original order: 4959

(1) Receipt from the director of environmental protection of 4960  
a subsequent notice under rules adopted under section 3704.14 of 4961  
the Revised Code that the owner has obtained the inspection 4962  
certificate for the vehicle as required under those rules; 4963

(2) Presentation to the registrar by the owner of the 4964  
required inspection certificate for the vehicle. 4965

(F) The owner of a motor vehicle for which the certificate of 4966  
registration and license plates have been impounded pursuant to an 4967  
order issued under division (D) of this section, upon issuance of 4968  
a modified order under division (E) of this section, may apply to 4969  
the registrar for their return. A fee of two dollars and fifty 4970  
cents shall be charged for the return of the certificate of 4971  
registration and license plates for each vehicle named in the 4972  
application. 4973

**Sec. 4503.19.** (A)(1) Upon the filing of an application for 4974  
registration and the payment of the tax for registration, the 4975  
registrar of motor vehicles or a deputy registrar shall determine 4976  
whether the owner previously has been issued a license plates 4977  
plate for the motor vehicle described in the application. If no 4978  
license ~~plates~~ plate previously ~~have~~ has been issued to the owner 4979  
for that motor vehicle, the registrar or deputy registrar shall 4980  
assign to the motor vehicle a distinctive number and issue and 4981  
deliver to the owner in the manner that the registrar may select a 4982  
certificate of registration, in the form that the registrar shall 4983

prescribe. The registrar or deputy registrar also shall charge the owner any fees required under division (C) of section 4503.10 of the Revised Code.

(2) The registrar or deputy registrar then shall deliver the following:

~~(a) Except as otherwise provided in this section and in division (A)(2) of section 4503.191 of the Revised Code, two a license plates, duplicates of each other, plate and a validation sticker, or a validation sticker alone, to be attached to the number plates plate as provided in section 4503.191 of the Revised Code.~~

~~(b) For trailers, manufactured homes, mobile homes, and semitrailers, one license plate only and one validation sticker, or a validation sticker alone. The manufacturer thereof, the dealer, or in transit companies therein, The owner shall display the license plate and validation sticker only on the rear of such vehicles the vehicle. However,~~

~~(c) For a commercial tractor that does not receive an apportioned license plate under the international registration plan, two license plates and one validation sticker. The shall display the license plate and validation sticker shall be displayed on the front of the commercial tractor.~~

~~(d) For an apportioned vehicle receiving an apportioned license plate under the international registration plan, one license plate only and one validation sticker, or a validation sticker alone. The license plate shall be displayed only on the front of a semitractor and on the rear of all other vehicles.~~

~~(e) For and a chauffeured limousine, two license plates and validation stickers, or validation stickers alone, and shall display a livery sticker along with a validation sticker as~~

provided in section 4503.24 of the Revised Code. 5014

(3) The registrar or deputy registrar shall not issue a 5015  
license ~~plates~~ plate for a school bus. A school bus shall ~~bear~~ 5016  
display identifying numbers in the manner prescribed by section 5017  
4511.764 of the Revised Code. 5018

(4) The certificate of registration and license ~~plates~~ plate 5019  
and validation ~~stickers~~ sticker, or validation ~~stickers~~ sticker 5020  
alone, shall be issued and delivered to the owner in person or by 5021  
mail. 5022

(5) In the event of the loss, mutilation, or destruction of 5023  
any certificate of registration, or of any license ~~plates~~ plate or 5024  
validation ~~stickers~~ sticker, or if the owner chooses to replace a 5025  
license ~~plates~~ plate previously issued for a motor vehicle, or if 5026  
the registration certificate and license ~~plates~~ plate have been 5027  
impounded as provided by division (B)(1) of section 4507.02 and 5028  
section 4507.16 of the Revised Code, the owner of a motor vehicle, 5029  
or manufacturer or dealer, may obtain from the registrar, or from 5030  
a deputy registrar if authorized by the registrar, a duplicate 5031  
thereof or a new license ~~plates~~ plate bearing a different number, 5032  
if the registrar considers it advisable, upon filing an 5033  
application prescribed by the registrar, and upon paying a fee of 5034  
one dollar for such certificate of registration. The registrar 5035  
shall deposit the one dollar fee into the state treasury to the 5036  
credit of the public safety - highway purposes fund created in 5037  
section 4501.06 of the Revised Code. The registrar or deputy 5038  
registrar shall charge a fee of ~~seven dollars and fifty cents for~~ 5039  
~~each set of two license plates or~~ six dollars and fifty cents for 5040  
each single license plate or validation sticker issued, which the 5041  
registrar shall deposit into the state treasury to the credit of 5042  
the public safety - highway purposes fund. 5043

(6) Each applicant for a replacement certificate of 5044  
registration, license plate, or validation sticker also shall pay 5045

the fees provided in divisions (C) and (D) of section 4503.10 of 5046  
the Revised Code and any applicable fee under section 4503.192 of 5047  
the Revised Code. 5048

Additionally, the registrar and each deputy registrar who 5049  
either issues a license plates plate and a validation sticker for 5050  
use on any vehicle other than a commercial tractor, semitrailer, 5051  
or apportioned vehicle, or who issues a validation sticker alone 5052  
for use on such a vehicle and the owner has changed the owner's 5053  
county of residence since the owner last was issued a county 5054  
identification ~~stickers~~ sticker, also shall issue and deliver to 5055  
the owner ~~either one or two a county identification stickers, as~~ 5056  
~~appropriate~~ sticker, which shall be attached to the license ~~plates~~ 5057  
plate in a manner prescribed by the director of public safety. The 5058  
county identification ~~stickers~~ sticker shall identify prominently 5059  
by name the county in which the owner of the vehicle resides at 5060  
the time of registration, except that the county identification 5061  
sticker for a nonstandard license plate, as defined in section 5062  
4503.77 of the Revised Code, shall identify prominently by name or 5063  
number the county in which the owner of the vehicle resides at the 5064  
time of registration. 5065

(B) A certificate of registration issued under this section 5066  
shall have a portion that contains all the information contained 5067  
in the main portion of the certificate except for the address of 5068  
the person to whom the certificate is issued. Except as provided 5069  
in this division, whenever a reference is made in the Revised Code 5070  
to a motor vehicle certificate of registration that is issued 5071  
under this section, the reference shall be deemed to refer to 5072  
either the main portion of the certificate or the portion 5073  
containing all information in the main portion except the address 5074  
of the person to whom the certificate is issued. If a reference is 5075  
made in the Revised Code to the seizure or surrender of a motor 5076  
vehicle certificate of registration that is issued under this 5077

section, the reference shall be deemed to refer to both the main 5078  
portion of the certificate and the portion containing all 5079  
information in the main portion except the address of the person 5080  
to whom the certificate is issued. 5081

(C) Whoever violates this section is guilty of a minor 5082  
misdemeanor. 5083

Sec. 4503.193. The display of a single current license plate 5084  
and validation sticker on a motor vehicle as required under 5085  
section 4503.19 of the Revised Code sufficiently indicates that 5086  
the vehicle is registered in this state. Any reference in the 5087  
Revised Code to license plates, a set of license plates, 5088  
registration plates, or validation stickers is deemed to be a 5089  
reference to the single license plate and validation sticker 5090  
required by that section. 5091

**Sec. 4503.21.** (A)(1) No person who is the owner or operator 5092  
of a motor vehicle shall fail to display in plain view on the 5093  
~~front and~~ rear of the motor vehicle a license plate that ~~bears~~ 5094  
displays the distinctive number and registration mark assigned to 5095  
the motor vehicle by the director of public safety, including any 5096  
county identification sticker and any validation sticker issued 5097  
under sections 4503.19 and 4503.191 of the Revised Code, ~~except as~~ 5098  
~~follows:~~ 5099

~~(a) A manufacturer of motor vehicles or dealer therein, the 5100~~  
~~holder of an in-transit permit, and the owner or operator of a 5101~~  
~~motorcycle, motorized bicycle or moped, motor-driven cycle or 5102~~  
~~motor scooter, autocycle, cab enclosed motorcycle, manufactured 5103~~  
~~home, mobile home, trailer, or semitrailer shall display a license 5104~~  
~~plate on the rear only.~~ 5105

~~(b) A motor vehicle that is issued two license plates shall 5106~~  
~~display the validation sticker only on the rear license plate,~~ 5107

except that a commercial tractor ~~that does not receive an~~ 5108  
~~apportioned license plate under the international registration~~ 5109  
~~plan~~ shall display the license plate and validation sticker on the 5110  
front of the commercial tractor. 5111

~~(c) An apportioned vehicle receiving an apportioned license~~ 5112  
~~plate under the international registration plan shall display the~~ 5113  
~~license plate only on the front of a commercial tractor and on the~~ 5114  
~~rear of all other vehicles.~~ 5115

(2) ~~All~~ The license ~~plates~~ plate shall be securely fastened 5116  
so as not to swing, and shall not be covered by any material that 5117  
obstructs ~~their~~ its visibility. 5118

(3) No person to whom a temporary license placard or 5119  
windshield sticker has been issued for the use of a motor vehicle 5120  
under section 4503.182 of the Revised Code, and no operator of 5121  
that motor vehicle, shall fail to display the temporary license 5122  
placard in plain view from the rear of the vehicle either in the 5123  
rear window or on an external rear surface of the motor vehicle, 5124  
or fail to display the windshield sticker in plain view on the 5125  
rear window of the motor vehicle. No temporary license placard or 5126  
windshield sticker shall be covered by any material that obstructs 5127  
its visibility. 5128

~~(B) A law enforcement officer shall only issue a ticket,~~ 5129  
~~citation, or summons, or cause the arrest or commence a~~ 5130  
~~prosecution, for the failure to display a license plate in plain~~ 5131  
~~view on the front of a parked motor vehicle if the officer first~~ 5132  
~~determines that another offense has occurred and either places the~~ 5133  
~~operator or vehicle owner under arrest or issues a ticket,~~ 5134  
~~citation, or summons to the operator or vehicle owner for the~~ 5135  
~~other offense.~~ 5136

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 5137  
~~whoever~~ Whoever violates ~~division (A) of this section~~ is guilty of 5138

a minor misdemeanor. 5139

~~(2) Whoever violates division (A) of this section by failing to display a license plate in plain view on the front of a motor vehicle as required under division (A) of this section while the motor vehicle is otherwise legally parked is guilty of a minor misdemeanor and may be fined not more than one hundred dollars.~~ 5140  
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~~A person who is subject to the penalty prescribed in division (C)(2) of this section is not subject to the charging of points under section 4510.036 of the Revised Code.~~ 5145  
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~~(3)(C)~~ The offense established under division (A) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense 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. 5148  
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**Sec. 4503.23.** No motor vehicle designed to carry passengers, owned or leased by the state, or any of its departments, bureaus, commissions, or institutions supported in whole or in part by funds provided by the state, shall be operated or driven by any person unless it has displayed, in a prominent position on ~~both the front and rear of the vehicle, identification plates which a~~ license plate that shall be the same size, shape, and treated for increased visibility in the same manner as those issued by the registrar of motor vehicles for private vehicles. ~~Such identification plates~~ The license plate shall be attached to the vehicle in the same manner as provided by statute for the illumination and attachment of ~~a license plates~~ plate on private vehicles. The registrar shall designate the colors of the license ~~tags which~~ plate that shall be used on state-owned cars; ~~such the~~ colors shall be other than those used on privately owned motor vehicles, and shall apply only to license plates used on 5154  
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state-owned motor vehicles. ~~Said plates~~ The plate shall bear 5170  
display a special serial number, and the words "Ohio State Car." 5171

**Sec. 4504.10.** Except as otherwise provided in this chapter, 5172  
the levy of any excise, license, income, or property tax by the 5173  
state or by any political subdivision thereof shall not be 5174  
construed as preempting the power of a county to levy a county 5175  
motor vehicle license tax pursuant to section 4504.02, 4504.15, 5176  
4504.16, or 4504.24 of the Revised Code, of a township to levy a 5177  
township motor vehicle license tax pursuant to ~~section~~ sections 5178  
4504.18 and 4504.181 of the Revised Code, or of a municipal 5179  
corporation to levy a municipal motor vehicle license tax pursuant 5180  
to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 4504.173 of 5181  
the Revised Code. 5182

**Sec. 4504.173.** (A)(1) The legislative authority of a 5183  
municipal corporation may levy an annual license tax upon the 5184  
operation of motor vehicles on the public roads and highways in 5185  
that municipal corporation for any authorized purpose. A tax 5186  
levied under this section is in addition to the tax levied by 5187  
sections 4503.02 and 4503.07 of the Revised Code and any other tax 5188  
levied under this chapter. The tax shall be at the rate of five 5189  
dollars per motor vehicle on all motor vehicles the district of 5190  
registration of which is located in the municipal corporation 5191  
levying the tax, as defined in section 4503.10 of the Revised 5192  
Code. The rate of the tax is in addition to the tax rates 5193  
prescribed in sections 4503.04 and 4503.042 of the Revised Code 5194  
and is subject to both of the following: 5195

(a) The reductions in the manner provided in section 4503.11 5196  
of the Revised Code; 5197

(b) The exemptions provided in sections 4503.16, 4503.17, 5198  
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 5199

<u>4503.571 of the Revised Code.</u>	5200
<u>(2) As used in division (A)(1) of this section, "authorized purpose" means any of the following:</u>	5201
<u>(a) Paying the costs and expenses of enforcing and administering the tax provided for in this section;</u>	5202
<u>(a) Paying the costs and expenses of enforcing and administering the tax provided for in this section;</u>	5203
<u>(a) Paying the costs and expenses of enforcing and administering the tax provided for in this section;</u>	5204
<u>(b) Planning, constructing, improving, maintaining, and repairing public roads, highways, and streets;</u>	5205
<u>(b) Planning, constructing, improving, maintaining, and repairing public roads, highways, and streets;</u>	5206
<u>(c) Maintaining and repairing bridges and viaducts;</u>	5207
<u>(d) Paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways;</u>	5208
<u>(d) Paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways;</u>	5209
<u>(d) Paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways;</u>	5210
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5211
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5212
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5213
<u>(e) Paying the municipal corporation's portion of the compensation, damages, costs, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads and streets;</u>	5214
<u>(f) Paying any costs apportioned to the municipal corporation under section 4907.47 of the Revised Code;</u>	5215
<u>(f) Paying any costs apportioned to the municipal corporation under section 4907.47 of the Revised Code;</u>	5216
<u>(g) Paying debt service charges on notes or bonds of the municipal corporation issued for such purposes;</u>	5217
<u>(g) Paying debt service charges on notes or bonds of the municipal corporation issued for such purposes;</u>	5218
<u>(h) Purchasing, erecting, and maintaining street and traffic signs and markers;</u>	5219
<u>(h) Purchasing, erecting, and maintaining street and traffic signs and markers;</u>	5220
<u>(i) Purchasing, erecting, and maintaining traffic lights and signals;</u>	5221
<u>(i) Purchasing, erecting, and maintaining traffic lights and signals;</u>	5222
<u>(j) Supplementing revenue already available for the aforementioned purposes.</u>	5223
<u>(j) Supplementing revenue already available for the aforementioned purposes.</u>	5224
<u>(B)(1) No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of the municipal</u>	5225
<u>(B)(1) No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of the municipal</u>	5226
<u>(B)(1) No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of the municipal</u>	5227
<u>(B)(1) No ordinance, resolution, or other measure levying a municipal motor vehicle license tax pursuant to this section shall be enacted as an emergency measure under section 731.30 of the Revised Code or pursuant to the charter of the municipal</u>	5228

corporation. 5229

(2) An ordinance, resolution, or other measure levying a 5230  
municipal motor vehicle license tax pursuant to this section is 5231  
subject to a referendum as provided in sections 731.29 to 731.41 5232  
of the Revised Code or by the charter of the municipal 5233  
corporation. 5234

(C) A municipal motor vehicle license tax levied under this 5235  
section continues in effect until repealed. 5236

**Sec. 4504.181.** (A)(1) The board of township trustees of a 5237  
township may, by resolution, levy an annual license tax upon the 5238  
operation of motor vehicles on the public roads and highways in 5239  
the unincorporated territory of the township for any authorized 5240  
purpose. A tax levied under this section is in addition to the tax 5241  
levied by sections 4503.02 and 4503.07 of the Revised Code and any 5242  
other tax levied under this chapter. The tax shall be at the rate 5243  
of five dollars per motor vehicle on all motor vehicles the 5244  
district of registration of which is located in the unincorporated 5245  
area of the township levying the tax, as defined in section 5246  
4503.10 of the Revised Code. The rate of the tax is in addition to 5247  
the tax rates prescribed in sections 4503.04 and 4503.042 of the 5248  
Revised Code and is subject to both of the following: 5249

(a) The reductions in the manner provided in section 4503.11 5250  
of the Revised Code; 5251

(b) The exemptions provided in sections 4503.16, 4503.17, 5252  
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 5253  
4503.571 of the Revised Code. 5254

(2) As used in division (A)(1) of this section, "authorized 5255  
purpose" means any of the following: 5256

(a) Paying the costs and expenses of enforcing and 5257  
administering the tax provided for in this section; 5258

<u>(b) Paying for construction, reconstruction, improvement,</u>	5259
<u>maintenance, and repair of township roads, bridges, and culverts;</u>	5260
<u>(c) Purchasing, erecting, and maintaining traffic signs,</u>	5261
<u>markers, lights, and signals;</u>	5262
<u>(d) Purchasing road machinery and equipment, and planning,</u>	5263
<u>constructing, and maintaining suitable buildings to house such</u>	5264
<u>equipment;</u>	5265
<u>(e) Paying any costs apportioned to the township under</u>	5266
<u>section 4907.47 of the Revised Code;</u>	5267
<u>(f) Supplementing revenue already available for the</u>	5268
<u>aforementioned purposes.</u>	5269
<u>(B) Prior to the adoption of any resolution under this</u>	5270
<u>section, the board of township trustees shall conduct two public</u>	5271
<u>hearings on the resolution, the second hearing to be not less than</u>	5272
<u>three but not more than ten days after the first hearing. The</u>	5273
<u>board shall provide notice of the date, time, and place of both</u>	5274
<u>hearings by publication in a newspaper of general circulation in</u>	5275
<u>the township, or as provided in section 7.16 of the Revised Code,</u>	5276
<u>once a week on the same day of the week for two consecutive weeks.</u>	5277
<u>The second publication shall be not less than ten but not more</u>	5278
<u>than thirty days prior to the first hearing.</u>	5279
<u>(C) No resolution adopted under this section shall become</u>	5280
<u>effective sooner than thirty days following its adoption. A</u>	5281
<u>resolution under this section is subject to a referendum in the</u>	5282
<u>same manner, except as to the form of the petition, as provided in</u>	5283
<u>division (H) of section 519.12 of the Revised Code for a proposed</u>	5284
<u>amendment to a township zoning resolution. In addition, a petition</u>	5285
<u>under this section shall be governed by the rules specified in</u>	5286
<u>section 3501.38 of the Revised Code.</u>	5287
<u>No resolution levying a tax under this section for which a</u>	5288
<u>referendum vote has been requested shall go into effect unless</u>	5289

approved by a majority of those voting upon it. 5290

(D) A township license tax levied under this section 5291

continues in effect until repealed. 5292

**Sec. 4504.201.** No commercial car that is taxed under division 5293  
(A) of section 4503.65 of the Revised Code, and no commercial bus 5294  
that is taxed under division (B) of section 4503.65 of the Revised 5295  
Code, is subject to a tax established under section 4504.02, 5296  
4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.173, 5297  
4504.18, 4504.181, or 4504.24 of the Revised Code. 5298

**Sec. 4505.101.** (A)(1) Any repair garage or place of storage 5299  
in which a motor vehicle with a value of less than three thousand 5300  
five hundred dollars has been left unclaimed for fifteen days or 5301  
more following completion of the requested repair or the agreed 5302  
term of storage shall send by certified mail, return receipt 5303  
requested, to the last known address of any owner and any 5304  
lienholder of the motor vehicle a notice to remove the motor 5305  
vehicle. In order to identify any owner or lienholder, prior to 5306  
sending a notice, the repair garage or place of storage shall 5307  
cause a search to be made of the records of the bureau of motor 5308  
vehicles. Any notice to a lienholder shall state where the motor 5309  
vehicle is located and the value of the vehicle. If the person who 5310  
requested the repair or who agreed to the storage of the motor 5311  
vehicle is not the owner or a lienholder of the motor vehicle as 5312  
indicated in the records of the bureau, the repair garage or place 5313  
of storage also shall notify the sheriff of the county or the 5314  
police department of the municipal corporation, township, port 5315  
authority, or township or joint police district in which the 5316  
repair garage or place of storage is located that the repair 5317  
garage or place of storage is in possession of the vehicle. 5318

(2) The repair garage or place of storage may obtain a 5319

certificate of title to the motor vehicle if all of the following 5320  
apply: 5321

(a) The motor vehicle remains unclaimed by any owner or 5322  
lienholder of the vehicle for fifteen days after the mailing of 5323  
all required notices. 5324

(b) For each notice, the repair garage or place of storage 5325  
has either received the signed receipt from the certified mail or 5326  
has been notified that the delivery was not possible. Unless the 5327  
lienholder claims the motor vehicle within fifteen days from the 5328  
mailing of the notice, the lienholder's lien is invalid. 5329

(c) An agent of the repair garage or place of storage that 5330  
mailed the notice executes an affidavit, in a form established by 5331  
the registrar of motor vehicles by rule, affirming that all of the 5332  
requirements of this section necessary to authorize the issuance 5333  
of a certificate of title for the motor vehicle have been met. The 5334  
affidavit shall set forth an itemized statement of the value of 5335  
the motor vehicle; the length of time that the motor vehicle has 5336  
remained unclaimed; that a notice to remove the vehicle has been 5337  
mailed to any titled owner or lienholder by certified mail, return 5338  
receipt requested; and that a search of the records of the bureau 5339  
of motor vehicles has been made in accordance with division (A)(1) 5340  
of this section. 5341

(B) A towing service or storage facility that is in 5342  
possession of a vehicle may obtain a certificate of title to the 5343  
vehicle as provided in division (C) of this section if all of the 5344  
following apply: 5345

(1) The vehicle was towed under division (B) of section 5346  
4513.601 of the Revised Code. 5347

(2) The vehicle has a value of less than three thousand five 5348  
hundred dollars. 5349

(3) The vehicle has been left unclaimed for sixty days after 5350

the date the earliest notice required by division (F)(1) of 5351  
section 4513.601 of the Revised Code is received, as evidenced by 5352  
a receipt signed by any person, or the towing service or storage 5353  
facility has been notified that the delivery was not possible. 5354

(4) An agent of the towing service or storage facility 5355  
executes an affidavit, in a form established by the registrar of 5356  
motor vehicles by rule, affirming that all of the requirements of 5357  
this section necessary to authorize the issuance of a certificate 5358  
of title for the motor vehicle have been met. The affidavit shall 5359  
set forth an itemized statement of the value of the motor vehicle; 5360  
that notices to remove the vehicle have been mailed to the owner 5361  
and any lienholder as required under division (F) of section 5362  
4513.601 of the Revised Code; the length of time that the motor 5363  
vehicle has remained unclaimed after the date the earliest notice 5364  
required under division (F) of section 4513.601 of the Revised 5365  
Code was received or the towing service or storage facility was 5366  
notified that delivery was not possible; and that a search of the 5367  
records of the bureau of motor vehicles has been made for 5368  
outstanding liens on the motor vehicle. 5369

(C)(1) The clerk of courts shall issue a certificate of 5370  
title, free and clear of all liens and encumbrances as follows: 5371

(a) To a repair garage or place of storage that presents an 5372  
affidavit that complies with all of the requirements of division 5373  
(A) of this section; 5374

(b) To a towing service or storage facility that presents an 5375  
affidavit in compliance with division (B) of this section. 5376

(2) A repair garage or place of storage may use the process 5377  
established under division (A) of this section in order to take 5378  
title to a motor vehicle even if the person who requested the 5379  
repair or who agreed to the storage of the motor vehicle is not 5380  
the owner or a lienholder of the motor vehicle as indicated in the 5381

records of the bureau of motor vehicles. 5382

(3) Upon receipt of the certificate of title, a repair garage 5383  
or place of storage, or a towing service or storage facility, 5384  
shall pay to the clerk of courts the value of the motor vehicle 5385  
minus both of the following: 5386

(a) If the motor vehicle was towed by the party seeking title 5387  
to the motor vehicle under this section, a towing fee; 5388

(b) Storage fees for the period of time the vehicle was 5389  
stored without payment. 5390

The clerk of courts shall deposit any money received under 5391  
this section into the county general fund. 5392

(D) Whoever violates this section shall be fined not more 5393  
than two hundred dollars, imprisoned not more than ninety days, or 5394  
both. 5395

(E) As used in this section: 5396

(1) "Repair garage or place of storage" means any business 5397  
with which a person entered into an agreement for the repair of a 5398  
motor vehicle or any business with which a person entered into an 5399  
agreement for the storage of a motor vehicle. 5400

(2) "Towing service or storage facility" means any for-hire 5401  
motor carrier that removes a motor vehicle under the authority of 5402  
section 4513.601 of the Revised Code and any place to which such a 5403  
for-hire motor carrier delivers a motor vehicle towed under that 5404  
section. 5405

(3) "Value" means the wholesale value for that make and model 5406  
of motor vehicle at the time an affidavit is submitted under 5407  
division (C) of this section, as provided in a vehicle valuation 5408  
guide that is generally available and recognized by the motor 5409  
vehicle industry, minus both of the following: 5410

(a) The estimated cost of repairs to restore the motor 5411

vehicle to the wholesale value for that make and model of motor 5412  
vehicle; 5413

(b) The cost of any agreed-upon repairs. 5414

**Sec. 4506.17.** (A) ~~Any person who holds a commercial driver's~~ 5415  
~~license or commercial driver's license temporary instruction~~ 5416  
~~permit, or who operates a commercial motor vehicle requiring a~~ 5417  
~~commercial driver's license or permit within this state, shall be~~ 5418  
Both of the following are deemed to have given consent to a test 5419  
or tests of the person's whole blood, blood serum or plasma, 5420  
breath, or urine for the purpose of determining the person's 5421  
alcohol concentration or the presence of any controlled substance 5422  
or a metabolite of a controlled substance: 5423

(1) A person while operating a commercial motor vehicle that 5424  
requires a commercial driver's license or commercial driver's 5425  
license temporary instruction permit; 5426

(2) A person who holds a commercial driver's license or 5427  
commercial driver's license temporary instruction permit while 5428  
operating a motor vehicle, including a commercial motor vehicle. 5429

(B) A test or tests as provided in division (A) of this 5430  
section may be administered at the direction of a peace officer 5431  
having reasonable ground to stop or detain the person and, after 5432  
investigating the circumstances surrounding the operation of the 5433  
~~commercial~~ motor vehicle, also having reasonable ground to believe 5434  
the person was driving the ~~commercial~~ motor vehicle while having a 5435  
measurable or detectable amount of alcohol or of a controlled 5436  
substance or a metabolite of a controlled substance in the 5437  
person's whole blood, blood serum or plasma, breath, or urine. Any 5438  
such test shall be given within two hours of the time of the 5439  
alleged violation. 5440

(C) A person requested by a peace officer to submit to a test 5441

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

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

(E) Upon receipt of a sworn report from a peace officer as provided in division (D) of this section, or upon receipt of notification that a person has been disqualified under a similar law of another state or foreign jurisdiction, the registrar shall disqualify the person named in the report from driving a

commercial motor vehicle for the period described below: 5474

(1) Upon a first incident, one year; 5475

(2) Upon an incident of refusal or of a prohibited 5476  
concentration of alcohol, a controlled substance, or a metabolite 5477  
of a controlled substance after one or more previous incidents of 5478  
either refusal or of a prohibited concentration of alcohol, a 5479  
controlled substance, or a metabolite of a controlled substance, 5480  
the person shall be disqualified for life or such lesser period as 5481  
prescribed by rule by the registrar. 5482

(F) A test of a person's whole blood or a person's blood 5483  
serum or plasma given under this section shall comply with the 5484  
applicable provisions of division (D) of section 4511.19 of the 5485  
Revised Code and any physician, registered nurse, emergency 5486  
medical technician-intermediate, emergency medical 5487  
technician-paramedic, or qualified technician, chemist, or 5488  
phlebotomist who withdraws whole blood or blood serum or plasma 5489  
from a person under this section, and any hospital, first-aid 5490  
station, clinic, or other facility at which whole blood or blood 5491  
serum or plasma is withdrawn from a person pursuant to this 5492  
section, is immune from criminal liability, and from civil 5493  
liability that is based upon a claim of assault and battery or 5494  
based upon any other claim of malpractice, for any act performed 5495  
in withdrawing whole blood or blood serum or plasma from the 5496  
person. The immunity provided in this division also extends to an 5497  
emergency medical service organization that employs an emergency 5498  
medical technician-intermediate or emergency medical 5499  
technician-paramedic who withdraws blood under this section. 5500

(G) When a person submits to a test under this section, the 5501  
results of the test, at the person's request, shall be made 5502  
available to the person, the person's attorney, or the person's 5503  
agent, immediately upon completion of the chemical test analysis. 5504  
The person also may have an additional test administered by a 5505

physician, a registered nurse, or a qualified technician, chemist, 5506  
or phlebotomist of the person's own choosing as provided in 5507  
division (D) of section 4511.19 of the Revised Code for tests 5508  
administered under that section, and the failure to obtain such a 5509  
test has the same effect as in that division. 5510

(H) No person shall refuse to immediately surrender the 5511  
person's commercial driver's license or permit to a peace officer 5512  
when required to do so by this section. 5513

(I) A peace officer issuing an out-of-service order or 5514  
receiving a commercial driver's license or permit surrendered 5515  
under this section may remove or arrange for the removal of any 5516  
commercial motor vehicle affected by the issuance of that order or 5517  
the surrender of that license. 5518

(J)(1) Except for civil actions arising out of the operation 5519  
of a motor vehicle and civil actions in which the state is a 5520  
plaintiff, no peace officer of any law enforcement agency within 5521  
this state is liable in compensatory damages in any civil action 5522  
that arises under the Revised Code or common law of this state for 5523  
an injury, death, or loss to person or property caused in the 5524  
performance of official duties under this section and rules 5525  
adopted under this section, unless the officer's actions were 5526  
manifestly outside the scope of the officer's employment or 5527  
official responsibilities, or unless the officer acted with 5528  
malicious purpose, in bad faith, or in a wanton or reckless 5529  
manner. 5530

(2) Except for civil actions that arise out of the operation 5531  
of a motor vehicle and civil actions in which the state is a 5532  
plaintiff, no peace officer of any law enforcement agency within 5533  
this state is liable in punitive or exemplary damages in any civil 5534  
action that arises under the Revised Code or common law of this 5535  
state for any injury, death, or loss to person or property caused 5536  
in the performance of official duties under this section of the 5537

Revised Code and rules adopted under this section, unless the 5538  
officer's actions were manifestly outside the scope of the 5539  
officer's employment or official responsibilities, or unless the 5540  
officer acted with malicious purpose, in bad faith, or in a wanton 5541  
or reckless manner. 5542

(K) When disqualifying a driver, the registrar shall cause 5543  
the records of the bureau of motor vehicles to be updated to 5544  
reflect the disqualification within ten days after it occurs. 5545

(L) The registrar immediately shall notify a driver who is 5546  
subject to disqualification of the disqualification, of the length 5547  
of the disqualification, and that the driver may request a hearing 5548  
within thirty days of the mailing of the notice to show cause why 5549  
the driver should not be disqualified from operating a commercial 5550  
motor vehicle. If a request for such a hearing is not made within 5551  
thirty days of the mailing of the notice, the order of 5552  
disqualification is final. The registrar may designate hearing 5553  
examiners who, after affording all parties reasonable notice, 5554  
shall conduct a hearing to determine whether the disqualification 5555  
order is supported by reliable evidence. The registrar shall adopt 5556  
rules to implement this division. 5557

(M) Any person who is disqualified from operating a 5558  
commercial motor vehicle under this section may apply to the 5559  
registrar for a driver's license to operate a motor vehicle other 5560  
than a commercial motor vehicle, provided the person's commercial 5561  
driver's license or permit is not otherwise suspended. A person 5562  
whose commercial driver's license or permit is suspended shall not 5563  
apply to the registrar for or receive a driver's license under 5564  
Chapter 4507. of the Revised Code during the period of suspension. 5565

(N) Whoever violates division (H) of this section is guilty 5566  
of a misdemeanor of the first degree. 5567

(O) As used in this section, "emergency medical 5568

technician-intermediate" and "emergency medical 5569  
technician-paramedic" have the same meanings as in section 4765.01 5570  
of the Revised Code. 5571

**Sec. 4509.01.** As used in sections 4509.01 to 4509.78 of the 5572  
Revised Code: 5573

(A) "Person" includes every natural person, firm, 5574  
partnership, association, or corporation. 5575

(B) "Driver" means every person who drives or is in actual 5576  
physical control of a motor vehicle. 5577

(C) "License" includes any license, permit, or privilege to 5578  
operate a motor vehicle issued under the laws of this state 5579  
including: 5580

(1) Any temporary instruction permit or examiner's driving 5581  
permit; 5582

(2) The privilege of any person to drive a motor vehicle 5583  
whether or not such person holds a valid license; 5584

(3) Any nonresident's operating privilege. 5585

(D) "Owner" means a person who holds the legal title of a 5586  
motor vehicle. If a motor vehicle is the subject of a lease with 5587  
an immediate right of possession vested in the lessee, the lessee 5588  
is the owner. A person listed as the owner on a certificate of 5589  
title on which there is a notation of a security interest is the 5590  
owner. A buyer or other transferee of a motor vehicle who receives 5591  
the certificate of title from the seller or transferor listing the 5592  
seller or transferor thereon as the owner with an assignment of 5593  
title to the buyer or transferee nonetheless is the owner even 5594  
though a subsequent certificate of title has not been issued 5595  
listing the buyer or transferee as the owner. 5596

(E) "Registration" means registration certificates and 5597  
registration plates issued under the laws of this state pertaining 5598

to the registration of motor vehicles. 5599

(F) "Nonresident" means every person who is not a resident of 5600  
this state. 5601

(G) "Nonresident's operating privilege" means the privilege 5602  
conferred upon a nonresident by the laws of this state pertaining 5603  
to the operation by such person of a motor vehicle, or the use of 5604  
a motor vehicle owned by such person, in this state. 5605

(H) "Vehicle" means every device by which any person or 5606  
property may be transported upon a highway, except electric 5607  
personal assistive mobility devices, low-speed electric scooters, 5608  
devices moved by power collected from overhead electric trolley 5609  
wires, or used exclusively upon stationary rails or tracks, and 5610  
except devices other than bicycles moved by human power. 5611

(I) "Motor vehicle" means every vehicle propelled by power 5612  
other than muscular power or power collected from overhead 5613  
electric trolley wires, except motorized bicycles, electric 5614  
bicycles, road rollers, traction engines, power shovels, power 5615  
cranes and other equipment used in construction work and not 5616  
designed for or employed in general highway transportation, 5617  
hole-digging machinery, well-drilling machinery, ditch-digging 5618  
machinery, farm machinery, threshing machinery, hay baling 5619  
machinery, and agricultural tractors and machinery used in the 5620  
production of horticultural, floricultural, agricultural, and 5621  
vegetable products. 5622

(J) "Accident" or "motor vehicle accident" means any accident 5623  
involving a motor vehicle which results in bodily injury to or 5624  
death of any person, or damage to the property of any person in 5625  
excess of four hundred dollars. 5626

(K) "Proof of financial responsibility" means proof of 5627  
ability to respond in damages for liability, on account of 5628  
accidents occurring subsequent to the effective date of such 5629

proof, arising out of the ownership, maintenance, or use of a 5630  
motor vehicle in the amount of twenty-five thousand dollars 5631  
because of bodily injury to or death of one person in any one 5632  
accident, in the amount of fifty thousand dollars because of 5633  
bodily injury to or death of two or more persons in any one 5634  
accident, and in the amount of twenty-five thousand dollars 5635  
because of injury to property of others in any one accident. 5636

(L) "Motor-vehicle liability policy" means an "owner's 5637  
policy" or an "operator's policy" of liability insurance, 5638  
certified as provided in section 4509.46 or 4509.47 of the Revised 5639  
Code as proof of financial responsibility, and issued, except as 5640  
provided in section 4509.47 of the Revised Code, by an insurance 5641  
carrier authorized to do business in this state, to or for the 5642  
benefit of the person named therein as insured. 5643

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of 5644  
the Revised Code: 5645

(A) "Vehicle" means every device, including a motorized 5646  
bicycle and an electric bicycle, in, upon, or by which any person 5647  
or property may be transported or drawn upon a highway, except 5648  
that "vehicle" does not include any motorized wheelchair, any 5649  
electric personal assistive mobility device, any low-speed 5650  
electric scooter, any personal delivery device as defined in 5651  
section 4511.513 of the Revised Code, any device that is moved by 5652  
power collected from overhead electric trolley wires or that is 5653  
used exclusively upon stationary rails or tracks, or any device, 5654  
other than a bicycle, that is moved by human power. 5655

(B) "Motor vehicle" means every vehicle propelled or drawn by 5656  
power other than muscular power or power collected from overhead 5657  
electric trolley wires, except motorized bicycles, electric 5658  
bicycles, road rollers, traction engines, power shovels, power 5659  
cranes, and other equipment used in construction work and not 5660

designed for or employed in general highway transportation, 5661  
hole-digging machinery, well-drilling machinery, ditch-digging 5662  
machinery, farm machinery, and trailers designed and used 5663  
exclusively to transport a boat between a place of storage and a 5664  
marina, or in and around a marina, when drawn or towed on a street 5665  
or highway for a distance of no more than ten miles and at a speed 5666  
of twenty-five miles per hour or less. 5667

(C) "Motorcycle" means every motor vehicle, other than a 5668  
tractor, having a seat or saddle for the use of the operator and 5669  
designed to travel on not more than three wheels in contact with 5670  
the ground, including, but not limited to, motor vehicles known as 5671  
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 5672  
motorcycle," or "motorcycle" without regard to weight or brake 5673  
horsepower. 5674

(D) "Emergency vehicle" means emergency vehicles of 5675  
municipal, township, or county departments or public utility 5676  
corporations when identified as such as required by law, the 5677  
director of public safety, or local authorities, and motor 5678  
vehicles when commandeered by a police officer. 5679

(E) "Public safety vehicle" means any of the following: 5680

(1) Ambulances, including private ambulance companies under 5681  
contract to a municipal corporation, township, or county, and 5682  
private ambulances and nontransport vehicles bearing license 5683  
plates issued under section 4503.49 of the Revised Code; 5684

(2) Motor vehicles used by public law enforcement officers or 5685  
other persons sworn to enforce the criminal and traffic laws of 5686  
the state; 5687

(3) Any motor vehicle when properly identified as required by 5688  
the director of public safety, when used in response to fire 5689  
emergency calls or to provide emergency medical service to ill or 5690  
injured persons, and when operated by a duly qualified person who 5691

is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

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

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

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

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and

"school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

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

(H) "Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.

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

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

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

(L) "Bus" means every motor vehicle designed for carrying

more than nine passengers and used for the transportation of 5755  
persons other than in a ridesharing arrangement, and every motor 5756  
vehicle, automobile for hire, or funeral car, other than a taxicab 5757  
or motor vehicle used in a ridesharing arrangement, designed and 5758  
used for the transportation of persons for compensation. 5759

(M) "Trailer" means every vehicle designed or used for 5760  
carrying persons or property wholly on its own structure and for 5761  
being drawn by a motor vehicle, including any such vehicle when 5762  
formed by or operated as a combination of a "semitrailer" and a 5763  
vehicle of the dolly type, such as that commonly known as a 5764  
"trailer dolly," a vehicle used to transport agricultural produce 5765  
or agricultural production materials between a local place of 5766  
storage or supply and the farm when drawn or towed on a street or 5767  
highway at a speed greater than twenty-five miles per hour, and a 5768  
vehicle designed and used exclusively to transport a boat between 5769  
a place of storage and a marina, or in and around a marina, when 5770  
drawn or towed on a street or highway for a distance of more than 5771  
ten miles or at a speed of more than twenty-five miles per hour. 5772

(N) "Semitrailer" means every vehicle designed or used for 5773  
carrying persons or property with another and separate motor 5774  
vehicle so that in operation a part of its own weight or that of 5775  
its load, or both, rests upon and is carried by another vehicle. 5776

(O) "Pole trailer" means every trailer or semitrailer 5777  
attached to the towing vehicle by means of a reach, pole, or by 5778  
being boomed or otherwise secured to the towing vehicle, and 5779  
ordinarily used for transporting long or irregular shaped loads 5780  
such as poles, pipes, or structural members capable, generally, of 5781  
sustaining themselves as beams between the supporting connections. 5782

(P) "Railroad" means a carrier of persons or property 5783  
operating upon rails placed principally on a private right-of-way. 5784

(Q) "Railroad train" means a steam engine or an electric or 5785

other motor, with or without cars coupled thereto, operated by a 5786  
railroad. 5787

(R) "Streetcar" means a car, other than a railroad train, for 5788  
transporting persons or property, operated upon rails principally 5789  
within a street or highway. 5790

(S) "Trackless trolley" means every car that collects its 5791  
power from overhead electric trolley wires and that is not 5792  
operated upon rails or tracks. 5793

(T) "Explosives" means any chemical compound or mechanical 5794  
mixture that is intended for the purpose of producing an explosion 5795  
that contains any oxidizing and combustible units or other 5796  
ingredients in such proportions, quantities, or packing that an 5797  
ignition by fire, by friction, by concussion, by percussion, or by 5798  
a detonator of any part of the compound or mixture may cause such 5799  
a sudden generation of highly heated gases that the resultant 5800  
gaseous pressures are capable of producing destructive effects on 5801  
contiguous objects, or of destroying life or limb. Manufactured 5802  
articles shall not be held to be explosives when the individual 5803  
units contain explosives in such limited quantities, of such 5804  
nature, or in such packing, that it is impossible to procure a 5805  
simultaneous or a destructive explosion of such units, to the 5806  
injury of life, limb, or property by fire, by friction, by 5807  
concussion, by percussion, or by a detonator, such as fixed 5808  
ammunition for small arms, firecrackers, or safety fuse matches. 5809

(U) "Flammable liquid" means any liquid that has a flash 5810  
point of seventy degrees fahrenheit, or less, as determined by a 5811  
tagliabue or equivalent closed cup test device. 5812

(V) "Gross weight" means the weight of a vehicle plus the 5813  
weight of any load thereon. 5814

(W) "Person" means every natural person, firm, 5815  
co-partnership, association, or corporation. 5816

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 5817  
includes a personal delivery device as defined in section 4511.513 5818  
of the Revised Code unless the context clearly suggests otherwise. 5819

(Y) "Driver or operator" means every person who drives or is 5820  
in actual physical control of a vehicle, trackless trolley, or 5821  
streetcar. 5822

(Z) "Police officer" means every officer authorized to direct 5823  
or regulate traffic, or to make arrests for violations of traffic 5824  
regulations. 5825

(AA) "Local authorities" means every county, municipal, and 5826  
other local board or body having authority to adopt police 5827  
regulations under the constitution and laws of this state. 5828

(BB) "Street" or "highway" means the entire width between the 5829  
boundary lines of every way open to the use of the public as a 5830  
thoroughfare for purposes of vehicular travel. 5831

(CC) "Controlled-access highway" means every street or 5832  
highway in respect to which owners or occupants of abutting lands 5833  
and other persons have no legal right of access to or from the 5834  
same except at such points only and in such manner as may be 5835  
determined by the public authority having jurisdiction over such 5836  
street or highway. 5837

(DD) "Private road or driveway" means every way or place in 5838  
private ownership used for vehicular travel by the owner and those 5839  
having express or implied permission from the owner but not by 5840  
other persons. 5841

(EE) "Roadway" means that portion of a highway improved, 5842  
designed, or ordinarily used for vehicular travel, except the berm 5843  
or shoulder. If a highway includes two or more separate roadways 5844  
the term "roadway" means any such roadway separately but not all 5845  
such roadways collectively. 5846

(FF) "Sidewalk" means that portion of a street between the 5847  
curb lines, or the lateral lines of a roadway, and the adjacent 5848  
property lines, intended for the use of pedestrians. 5849

(GG) "Laned highway" means a highway the roadway of which is 5850  
divided into two or more clearly marked lanes for vehicular 5851  
traffic. 5852

(HH) "Through highway" means every street or highway as 5853  
provided in section 4511.65 of the Revised Code. 5854

(II) "State highway" means a highway under the jurisdiction 5855  
of the department of transportation, outside the limits of 5856  
municipal corporations, provided that the authority conferred upon 5857  
the director of transportation in section 5511.01 of the Revised 5858  
Code to erect state highway route markers and signs directing 5859  
traffic shall not be modified by sections 4511.01 to 4511.79 and 5860  
4511.99 of the Revised Code. 5861

(JJ) "State route" means every highway that is designated 5862  
with an official state route number and so marked. 5863

(KK) "Intersection" means: 5864

(1) The area embraced within the prolongation or connection 5865  
of the lateral curb lines, or, if none, the lateral boundary lines 5866  
of the roadways of two highways that join one another at, or 5867  
approximately at, right angles, or the area within which vehicles 5868  
traveling upon different highways that join at any other angle 5869  
might come into conflict. The junction of an alley or driveway 5870  
with a roadway or highway does not constitute an intersection 5871  
unless the roadway or highway at the junction is controlled by a 5872  
traffic control device. 5873

(2) If a highway includes two roadways that are thirty feet 5874  
or more apart, then every crossing of each roadway of such divided 5875  
highway by an intersecting highway constitutes a separate 5876  
intersection. If both intersecting highways include two roadways 5877

thirty feet or more apart, then every crossing of any two roadways 5878  
of such highways constitutes a separate intersection. 5879

(3) At a location controlled by a traffic control signal, 5880  
regardless of the distance between the separate intersections as 5881  
described in division (KK)(2) of this section: 5882

(a) If a stop line, yield line, or crosswalk has not been 5883  
designated on the roadway within the median between the separate 5884  
intersections, the two intersections and the roadway and median 5885  
constitute one intersection. 5886

(b) Where a stop line, yield line, or crosswalk line is 5887  
designated on the roadway on the intersection approach, the area 5888  
within the crosswalk and any area beyond the designated stop line 5889  
or yield line constitute part of the intersection. 5890

(c) Where a crosswalk is designated on a roadway on the 5891  
departure from the intersection, the intersection includes the 5892  
area that extends to the far side of the crosswalk. 5893

(LL) "Crosswalk" means: 5894

(1) That part of a roadway at intersections ordinarily 5895  
included within the real or projected prolongation of property 5896  
lines and curb lines or, in the absence of curbs, the edges of the 5897  
traversable roadway; 5898

(2) Any portion of a roadway at an intersection or elsewhere, 5899  
distinctly indicated for pedestrian crossing by lines or other 5900  
markings on the surface; 5901

(3) Notwithstanding divisions (LL)(1) and (2) of this 5902  
section, there shall not be a crosswalk where local authorities 5903  
have placed signs indicating no crossing. 5904

(MM) "Safety zone" means the area or space officially set 5905  
apart within a roadway for the exclusive use of pedestrians and 5906  
protected or marked or indicated by adequate signs as to be 5907

plainly visible at all times. 5908

(NN) "Business district" means the territory fronting upon a 5909  
street or highway, including the street or highway, between 5910  
successive intersections within municipal corporations where fifty 5911  
per cent or more of the frontage between such successive 5912  
intersections is occupied by buildings in use for business, or 5913  
within or outside municipal corporations where fifty per cent or 5914  
more of the frontage for a distance of three hundred feet or more 5915  
is occupied by buildings in use for business, and the character of 5916  
such territory is indicated by official traffic control devices. 5917

(OO) "Residence district" means the territory, not comprising 5918  
a business district, fronting on a street or highway, including 5919  
the street or highway, where, for a distance of three hundred feet 5920  
or more, the frontage is improved with residences or residences 5921  
and buildings in use for business. 5922

(PP) "Urban district" means the territory contiguous to and 5923  
including any street or highway which is built up with structures 5924  
devoted to business, industry, or dwelling houses situated at 5925  
intervals of less than one hundred feet for a distance of a 5926  
quarter of a mile or more, and the character of such territory is 5927  
indicated by official traffic control devices. 5928

(QQ) "Traffic control device" means a flagger, sign, signal, 5929  
marking, or other device used to regulate, warn, or guide traffic, 5930  
placed on, over, or adjacent to a street, highway, private road 5931  
open to public travel, pedestrian facility, or shared-use path by 5932  
authority of a public agency or official having jurisdiction, or, 5933  
in the case of a private road open to public travel, by authority 5934  
of the private owner or private official having jurisdiction. 5935

(RR) "Traffic control signal" means any highway traffic 5936  
signal by which traffic is alternately directed to stop and 5937  
permitted to proceed. 5938

(SS) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley"

by the legislative authority of the municipal corporation in which 5970  
such street or highway is located. 5971

(YY) "Freeway" means a divided multi-lane highway for through 5972  
traffic with all crossroads separated in grade and with full 5973  
control of access. 5974

(ZZ) "Expressway" means a divided arterial highway for 5975  
through traffic with full or partial control of access with an 5976  
excess of fifty per cent of all crossroads separated in grade. 5977

(AAA) "Thruway" means a through highway whose entire roadway 5978  
is reserved for through traffic and on which roadway parking is 5979  
prohibited. 5980

(BBB) "Stop intersection" means any intersection at one or 5981  
more entrances of which stop signs are erected. 5982

(CCC) "Arterial street" means any United States or state 5983  
numbered route, controlled access highway, or other major radial 5984  
or circumferential street or highway designated by local 5985  
authorities within their respective jurisdictions as part of a 5986  
major arterial system of streets or highways. 5987

(DDD) "Ridesharing arrangement" means the transportation of 5988  
persons in a motor vehicle where such transportation is incidental 5989  
to another purpose of a volunteer driver and includes ridesharing 5990  
arrangements known as carpools, vanpools, and buspools. 5991

(EEE) "Motorized wheelchair" means any self-propelled vehicle 5992  
designed for, and used by, a handicapped person and that is 5993  
incapable of a speed in excess of eight miles per hour. 5994

(FFF) "Child day-care center" and "type A family day-care 5995  
home" have the same meanings as in section 5104.01 of the Revised 5996  
Code. 5997

(GGG) "Multi-wheel agricultural tractor" means a type of 5998  
agricultural tractor that has two or more wheels or tires on each 5999

side of one axle at the rear of the tractor, is designed or used 6000  
for drawing other vehicles or wheeled machinery, has no provision 6001  
for carrying loads independently of the drawn vehicles or 6002  
machinery, and is used principally for agricultural purposes. 6003

(HHH) "Operate" means to cause or have caused movement of a 6004  
vehicle, streetcar, or trackless trolley. 6005

(III) "Predicate motor vehicle or traffic offense" means any 6006  
of the following: 6007

(1) A violation of section 4511.03, 4511.051, 4511.12, 6008  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 6009  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 6010  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 6011  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 6012  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 6013  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 6014  
4511.514, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 6015  
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 6016  
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 6017  
4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the 6018  
Revised Code; 6019

(2) A violation of division (A)(2) of section 4511.17, 6020  
divisions (A) to (D) of section 4511.51, or division (A) of 6021  
section 4511.74 of the Revised Code; 6022

(3) A violation of any provision of sections 4511.01 to 6023  
4511.76 of the Revised Code for which no penalty otherwise is 6024  
provided in the section that contains the provision violated; 6025

(4) A violation of section 4511.214 of the Revised Code; 6026

(5) A violation of a municipal ordinance that is 6027  
substantially similar to any section or provision set forth or 6028  
described in division (III)(1), (2), (3), or (4) of this section. 6029

(JJJ) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

(KKK) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode.

(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

(RRR) "Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(SSS) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(TTT) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(UUU) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty

miles per hour. 6092

(VVV) "Class 3 electric bicycle" means a bicycle that is 6093  
equipped with fully operable pedals and an electric motor of less 6094  
than seven hundred fifty watts that provides assistance only when 6095  
the rider is pedaling and ceases to provide assistance when the 6096  
bicycle reaches the speed of twenty-eight miles per hour. 6097

(WWW) "Low-speed electric scooter" means a device weighing 6098  
less than one hundred pounds that has handlebars, is propelled by 6099  
an electric motor or human power, and has an attainable speed on a 6100  
paved level surface of not more than twenty miles per hour when 6101  
propelled by the electric motor. 6102

**Sec. 4511.092.** As used in sections 4511.092 to 4511.0914 of 6103  
the Revised Code: 6104

(A) "Designated party" means the person whom the registered 6105  
owner of a motor vehicle, upon receipt of a ticket based upon 6106  
images recorded by a traffic law photo-monitoring device that 6107  
indicate a traffic law violation, identifies as the person who was 6108  
operating the vehicle of the registered owner at the time of the 6109  
violation. 6110

~~(B) "Hearing officer" means any person appointed by the 6111  
mayor, board of county commissioners, or board of township 6112  
trustees of a local authority, as applicable, to conduct 6113  
administrative hearings on violations recorded by traffic law 6114  
photo-monitoring devices, other than a person who is employed by a 6115  
law enforcement agency as defined in section 109.573 of the 6116  
Revised Code.~~ 6117

~~(C)~~ "Law enforcement officer" means a sheriff, deputy 6118  
sheriff, marshal, deputy marshal, police officer of a police 6119  
department of any municipal corporation, police constable of any 6120  
township, or police officer of a township or joint police 6121

district, who is employed on a permanent, full-time basis by the 6122  
law enforcement agency of a local authority that assigns such 6123  
person to the location of a traffic law photo-monitoring device. 6124

~~(D)~~(C) "Local authority" means a municipal corporation, 6125  
county, or township. 6126

~~(E)~~(D) "Motor vehicle leasing dealer" has the same meaning as 6127  
in section 4517.01 of the Revised Code. 6128

~~(F)~~(E) "Motor vehicle renting dealer" has the same meaning as 6129  
in section 4549.65 of the Revised Code. 6130

~~(G)~~(F) "Recorded images" means any of the following images 6131  
recorded by a traffic law photo-monitoring device that show, on at 6132  
least one image or on a portion of the videotape, the rear of a 6133  
motor vehicle and the letters and numerals on the rear license 6134  
plate of the vehicle: 6135

(1) Two or more photographs, microphotographs, electronic 6136  
images, or digital images; 6137

(2) Videotape. 6138

~~(H)~~(G) "Registered owner" means all of the following: 6139

(1) Any person or entity identified by the bureau of motor 6140  
vehicles or any other state motor vehicle registration bureau, 6141  
department, or office as the owner of a motor vehicle; 6142

(2) The lessee of a motor vehicle under a lease of six months 6143  
or longer; 6144

(3) The renter of a motor vehicle pursuant to a written 6145  
rental agreement with a motor vehicle renting dealer. 6146

~~(I)~~(H) "System location" means the approach to an 6147  
intersection or area of roadway toward which a traffic law 6148  
photo-monitoring device is directed and is in operation. 6149

~~(J)~~(I) "Ticket" means any traffic ticket, citation, summons, 6150

or other ticket issued in response to an alleged traffic law 6151  
violation detected by a traffic law photo-monitoring device, that 6152  
represents a civil violation. 6153

~~(K)~~(J) "Traffic law photo-monitoring device" means an 6154  
electronic system consisting of a photographic, video, or 6155  
electronic camera and a means of sensing the presence of a motor 6156  
vehicle that automatically produces recorded images. 6157

~~(L)~~(K) "Traffic law violation" means either of the following: 6158

(1) A violation of section 4511.12 of the Revised Code based 6159  
on the failure to comply with section 4511.13 of the Revised Code 6160  
or a substantially equivalent municipal ordinance that occurs at 6161  
an intersection due to failure to obey a traffic control signal; 6162

(2) A violation of section 4511.21 or 4511.211 of the Revised 6163  
Code or a substantially equivalent municipal ordinance due to 6164  
failure to observe the applicable speed limit. 6165

**Sec. 4511.093.** (A) A local authority may utilize a traffic 6166  
law photo-monitoring device for the purpose of detecting traffic 6167  
law violations. If the local authority is a county or township, 6168  
the board of county commissioners or the board of township 6169  
trustees may adopt such resolutions as may be necessary to enable 6170  
the county or township to utilize traffic law photo-monitoring 6171  
devices. 6172

(B) The use of a traffic law photo-monitoring device is 6173  
subject to the following conditions: 6174

(1) A local authority shall use a traffic law 6175  
photo-monitoring device to detect and enforce traffic law 6176  
violations only if a law enforcement officer is present at the 6177  
location of the device at all times during the operation of the 6178  
device and if the local authority complies with sections 4511.094 6179  
and 4511.095 of the Revised Code. 6180

(2) A law enforcement officer who is present at the location 6181  
of any traffic law photo-monitoring device and who personally 6182  
witnesses a traffic law violation may issue a ticket for the 6183  
violation. Such a ticket shall be issued in accordance with 6184  
section ~~2935.25~~ 2935.26 of the Revised Code and is not subject to 6185  
sections 4511.096 to 4511.0910 and section 4511.912 of the Revised 6186  
Code. 6187

(3) If a traffic law photo-monitoring device records a 6188  
traffic law violation and the law enforcement officer who was 6189  
present at the location of the traffic law photo-monitoring device 6190  
does not issue a ticket as provided under division (B)(2) of this 6191  
section, the local authority may only issue a ticket in accordance 6192  
with sections 4511.096 to 4511.0912 of the Revised Code. 6193

(C) No township constable appointed under section 509.01 of 6194  
the Revised Code, member of a police force of a township or joint 6195  
police district created under section 505.48 or 505.482 of the 6196  
Revised Code, or other representative of a township shall utilize 6197  
a traffic law photo-monitoring device to detect and enforce 6198  
traffic law violations on an interstate highway. 6199

**Sec. 4511.096.** (A) A law enforcement officer employed by a 6200  
local authority utilizing a traffic law photo-monitoring device 6201  
shall examine evidence of alleged traffic law violations recorded 6202  
by the device to determine whether such a violation has occurred. 6203  
If the image recorded by the traffic law photo-monitoring device 6204  
shows such a violation, contains the date and time of the 6205  
violation, and shows the letter and numerals on the license plate 6206  
of the vehicle involved as well as the state that issued the 6207  
license plate, the officer may use any lawful means to identify 6208  
the registered owner. 6209

(B) The fact that a person or entity is the registered owner 6210  
of a motor vehicle is prima facie evidence that that person or 6211

entity is the person who was operating the vehicle at the time of 6212  
the traffic law violation. 6213

(C) Within thirty days of the traffic law violation, the 6214  
local authority or its designee may issue and send by regular mail 6215  
a ticket charging the registered owner with the violation. The 6216  
ticket shall comply with section 4511.097 of the Revised Code. If 6217  
the local authority mails a ticket charging the registered owner 6218  
with the violation, the local authority shall file a certified 6219  
copy of the ticket with the municipal court or county court with 6220  
jurisdiction over the civil action. 6221

(D) A certified copy of the ticket alleging a traffic law 6222  
violation, sworn to or affirmed by a law enforcement officer 6223  
employed by the local authority, including by electronic means, 6224  
and the recorded images produced by the traffic law 6225  
photo-monitoring device, is prima facie evidence of the facts 6226  
contained therein and is admissible in a civil action or 6227  
proceeding ~~for review of~~ concerning the ticket issued under this 6228  
section. 6229

**Sec. 4511.097.** (A) A traffic law violation for which a ticket 6230  
is issued by a local authority ~~pursuant to division (B)(3) of~~ 6231  
~~section 4511.093 of the Revised Code~~ based on evidence recorded by 6232  
a traffic law photo-monitoring device is a civil violation. If a 6233  
local authority issues a ticket for such a violation, the ticket 6234  
shall comply with the requirements of this section and the fine 6235  
for such a ticket shall not exceed the amount of the fine that may 6236  
be imposed for a substantially equivalent criminal traffic law 6237  
violation. 6238

(B) A local authority or its designee shall process such a 6239  
ticket for a civil violation and shall send the ticket by ordinary 6240  
mail to any registered owner of the motor vehicle that is the 6241  
subject of the traffic law violation. The local authority or 6242

designee shall ensure that the ticket contains all of the 6243  
following: 6244

- (1) The name and address of the registered owner; 6245
- (2) The letters and numerals appearing on the license plate 6246  
issued to the motor vehicle; 6247
- (3) The traffic law violation charged; 6248
- (4) The system location; 6249
- (5) The date and time of the violation; 6250
- (6) A copy of the recorded images; 6251
- (7) The name and badge number of the law enforcement officer 6252  
who was present at the system location at the time of the 6253  
violation, if applicable; 6254
- (8) The amount of the civil penalty imposed, the date by 6255  
which the civil penalty is required to be paid, and the address of 6256  
the municipal court or county court with jurisdiction over the 6257  
civil action to which the payment is to be sent; 6258
- (9) A statement signed by a law enforcement officer employed 6259  
by the local authority indicating that, based on an inspection of 6260  
recorded images, the motor vehicle was involved in a traffic law 6261  
violation, and a statement indicating that the recorded images are 6262  
prima facie evidence of that traffic law violation both of which 6263  
may be signed electronically; 6264
- (10) Information advising the person or entity alleged to be 6265  
liable of the options prescribed in section 4511.098 of the 6266  
Revised Code, specifically to include the time, place, and manner 6267  
in which ~~an administrative appeal may be initiated~~ the person or 6268  
entity may appear in court to contest the violation and ticket and 6269  
the procedure for disclaiming liability by submitting an affidavit 6270  
to the municipal court or county court as prescribed in that 6271  
section; 6272

(11) A warning that failure to exercise one of the options 6273  
prescribed in section 4511.098 of the Revised Code is deemed to be 6274  
an admission of liability and waiver of the opportunity to contest 6275  
the violation. 6276

(C) A local authority or its designee shall send a ticket not 6277  
later than thirty days after the date of the alleged traffic law 6278  
violation. 6279

(D) The local authority or its designee may elect to send by 6280  
ordinary mail a warning notice in lieu of a ticket under this 6281  
section. 6282

**Sec. 4511.098.** (A) A person or entity who receives a ticket 6283  
for a civil violation sent in compliance with section 4511.097 of 6284  
the Revised Code shall elect to do one of the following: 6285

(1) In accordance with instructions on the ticket, pay the 6286  
civil penalty, thereby ~~failing to contest~~ admitting liability and 6287  
waiving the opportunity to contest the violation; 6288

(2)(a) Within thirty days after receipt of the ticket, 6289  
provide the ~~law enforcement agency of the local authority~~ 6290  
municipal court or county court with jurisdiction over the civil 6291  
action with either of the following affidavits: 6292

(i) An affidavit executed by the registered owner stating 6293  
that another person was operating the vehicle of the registered 6294  
owner at the time of the violation, identifying that person as a 6295  
designated party who may be held liable for the violation, and 6296  
containing at a minimum the name and address of the designated 6297  
party; 6298

(ii) An affidavit executed by the registered owner stating 6299  
that at the time of the violation, the motor vehicle or the 6300  
license plates issued to the motor vehicle were stolen and 6301  
therefore were in the care, custody, or control of some person or 6302

entity to whom the registered owner did not grant permission to 6303  
use the motor vehicle. In order to demonstrate that the motor 6304  
vehicle or the license plates were stolen prior to the traffic law 6305  
violation and therefore were not under the control or possession 6306  
of the registered owner at the time of the violation, the 6307  
registered owner shall submit proof that a report about the stolen 6308  
motor vehicle or license plates was filed with the appropriate law 6309  
enforcement agency prior to the violation or within forty-eight 6310  
hours after the violation occurred. 6311

(b) A registered owner is not responsible for a traffic law 6312  
violation if, within thirty days after the date of mailing of the 6313  
ticket, the registered owner furnishes an affidavit specified in 6314  
division (A)(2)(a)(i) or (ii) of this section to the ~~local~~ 6315  
~~authority~~ court with jurisdiction in a form established by the 6316  
~~local authority~~ court and the following conditions are met: 6317

(i) If the registered owner submits an affidavit as specified 6318  
in division (A)(2)(a)(i) of this section, the designated party 6319  
either accepts liability for the violation by paying the civil 6320  
penalty or by failing to request an administrative a court hearing 6321  
within thirty days or is determined liable in ~~an administrative a~~ 6322  
court hearing; 6323

(ii) If the registered owner submits an affidavit as 6324  
specified in division (A)(2)(a)(ii) of this section, the affidavit 6325  
is supported by a stolen vehicle or stolen license plate report as 6326  
required in that division. 6327

(3) If the registered owner is a motor vehicle leasing dealer 6328  
or a motor vehicle renting dealer, notify the ~~law enforcement~~ 6329  
~~agency of the local authority~~ court with jurisdiction of the name 6330  
and address of the lessee or renter of the motor vehicle at the 6331  
time of the traffic law violation. The court shall establish the 6332  
form of the notice. A motor vehicle leasing dealer or motor 6333  
vehicle renting dealer who receives a ticket for an alleged 6334

traffic law violation detected by a traffic law photo-monitoring 6335  
device is not liable for a ticket issued for a motor vehicle that 6336  
was in the care, custody, or control of a lessee or renter at the 6337  
time of the alleged violation. The dealer shall not pay such a 6338  
ticket and subsequently attempt to collect a fee or assess the 6339  
lessee or renter a charge for any payment of such a ticket made on 6340  
behalf of the lessee or renter. 6341

(4) If the vehicle involved in the traffic law violation is a 6342  
commercial motor vehicle and the ticket is issued to a corporate 6343  
entity, provide to the ~~law enforcement agency of the local~~ 6344  
~~authority~~ court with jurisdiction an affidavit in a form 6345  
established by the court, sworn to or affirmed by an agent of the 6346  
corporate entity, that provides the name and address of the 6347  
employee who was operating the motor vehicle at the time of the 6348  
alleged violation and who is the designated party. 6349

(5) Contest the ticket by filing a written request for ~~an~~ 6350  
~~administrative~~ a court hearing to review the ticket in a form 6351  
established by the court. The person or entity shall file the 6352  
written request not later than thirty days after receipt of the 6353  
ticket. The failure to request a hearing within this time period 6354  
constitutes a waiver of the right to contest the violation and 6355  
ticket, and is deemed to constitute an admission of liability and 6356  
waiver of the opportunity to contest the violation. 6357

(B) A ~~local authority~~ court with jurisdiction that receives 6358  
an affidavit described in division (A)(2)(a)(i) or (A)(4) of this 6359  
section or a notification under division (A)(3) of this section 6360  
from a registered owner may proceed to notify the local authority 6361  
to send a ticket that conforms with division (B) of section 6362  
4511.097 of the Revised Code to the designated party. The local 6363  
authority shall send the ticket to the designated party by 6364  
ordinary mail not later than twenty-one days after receipt of the 6365  
~~affidavit or~~ notification. 6366

Sec. 4511.099. (A) Subject to division (B) of this section 6367  
and notwithstanding any other provision in the Revised Code to the 6368  
contrary, when a certified copy of a ticket issued by a local 6369  
authority based on evidence recorded by a traffic law 6370  
photo-monitoring device is filed with the municipal court or 6371  
county court with jurisdiction over the civil action, the court 6372  
shall require the local authority to provide an advance deposit 6373  
for the filing of the civil action. The advance deposit shall 6374  
consist of all applicable court costs and fees for the civil 6375  
action. The court shall retain the advance deposit regardless of 6376  
which party prevails in the civil action and shall not charge to 6377  
the registered owner or designated party any court costs and fees 6378  
for the civil action. 6379

(B) Division (A) of this section does not apply to any civil 6380  
action related to a ticket issued by a local authority based on 6381  
evidence recorded by a traffic law photo-monitoring device when 6382  
the traffic law photo-monitoring device was located in a school 6383  
zone. The court shall charge the applicable court costs and fees 6384  
for such a civil action to the party that does not prevail in the 6385  
action. 6386

As used in this division, "school zone" has the same meaning 6387  
as in section 4511.21 of the Revised Code. 6388

**Sec. 4511.0910.** A traffic law violation for which a civil 6389  
penalty is imposed under sections 4511.097 ~~to 4511.099~~ and 6390  
4511.098 of the Revised Code is not a moving violation and points 6391  
shall not be assessed against a person's driver's license under 6392  
section 4510.036 of the Revised Code. In no case shall such a 6393  
violation be reported to the bureau of motor vehicles or motor 6394  
vehicle registration bureau, department, or office of any other 6395  
state, nor shall such a violation be recorded on the driving 6396  
record of the owner or operator of the vehicle involved in the 6397

violation. 6398

**Sec. 4511.204.** (A) No person shall drive a motor vehicle, 6399  
trackless trolley, or streetcar on any street, highway, or 6400  
property open to the public for vehicular traffic while using a 6401  
handheld electronic wireless communications device to write, send, 6402  
or read a text-based communication. 6403

(B) Division (A) of this section does not apply to any of the 6404  
following: 6405

(1) A person using a handheld electronic wireless 6406  
communications device in that manner for emergency purposes, 6407  
including an emergency contact with a law enforcement agency, 6408  
hospital or health care provider, fire department, or other 6409  
similar emergency agency or entity; 6410

(2) A person driving a public safety vehicle who uses a 6411  
handheld electronic wireless communications device in that manner 6412  
in the course of the person's duties; 6413

(3) A person using a handheld electronic wireless 6414  
communications device in that manner whose motor vehicle is in a 6415  
stationary position and who is outside a lane of travel; 6416

(4) A person reading, selecting, or entering a name or 6417  
telephone number in a handheld electronic wireless communications 6418  
device for the purpose of making or receiving a telephone call; 6419

(5) A person receiving wireless messages on a device 6420  
regarding the operation or navigation of a motor vehicle; 6421  
safety-related information, including emergency, traffic, or 6422  
weather alerts; or data used primarily by the motor vehicle; 6423

(6) A person receiving wireless messages via radio waves; 6424

(7) A person using a device for navigation purposes; 6425

(8) A person conducting wireless interpersonal communication 6426

with a device that does not require manually entering letters, 6427  
numbers, or symbols or reading text messages, except to activate, 6428  
deactivate, or initiate the device or a feature or function of the 6429  
device; 6430

(9) A person operating a commercial truck while using a 6431  
mobile data terminal that transmits and receives data; 6432

(10) A person using a handheld electronic wireless 6433  
communications device in conjunction with a voice-operated or 6434  
hands-free device feature or function of the vehicle. 6435

(C)(1) Notwithstanding any provision of law to the contrary, 6436  
no law enforcement officer shall cause an operator of an 6437  
automobile being operated on any street or highway to stop the 6438  
automobile for the sole purpose of determining whether a violation 6439  
of division (A) of this section has been or is being committed or 6440  
for the sole purpose of issuing a ticket, citation, or summons for 6441  
a violation of that nature or causing the arrest of or commencing 6442  
a prosecution of a person for a violation of that nature, and no 6443  
law enforcement officer shall view the interior or visually 6444  
inspect any automobile being operated on any street or highway for 6445  
the sole purpose of determining whether a violation of that nature 6446  
has been or is being committed. 6447

(2) On January 31 of each year, the department of public 6448  
safety shall issue a report to the general assembly that specifies 6449  
the number of citations issued for violations of this section 6450  
during the previous calendar year. 6451

(D) Whoever violates division (A) of this section is guilty 6452  
of a minor misdemeanor. 6453

(E) This section shall not be construed as invalidating, 6454  
preempting, or superseding a substantially equivalent municipal 6455  
ordinance that prescribes penalties for violations of that 6456  
ordinance that are greater than the penalties prescribed in this 6457

section for violations of this section. 6458

(F) A prosecution for a an offense in violation of this 6459  
section does not preclude a prosecution for a an offense in 6460  
violation of a substantially equivalent municipal ordinance based 6461  
on the same conduct. However, ~~if an offender is convicted of or~~ 6462  
~~pleads guilty to a violation of this section and is also convicted~~ 6463  
~~of or pleads guilty to a violation of a substantially equivalent~~ 6464  
~~municipal ordinance based on the same conduct~~, the two offenses 6465  
are allied offenses of similar import under section 2941.25 of the 6466  
Revised Code. 6467

(G) As used in this section: 6468

(1) "Electronic wireless communications device" includes any 6469  
of the following: 6470

(a) A wireless telephone; 6471

(b) A text-messaging device; 6472

(c) A personal digital assistant; 6473

(d) A computer, including a laptop computer and a computer 6474  
tablet; 6475

(e) Any other substantially similar wireless device that is 6476  
designed or used to communicate text. 6477

(2) "Voice-operated or hands-free device" means a device that 6478  
allows the user to vocally compose or send, or to listen to a 6479  
text-based communication without the use of either hand except to 6480  
activate or deactivate a feature or function. 6481

(3) "Write, send, or read a text-based communication" means 6482  
to manually write or send, or read a text-based communication 6483  
using an electronic wireless communications device, including 6484  
manually writing or sending, or reading communications referred to 6485  
as text messages, instant messages, or electronic mail. 6486

Sec. 4511.205. (A) No holder of a temporary instruction 6487  
permit who has not attained the age of eighteen years and no 6488  
holder of a probationary driver's license shall drive a motor 6489  
vehicle on any street, highway, or property used by the public for 6490  
purposes of vehicular traffic or parking while using in any manner 6491  
an electronic wireless communications device. 6492

(B) Division (A) of this section does not apply to either of 6493  
the following: 6494

(1) A person using an electronic wireless communications 6495  
device for emergency purposes, including an emergency contact with 6496  
a law enforcement agency, hospital or health care provider, fire 6497  
department, or other similar emergency agency or entity; 6498

(2) A person using an electronic wireless communications 6499  
device whose motor vehicle is in a stationary position and the 6500  
motor vehicle is outside a lane of travel; 6501

(3) A person using a navigation device in a voice-operated or 6502  
hands-free manner who does not manipulate the device while 6503  
driving. 6504

(C)(1) Except as provided in division (C)(2) of this section, 6505  
whoever violates division (A) of this section shall be fined one 6506  
hundred fifty dollars. In addition, the court shall impose a class 6507  
seven suspension of the offender's driver's license or permit for 6508  
a definite period of sixty days. 6509

(2) If the person previously has been adjudicated a 6510  
delinquent child or a juvenile traffic offender for a violation of 6511  
this section, whoever violates this section shall be fined three 6512  
hundred dollars. In addition, the court shall impose a class seven 6513  
suspension of the person's driver's license or permit for a 6514  
definite period of one year. 6515

(D) The filing of a sworn complaint against a person for a 6516

juvenile offense in violation of this section does not preclude 6517  
the filing of a sworn complaint for a juvenile offense in 6518  
violation of a substantially equivalent municipal ordinance for 6519  
the same conduct. However, ~~if a person is adjudicated a delinquent~~ 6520  
~~child or a juvenile traffic offender for a violation of this~~ 6521  
~~section and is also adjudicated a delinquent child or a juvenile~~ 6522  
~~traffic offender for a violation of a substantially equivalent~~ 6523  
~~municipal ordinance for the same conduct,~~ the two offenses are 6524  
allied offenses of similar import under section 2941.25 of the 6525  
Revised Code. 6526

(E) As used in this section, "electronic wireless 6527  
communications device" includes any of the following: 6528

(1) A wireless telephone; 6529

(2) A personal digital assistant; 6530

(3) A computer, including a laptop computer and a computer 6531  
tablet; 6532

(4) A text-messaging device; 6533

(5) Any other substantially similar electronic wireless 6534  
device that is designed or used to communicate via voice, image, 6535  
or written word. 6536

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 6537  
trackless trolley, or streetcar at a speed greater or less than is 6538  
reasonable or proper, having due regard to the traffic, surface, 6539  
and width of the street or highway and any other conditions, and 6540  
no person shall drive any motor vehicle, trackless trolley, or 6541  
streetcar in and upon any street or highway at a greater speed 6542  
than will permit the person to bring it to a stop within the 6543  
assured clear distance ahead. 6544

(B) It is prima-facie lawful, in the absence of a lower limit 6545  
declared or established pursuant to this section by the director 6546

of transportation or local authorities, for the operator of a 6547  
motor vehicle, trackless trolley, or streetcar to operate the same 6548  
at a speed not exceeding the following: 6549

(1)(a) Twenty miles per hour in school zones during school 6550  
recess and while children are going to or leaving school during 6551  
the opening or closing hours, and when twenty miles per hour 6552  
school speed limit signs are erected; except that, on 6553  
controlled-access highways and expressways, if the right-of-way 6554  
line fence has been erected without pedestrian opening, the speed 6555  
shall be governed by division (B)(4) of this section and on 6556  
freeways, if the right-of-way line fence has been erected without 6557  
pedestrian opening, the speed shall be governed by divisions 6558  
(B)(10) and (11) of this section. The end of every school zone may 6559  
be marked by a sign indicating the end of the zone. Nothing in 6560  
this section or in the manual and specifications for a uniform 6561  
system of traffic control devices shall be construed to require 6562  
school zones to be indicated by signs equipped with flashing or 6563  
other lights, or giving other special notice of the hours in which 6564  
the school zone speed limit is in effect. 6565

(b) As used in this section and in section 4511.212 of the 6566  
Revised Code, "school" means any school chartered under section 6567  
3301.16 of the Revised Code and any nonchartered school that 6568  
during the preceding year filed with the department of education 6569  
in compliance with rule 3301-35-08 of the Ohio Administrative 6570  
Code, a copy of the school's report for the parents of the 6571  
school's pupils certifying that the school meets Ohio minimum 6572  
standards for nonchartered, nontax-supported schools and presents 6573  
evidence of this filing to the jurisdiction from which it is 6574  
requesting the establishment of a school zone. "School" also 6575  
includes a special elementary school that in writing requests the 6576  
county engineer of the county in which the special elementary 6577  
school is located to create a school zone at the location of that 6578

school. Upon receipt of such a written request, the county 6579  
engineer shall create a school zone at that location by erecting 6580  
the appropriate signs. 6581

(c) As used in this section, "school zone" means that portion 6582  
of a street or highway passing a school fronting upon the street 6583  
or highway that is encompassed by projecting the school property 6584  
lines to the fronting street or highway, and also includes that 6585  
portion of a state highway. Upon request from local authorities 6586  
for streets and highways under their jurisdiction and that portion 6587  
of a state highway under the jurisdiction of the director of 6588  
transportation or a request from a county engineer in the case of 6589  
a school zone for a special elementary school, the director may 6590  
extend the traditional school zone boundaries. The distances in 6591  
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 6592  
exceed three hundred feet per approach per direction and are 6593  
bounded by whichever of the following distances or combinations 6594  
thereof the director approves as most appropriate: 6595

(i) The distance encompassed by projecting the school 6596  
building lines normal to the fronting highway and extending a 6597  
distance of three hundred feet on each approach direction; 6598

(ii) The distance encompassed by projecting the school 6599  
property lines intersecting the fronting highway and extending a 6600  
distance of three hundred feet on each approach direction; 6601

(iii) The distance encompassed by the special marking of the 6602  
pavement for a principal school pupil crosswalk plus a distance of 6603  
three hundred feet on each approach direction of the highway. 6604

Nothing in this section shall be construed to invalidate the 6605  
director's initial action on August 9, 1976, establishing all 6606  
school zones at the traditional school zone boundaries defined by 6607  
projecting school property lines, except when those boundaries are 6608  
extended as provided in divisions (B)(1)(a) and (c) of this 6609

section. 6610

(d) As used in this division, "crosswalk" has the meaning 6611  
given that term in division (LL)(2) of section 4511.01 of the 6612  
Revised Code. 6613

The director may, upon request by resolution of the 6614  
legislative authority of a municipal corporation, the board of 6615  
trustees of a township, or a county board of developmental 6616  
disabilities created pursuant to Chapter 5126. of the Revised 6617  
Code, and upon submission by the municipal corporation, township, 6618  
or county board of such engineering, traffic, and other 6619  
information as the director considers necessary, designate a 6620  
school zone on any portion of a state route lying within the 6621  
municipal corporation, lying within the unincorporated territory 6622  
of the township, or lying adjacent to the property of a school 6623  
that is operated by such county board, that includes a crosswalk 6624  
customarily used by children going to or leaving a school during 6625  
recess and opening and closing hours, whenever the distance, as 6626  
measured in a straight line, from the school property line nearest 6627  
the crosswalk to the nearest point of the crosswalk is no more 6628  
than one thousand three hundred twenty feet. Such a school zone 6629  
shall include the distance encompassed by the crosswalk and 6630  
extending three hundred feet on each approach direction of the 6631  
state route. 6632

(e) As used in this section, "special elementary school" 6633  
means a school that meets all of the following criteria: 6634

(i) It is not chartered and does not receive tax revenue from 6635  
any source. 6636

(ii) It does not educate children beyond the eighth grade. 6637

(iii) It is located outside the limits of a municipal 6638  
corporation. 6639

(iv) A majority of the total number of students enrolled at 6640

the school are not related by blood. 6641

(v) The principal or other person in charge of the special 6642  
elementary school annually sends a report to the superintendent of 6643  
the school district in which the special elementary school is 6644  
located indicating the total number of students enrolled at the 6645  
school, but otherwise the principal or other person in charge does 6646  
not report any other information or data to the superintendent. 6647

(2) Twenty-five miles per hour in all other portions of a 6648  
municipal corporation, except on state routes outside business 6649  
districts, through highways outside business districts, and 6650  
alleys; 6651

(3) Thirty-five miles per hour on all state routes or through 6652  
highways within municipal corporations outside business districts, 6653  
except as provided in divisions (B)(4) and (6) of this section; 6654

(4) Fifty miles per hour on controlled-access highways and 6655  
expressways within municipal corporations, except as provided in 6656  
divisions (B)(12), (13), (14), (15), and (16) of this section; 6657

(5) Fifty-five miles per hour on highways outside municipal 6658  
corporations, other than highways within island jurisdictions as 6659  
provided in division (B)(8) of this section, highways as provided 6660  
in divisions (B)(9) and (10) of this section, and highways, 6661  
expressways, and freeways as provided in divisions (B)(12), (13), 6662  
(14), ~~(15)~~, and ~~(17)~~(16) of this section; 6663

(6) Fifty miles per hour on state routes within municipal 6664  
corporations outside urban districts unless a lower prima-facie 6665  
speed is established as further provided in this section; 6666

(7) Fifteen miles per hour on all alleys within the municipal 6667  
corporation; 6668

(8) Thirty-five miles per hour on highways outside municipal 6669  
corporations that are within an island jurisdiction; 6670

(9) Thirty-five miles per hour on through highways, except 6671  
state routes, that are outside municipal corporations and that are 6672  
within a national park with boundaries extending through two or 6673  
more counties; 6674

(10) Sixty miles per hour on two-lane state routes outside 6675  
municipal corporations as established by the director under 6676  
division (H)(2) of this section; 6677

(11) Fifty-five miles per hour ~~at all times~~ on freeways with 6678  
paved shoulders inside municipal corporations, other than freeways 6679  
as provided in divisions (B)~~(15)~~(14) and ~~(17)~~(16) of this section; 6680

~~(12) Fifty-five miles per hour at all times on freeways 6681  
outside municipal corporations, other than freeways as provided in 6682  
divisions (B)(15) and (17) of this section;~~ 6683

~~(13) Sixty miles per hour for operators of any motor vehicle 6684  
at all times on rural expressways with traffic control signals and 6685  
on all portions of rural divided highways, except as provided in 6686  
divisions (B)(13) and (14) of this section;~~ 6687

~~(14)(13) Sixty-five miles per hour for operators of any motor 6688  
vehicle at all times on all rural expressways without traffic 6689  
control signals;~~ 6690

~~(15)(14) Seventy miles per hour for operators of any motor 6691  
vehicle at all times on all rural freeways;~~ 6692

~~(16)(15) Fifty-five miles per hour for operators of any motor 6693  
vehicle at all times on all portions of freeways or expressways in 6694  
congested areas as determined by the director and that are part of 6695  
the interstate system and that are located within a municipal 6696  
corporation or within an interstate freeway outerbelt, except as 6697  
provided in division (B)(16) of this section;~~ 6698

~~(17)(16) Sixty-five miles per hour for operators of any motor 6699  
vehicle at all times on all portions of freeways or expressways 6700~~

~~without traffic control signals in urban urbanized areas as~~ 6701  
~~determined by the director and that are part of the interstate~~ 6702  
~~system and are part of an interstate freeway outerbelt.~~ 6703

(C) It is prima-facie unlawful for any person to exceed any 6704  
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 6705  
(6), (7), (8), and (9) of this section, or any declared or 6706  
established pursuant to this section by the director or local 6707  
authorities and it is unlawful for any person to exceed any of the 6708  
speed limitations in division (D) of this section. No person shall 6709  
be convicted of more than one violation of this section for the 6710  
same conduct, although violations of more than one provision of 6711  
this section may be charged in the alternative in a single 6712  
affidavit. 6713

(D) No person shall operate a motor vehicle, trackless 6714  
trolley, or streetcar upon a street or highway as follows: 6715

(1) At a speed exceeding fifty-five miles per hour, except 6716  
upon a two-lane state route as provided in division (B)(10) of 6717  
this section and upon a highway, expressway, or freeway as 6718  
provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)~~(16) of 6719  
this section; 6720

(2) At a speed exceeding sixty miles per hour upon a two-lane 6721  
state route as provided in division (B)(10) of this section and 6722  
upon a highway as provided in division (B)~~(13)~~(12) of this 6723  
section; 6724

(3) At a speed exceeding sixty-five miles per hour upon an 6725  
expressway as provided in division (B)~~(14)~~(13) or upon a freeway 6726  
as provided in division (B)~~(17)~~(16) of this section, except upon a 6727  
freeway as provided in division (B)~~(15)~~(14) of this section; 6728

(4) At a speed exceeding seventy miles per hour upon a 6729  
freeway as provided in division (B)~~(15)~~(14) of this section; 6730

(5) At a speed exceeding the posted speed limit upon a 6731

highway, expressway, or freeway for which the director has 6732  
determined and declared a speed limit pursuant to division (I)(2) 6733  
or (L)(2) of this section. 6734

(E) In every charge of violation of this section the 6735  
affidavit and warrant shall specify the time, place, and speed at 6736  
which the defendant is alleged to have driven, and in charges made 6737  
in reliance upon division (C) of this section also the speed which 6738  
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 6739  
limit declared or established pursuant to, this section declares 6740  
is prima-facie lawful at the time and place of such alleged 6741  
violation, except that in affidavits where a person is alleged to 6742  
have driven at a greater speed than will permit the person to 6743  
bring the vehicle to a stop within the assured clear distance 6744  
ahead the affidavit and warrant need not specify the speed at 6745  
which the defendant is alleged to have driven. 6746

(F) When a speed in excess of both a prima-facie limitation 6747  
and a limitation in division (D) of this section is alleged, the 6748  
defendant shall be charged in a single affidavit, alleging a 6749  
single act, with a violation indicated of both division (B)(1)(a), 6750  
(2), (3), (4), (6), (7), (8), or (9) of this section, or of a 6751  
limit declared or established pursuant to this section by the 6752  
director or local authorities, and of the limitation in division 6753  
(D) of this section. If the court finds a violation of division 6754  
(B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit 6755  
declared or established pursuant to, this section has occurred, it 6756  
shall enter a judgment of conviction under such division and 6757  
dismiss the charge under division (D) of this section. If it finds 6758  
no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 6759  
or (9) of, or a limit declared or established pursuant to, this 6760  
section, it shall then consider whether the evidence supports a 6761  
conviction under division (D) of this section. 6762

(G) Points shall be assessed for violation of a limitation 6763

under division (D) of this section in accordance with section 6764  
4510.036 of the Revised Code. 6765

(H)(1) Whenever the director determines upon the basis of a 6766  
~~geometric and traffic characteristic~~ criteria established by an 6767  
engineering study, as defined by the director, that any speed 6768  
limit set forth in divisions (B)(1)(a) to (D) of this section is 6769  
greater or less than is reasonable or safe under the conditions 6770  
found to exist at any portion of a street or highway under the 6771  
jurisdiction of the director, the director shall determine and 6772  
declare a reasonable and safe prima-facie speed limit or variable 6773  
speed limit for the location, which shall be effective when 6774  
appropriate signs giving notice of it are erected at the location. 6775

(2) Whenever the director determines upon the basis of a 6776  
~~geometric and traffic characteristic~~ criteria established by an 6777  
engineering study, as defined by the director, that the speed 6778  
limit of fifty-five miles per hour on a two-lane state route 6779  
outside a municipal corporation is less than is reasonable or safe 6780  
under the conditions found to exist at that portion of the state 6781  
route, the director may determine and declare a speed limit of 6782  
sixty miles per hour for that portion of the state route, which 6783  
shall be effective when appropriate signs giving notice of it are 6784  
erected at the location. 6785

(3)(a) For purposes of the safe and orderly movement of 6786  
traffic upon any portion of a street or highway under the 6787  
jurisdiction of the director, the director may establish a 6788  
variable speed limit that is different than the speed limit 6789  
established by or under this section on all or portions of 6790  
interstate six hundred seventy, interstate two hundred 6791  
seventy-five, and interstate ninety commencing at the intersection 6792  
of that interstate with interstate seventy-one and continuing to 6793  
the border of the state of Ohio with the state of Pennsylvania. 6794  
The director shall establish criteria for determining the 6795

appropriate use of variable speed limits and shall establish 6796  
variable speed limits in accordance with the criteria. The 6797  
director may establish variable speed limits based upon the time 6798  
of day, weather conditions, traffic incidents, or other factors 6799  
that affect the safe speed on a street or highway. The director 6800  
shall not establish a variable speed limit that is based on a 6801  
particular type or class of vehicle. A variable speed limit 6802  
established by the director under this section is effective when 6803  
appropriate signs giving notice of the speed limit are displayed 6804  
at the location. 6805

(b) Except for variable speed limits established under 6806  
division (H)(3)(a) of this section, the director shall establish a 6807  
variable speed limit under the authority granted to the director 6808  
by this section only pursuant to criteria established in rules 6809  
adopted in accordance with Chapter 119. of the Revised Code. The 6810  
rules shall be based on the criteria described in division 6811  
(H)(3)(a) of this section. The rules also shall establish the 6812  
parameters of any engineering study necessary for determining when 6813  
variable speed limits are appropriate. 6814

(4) Nothing in this section shall be construed to limit the 6815  
authority of the director to establish speed limits within a 6816  
construction zone as authorized under section 4511.98 of the 6817  
Revised Code. 6818

(I)(1) Except as provided in divisions (I)(2) ~~and, (J), (K),~~ 6819  
~~and (N)~~ of this section, whenever local authorities determine upon 6820  
the basis of criteria established by an engineering ~~and traffic~~ 6821  
investigation study, as defined by the director, that the speed 6822  
permitted by divisions (B)(1)(a) to (D) of this section, on any 6823  
part of a highway under their jurisdiction, is greater than is 6824  
reasonable and safe under the conditions found to exist at such 6825  
location, the local authorities may by resolution request the 6826  
director to determine and declare a reasonable and safe 6827

prima-facie speed limit or variable speed limit for the location. 6828  
Upon receipt of such request the director may determine and 6829  
declare a reasonable and safe prima-facie speed limit or variable 6830  
speed limit at such location, and if the director does so, then 6831  
such declared speed limit shall become effective only when 6832  
appropriate signs giving notice thereof are erected at such 6833  
location by the local authorities. The director may withdraw the 6834  
declaration of a prima-facie speed limit or variable speed limit 6835  
whenever in the director's opinion the altered prima-facie speed 6836  
limit or variable speed limit becomes unreasonable. Upon such 6837  
withdrawal, the declared prima-facie speed limit or variable speed 6838  
limit shall become ineffective and the signs relating thereto 6839  
shall be immediately removed by the local authorities. 6840

(2) A local authority may determine on the basis of a 6841  
~~geometric and traffic characteristic~~ criteria established by an 6842  
engineering study, as defined by the director, that the speed 6843  
limit of sixty-five or seventy miles per hour on a portion of a 6844  
freeway under its jurisdiction ~~that was established through the~~ 6845  
~~operation of division (L)(3) of this section~~ is greater than is 6846  
reasonable or safe under the conditions found to exist at that 6847  
portion of the freeway. If the local authority makes such a 6848  
determination, the local authority by resolution may request the 6849  
director to determine and declare a reasonable and safe speed 6850  
limit of not less than fifty-five miles per hour for that portion 6851  
of the freeway. If the director takes such action, the declared 6852  
speed limit becomes effective only when appropriate signs giving 6853  
notice of it are erected at such location by the local authority. 6854

(J) Local authorities in their respective jurisdictions may 6855  
authorize by ordinance higher prima-facie speeds than those stated 6856  
in this section upon through highways, or upon highways or 6857  
portions thereof where there are no intersections, or between 6858  
widely spaced intersections, provided signs are erected giving 6859

notice of the authorized speed, but local authorities shall not 6860  
modify or alter the basic rule set forth in division (A) of this 6861  
section or in any event authorize by ordinance a speed in excess 6862  
of ~~fifty miles per hour~~ the maximum speed permitted by division 6863  
(D) of this section for the specified type of highway. 6864

Alteration of prima-facie limits on state routes by local 6865  
authorities shall not be effective until the alteration has been 6866  
approved by the director. The director may withdraw approval of 6867  
any altered prima-facie speed limits whenever in the director's 6868  
opinion any altered prima-facie speed becomes unreasonable, and 6869  
upon such withdrawal, the altered prima-facie speed shall become 6870  
ineffective and the signs relating thereto shall be immediately 6871  
removed by the local authorities. 6872

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 6873  
section, "unimproved highway" means a highway consisting of any of 6874  
the following: 6875

- (a) Unimproved earth; 6876
- (b) Unimproved graded and drained earth; 6877
- (c) Gravel. 6878

(2) Except as otherwise provided in divisions (K)(4) and (5) 6879  
of this section, whenever a board of township trustees determines 6880  
upon the basis of criteria established by an engineering and 6881  
traffic investigation study, as defined by the director, that the 6882  
speed permitted by division (B)(5) of this section on any part of 6883  
an unimproved highway under its jurisdiction and in the 6884  
unincorporated territory of the township is greater than is 6885  
reasonable or safe under the conditions found to exist at the 6886  
location, the board may by resolution declare a reasonable and 6887  
safe prima-facie speed limit of fifty-five but not less than 6888  
twenty-five miles per hour. An altered speed limit adopted by a 6889  
board of township trustees under this division becomes effective 6890

when appropriate traffic control devices, as prescribed in section 6891  
4511.11 of the Revised Code, giving notice thereof are erected at 6892  
the location, which shall be no sooner than sixty days after 6893  
adoption of the resolution. 6894

(3)(a) Whenever, in the opinion of a board of township 6895  
trustees, any altered prima-facie speed limit established by the 6896  
board under this division becomes unreasonable, the board may 6897  
adopt a resolution withdrawing the altered prima-facie speed 6898  
limit. Upon the adoption of such a resolution, the altered 6899  
prima-facie speed limit becomes ineffective and the traffic 6900  
control devices relating thereto shall be immediately removed. 6901

(b) Whenever a highway ceases to be an unimproved highway and 6902  
the board has adopted an altered prima-facie speed limit pursuant 6903  
to division (K)(2) of this section, the board shall, by 6904  
resolution, withdraw the altered prima-facie speed limit as soon 6905  
as the highway ceases to be unimproved. Upon the adoption of such 6906  
a resolution, the altered prima-facie speed limit becomes 6907  
ineffective and the traffic control devices relating thereto shall 6908  
be immediately removed. 6909

(4)(a) If the boundary of two townships rests on the 6910  
centerline of an unimproved highway in unincorporated territory 6911  
and both townships have jurisdiction over the highway, neither of 6912  
the boards of township trustees of such townships may declare an 6913  
altered prima-facie speed limit pursuant to division (K)(2) of 6914  
this section on the part of the highway under their joint 6915  
jurisdiction unless the boards of township trustees of both of the 6916  
townships determine, upon the basis of criteria established by an 6917  
engineering and traffic investigation study, as defined by the 6918  
director, that the speed permitted by division (B)(5) of this 6919  
section is greater than is reasonable or safe under the conditions 6920  
found to exist at the location and both boards agree upon a 6921  
reasonable and safe prima-facie speed limit of less than 6922

fifty-five but not less than twenty-five miles per hour for that 6923  
location. If both boards so agree, each shall follow the procedure 6924  
specified in division (K)(2) of this section for altering the 6925  
prima-facie speed limit on the highway. Except as otherwise 6926  
provided in division (K)(4)(b) of this section, no speed limit 6927  
altered pursuant to division (K)(4)(a) of this section may be 6928  
withdrawn unless the boards of township trustees of both townships 6929  
determine that the altered prima-facie speed limit previously 6930  
adopted becomes unreasonable and each board adopts a resolution 6931  
withdrawing the altered prima-facie speed limit pursuant to the 6932  
procedure specified in division (K)(3)(a) of this section. 6933

(b) Whenever a highway described in division (K)(4)(a) of 6934  
this section ceases to be an unimproved highway and two boards of 6935  
township trustees have adopted an altered prima-facie speed limit 6936  
pursuant to division (K)(4)(a) of this section, both boards shall, 6937  
by resolution, withdraw the altered prima-facie speed limit as 6938  
soon as the highway ceases to be unimproved. Upon the adoption of 6939  
the resolution, the altered prima-facie speed limit becomes 6940  
ineffective and the traffic control devices relating thereto shall 6941  
be immediately removed. 6942

(5) As used in division (K)(5) of this section: 6943

(a) "Commercial subdivision" means any platted territory 6944  
outside the limits of a municipal corporation and fronting a 6945  
highway where, for a distance of three hundred feet or more, the 6946  
frontage is improved with buildings in use for commercial 6947  
purposes, or where the entire length of the highway is less than 6948  
three hundred feet long and the frontage is improved with 6949  
buildings in use for commercial purposes. 6950

(b) "Residential subdivision" means any platted territory 6951  
outside the limits of a municipal corporation and fronting a 6952  
highway, where, for a distance of three hundred feet or more, the 6953  
frontage is improved with residences or residences and buildings 6954

in use for business, or where the entire length of the highway is 6955  
less than three hundred feet long and the frontage is improved 6956  
with residences or residences and buildings in use for business. 6957

Whenever a board of township trustees finds upon the basis of 6958  
criteria established by an engineering and traffic investigation 6959  
study, as defined by the director, that the prima-facie speed 6960  
permitted by division (B)(5) of this section on any part of a 6961  
highway under its jurisdiction that is located in a commercial or 6962  
residential subdivision, except on highways or portions thereof at 6963  
the entrances to which vehicular traffic from the majority of 6964  
intersecting highways is required to yield the right-of-way to 6965  
vehicles on such highways in obedience to stop or yield signs or 6966  
traffic control signals, is greater than is reasonable and safe 6967  
under the conditions found to exist at the location, the board may 6968  
by resolution declare a reasonable and safe prima-facie speed 6969  
limit of less than fifty-five but not less than twenty-five miles 6970  
per hour at the location. An altered speed limit adopted by a 6971  
board of township trustees under this division shall become 6972  
effective when appropriate signs giving notice thereof are erected 6973  
at the location by the township. Whenever, in the opinion of a 6974  
board of township trustees, any altered prima-facie speed limit 6975  
established by it under this division becomes unreasonable, it may 6976  
adopt a resolution withdrawing the altered prima-facie speed, and 6977  
upon such withdrawal, the altered prima-facie speed shall become 6978  
ineffective, and the signs relating thereto shall be immediately 6979  
removed by the township. 6980

(L)(1) ~~On September 29, 2013, the~~ The director of 6981  
transportation, based upon an engineering study, as defined by the 6982  
director, of a highway, expressway, or freeway described in 6983  
division (B)(~~12~~), (13), (14), (15), or (16), ~~or (17)~~ of this 6984  
section, in consultation with the director of public safety and, 6985  
if applicable, the local authority having jurisdiction over the 6986

studied highway, expressway, or freeway, may determine and declare 6987  
that the speed limit established on such highway, expressway, or 6988  
freeway under division (B)~~(12)~~, (13), (14), (15), or (16), ~~or (17)~~ 6989  
of this section either is reasonable and safe or is more or less 6990  
than that which is reasonable and safe. 6991

(2) If the established speed limit for a highway, expressway, 6992  
or freeway studied pursuant to division (L)(1) of this section is 6993  
determined to be more or less than that which is reasonable and 6994  
safe, the director of transportation, in consultation with the 6995  
director of public safety and, if applicable, the local authority 6996  
having jurisdiction over the studied highway, expressway, or 6997  
freeway, shall determine and declare a reasonable and safe speed 6998  
limit for that highway, expressway, or freeway. 6999

(M)(1)(a) If the boundary of two local authorities rests on 7000  
the centerline of a highway and both authorities have jurisdiction 7001  
over the highway, the speed limit for the part of the highway 7002  
within their joint jurisdiction shall be either one of the 7003  
following as agreed to by both authorities: 7004

(i) Either prima-facie speed limit permitted by division (B) 7005  
of this section; 7006

(ii) An altered speed limit determined and posted in 7007  
accordance with this section. 7008

(b) If the local authorities are unable to reach an 7009  
agreement, the speed limit shall remain as established and posted 7010  
under this section. 7011

(2) Neither local authority may declare an altered 7012  
prima-facie speed limit pursuant to this section on the part of 7013  
the highway under their joint jurisdiction unless both of the 7014  
local authorities determine, upon the basis of criteria 7015  
established by an engineering and traffic investigation study, as 7016  
defined by the director, that the speed permitted by this section 7017

is greater than is reasonable or safe under the conditions found 7018  
to exist at the location and both authorities agree upon a uniform 7019  
reasonable and safe prima-facie speed limit of less than 7020  
fifty-five but not less than twenty-five miles per hour for that 7021  
location. If both authorities so agree, each shall follow the 7022  
procedure specified in this section for altering the prima-facie 7023  
speed limit on the highway, and the speed limit for the part of 7024  
the highway within their joint jurisdiction shall be uniformly 7025  
altered. No altered speed limit may be withdrawn unless both local 7026  
authorities determine that the altered prima-facie speed limit 7027  
previously adopted becomes unreasonable and each adopts a 7028  
resolution withdrawing the altered prima-facie speed limit 7029  
pursuant to the procedure specified in this section. 7030

(N) The legislative authority of a municipal corporation or 7031  
township in which a boarding school is located, by resolution or 7032  
ordinance, may establish a boarding school zone. The legislative 7033  
authority may alter the speed limit on any street or highway 7034  
within the boarding school zone and shall specify the hours during 7035  
which the altered speed limit is in effect. For purposes of 7036  
determining the boundaries of the boarding school zone, the 7037  
altered speed limit within the boarding school zone, and the hours 7038  
the altered speed limit is in effect, the legislative authority 7039  
shall consult with the administration of the boarding school and 7040  
with the county engineer or other appropriate engineer, as 7041  
applicable. A boarding school zone speed limit becomes effective 7042  
only when appropriate signs giving notice thereof are erected at 7043  
the appropriate locations. 7044

(O) As used in this section: 7045

(1) "Interstate system" has the same meaning as in 23 7046  
U.S.C.A. 101. 7047

(2) "Commercial bus" means a motor vehicle designed for 7048  
carrying more than nine passengers and used for the transportation 7049

of persons for compensation. 7050

(3) "Noncommercial bus" includes but is not limited to a 7051  
school bus or a motor vehicle operated solely for the 7052  
transportation of persons associated with a charitable or 7053  
nonprofit organization. 7054

(4) "Outerbelt" means a portion of a freeway that is part of 7055  
the interstate system and is located in the outer vicinity of a 7056  
major municipal corporation or group of municipal corporations, as 7057  
designated by the director. 7058

(5) "Rural" means an area outside urbanized areas, ~~as~~ 7059  
~~designated in accordance with 23 U.S.C. 101,~~ and outside of a 7060  
business or urban district, and areas that extend within urbanized 7061  
areas where the roadway characteristics remain mostly unchanged 7062  
from those outside the urbanized areas. 7063

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 7064  
101. 7065

(7) "Divided" means a roadway having two or more travel lanes 7066  
for vehicles moving in opposite directions and that is separated 7067  
by a median of more than four feet, excluding turn lanes. 7068

(P)(1) A violation of any provision of this section is one of 7069  
the following: 7070

(a) Except as otherwise provided in divisions (P)(1)(b), 7071  
(1)(c), (2), and (3) of this section, a minor misdemeanor; 7072

(b) If, within one year of the offense, the offender 7073  
previously has been convicted of or pleaded guilty to two 7074  
violations of any provision of this section or of any provision of 7075  
a municipal ordinance that is substantially similar to any 7076  
provision of this section, a misdemeanor of the fourth degree; 7077

(c) If, within one year of the offense, the offender 7078  
previously has been convicted of or pleaded guilty to three or 7079

more violations of any provision of this section or of any 7080  
provision of a municipal ordinance that is substantially similar 7081  
to any provision of this section, a misdemeanor of the third 7082  
degree. 7083

(2) If the offender has not previously been convicted of or 7084  
pleaded guilty to a violation of any provision of this section or 7085  
of any provision of a municipal ordinance that is substantially 7086  
similar to this section and operated a motor vehicle faster than 7087  
thirty-five miles an hour in a business district of a municipal 7088  
corporation, faster than fifty miles an hour in other portions of 7089  
a municipal corporation, or faster than thirty-five miles an hour 7090  
in a school zone during recess or while children are going to or 7091  
leaving school during the school's opening or closing hours, a 7092  
misdemeanor of the fourth degree. 7093

(3) Notwithstanding division (P)(1) of this section, if the 7094  
offender operated a motor vehicle in a construction zone where a 7095  
sign was then posted in accordance with section 4511.98 of the 7096  
Revised Code, the court, in addition to all other penalties 7097  
provided by law, shall impose upon the offender a fine of two 7098  
times the usual amount imposed for the violation. No court shall 7099  
impose a fine of two times the usual amount imposed for the 7100  
violation upon an offender if the offender alleges, in an 7101  
affidavit filed with the court prior to the offender's sentencing, 7102  
that the offender is indigent and is unable to pay the fine 7103  
imposed pursuant to this division and if the court determines that 7104  
the offender is an indigent person and unable to pay the fine. 7105

(4) If the offender commits the offense while distracted and 7106  
the distracting activity is a contributing factor to the 7107  
commission of the offense, the offender is subject to the 7108  
additional fine established under section 4511.991 of the Revised 7109  
Code. 7110

Sec. 4511.514. (A)(1) A low-speed electric scooter may be 7111  
operated on the public streets, highways, sidewalks, and paths, 7112  
and may be operated on any portions of roadways set aside for the 7113  
exclusive use of bicycles in accordance with this section. 7114

(2) Except as otherwise provided in this section, those 7115  
sections of this chapter that by their nature could apply to a 7116  
low-speed electric scooter do apply to the scooter and the person 7117  
operating it whenever it is operated upon any public street, 7118  
highway, sidewalk, or path, or upon any portion of a roadway set 7119  
aside for the exclusive use of bicycles. 7120

(B) No operator of a low-speed electric scooter shall do any 7121  
of the following: 7122

(1) Fail to yield the right-of-way to all pedestrians at all 7123  
times; 7124

(2) Fail to give an audible signal before overtaking or 7125  
passing a pedestrian; 7126

(3) Operate the device at night unless the device or its 7127  
operator is equipped with or wearing both of the following: 7128

(a) A lamp pointing to the front that emits a white light 7129  
visible from a distance of not less than five hundred feet; 7130

(b) A red reflector facing the rear that is visible from all 7131  
distances from one hundred feet to six hundred feet when directly 7132  
in front of lawful lower beams of head lamps on a motor vehicle. 7133

(C) No person who is under sixteen years of age shall operate 7134  
a low-speed electric scooter. 7135

(D) No person shall operate a low-speed electric scooter at a 7136  
speed greater than fifteen miles per hour. 7137

(E)(1) Except as otherwise provided in this division, whoever 7138  
violates this section is guilty of a minor misdemeanor. If, within 7139

one year of the offense, the offender previously has been 7140  
convicted of or pleaded guilty to one predicate motor vehicle or 7141  
traffic offense, whoever violates this section is guilty of a 7142  
misdemeanor of the fourth degree. If, within one year of the 7143  
offense, the offender previously has been convicted of two or more 7144  
predicate motor vehicle or traffic offenses, whoever violates this 7145  
section is guilty of a misdemeanor of the third degree. 7146

(2) The offense established under this section is a strict 7147  
liability offense and section 2901.20 of the Revised Code does not 7148  
apply. The designation of this offense as a strict liability 7149  
offense shall not be construed to imply that any other offense, 7150  
for which there is no specified degree of culpability, is not a 7151  
strict liability offense. 7152

**Sec. 4511.54.** (A) No person riding upon any bicycle, electric 7153  
bicycle, coaster, roller skates, sled, skateboard, or toy vehicle 7154  
shall attach the same or self to any streetcar, trackless trolley, 7155  
or vehicle upon a roadway. 7156

No operator shall knowingly permit any person riding upon any 7157  
bicycle, electric bicycle, coaster, roller skates, sled, 7158  
skateboard, or toy vehicle to attach the same or self to any 7159  
streetcar, trackless trolley, or vehicle while it is moving upon a 7160  
roadway. 7161

This section does not apply to the towing of a disabled 7162  
vehicle. 7163

(B) Except as otherwise provided in this division, whoever 7164  
violates this section is guilty of a minor misdemeanor. If, within 7165  
one year of the offense, the offender previously has been 7166  
convicted of or pleaded guilty to one predicate motor vehicle or 7167  
traffic offense, whoever violates this section is guilty of a 7168  
misdemeanor of the fourth degree. If, within one year of the 7169  
offense, the offender previously has been convicted of two or more 7170

predicate motor vehicle or traffic offenses, whoever violates this 7171  
section is guilty of a misdemeanor of the third degree. 7172

If the offender commits the offense while distracted and the 7173  
distracting activity is a contributing factor to the commission of 7174  
the offense, the offender is subject to the additional fine 7175  
established under section 4511.991 of the Revised Code. 7176

**Sec. 4511.68.** (A) No person shall stand or park a trackless 7177  
trolley or vehicle, except when necessary to avoid conflict with 7178  
other traffic or to comply with sections 4511.01 to 4511.78, 7179  
4511.99, and 4513.01 to 4513.37 of the Revised Code, or while 7180  
obeying the directions of a police officer or a traffic control 7181  
device, in any of the following places: 7182

(1) On a sidewalk, except as provided in division (B) of this 7183  
section; 7184

(2) In front of a public or private driveway; 7185

(3) Within an intersection; 7186

(4) Within ten feet of a fire hydrant; 7187

(5) On a crosswalk; 7188

(6) Within twenty feet of a crosswalk at an intersection; 7189

(7) Within thirty feet of, and upon the approach to, any 7190  
flashing beacon, stop sign, or traffic control device; 7191

(8) Between a safety zone and the adjacent curb or within 7192  
thirty feet of points on the curb immediately opposite the ends of 7193  
a safety zone, unless a different length is indicated by a traffic 7194  
control device; 7195

(9) Within fifty feet of the nearest rail of a railroad 7196  
crossing; 7197

(10) Within twenty feet of a driveway entrance to any fire 7198  
station and, on the side of the street opposite the entrance to 7199

any fire station, within seventy-five feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;

(14) At any place where signs prohibit stopping;

(15) Within one foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway, or thruway.

(B) A person ~~shall be~~ is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred fifty cubic centimeters, a low-speed electric scooter, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed electric scooter, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of section 4511.711 of the Revised Code.

(C) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor

of the third degree. 7230

**Sec. 4511.84.** (A) ~~No person shall operate a motor vehicle~~ 7231  
~~while wearing earphones over, or earplugs in, both ears.~~ As used 7232  
in this section, "earphones": 7233

(1) "Earphones" means any headset, radio, tape player, or 7234  
other similar device that covers all or a portion of both ears and 7235  
that does either of the following: 7236

(a) Through either a physical connection to another device or 7237  
a wireless connection, provides the listener with radio programs, 7238  
music, or other ~~recorded~~ information ~~through a device attached to~~ 7239  
~~the head and that covers all or a portion of both ears;~~ 7240

(b) Provides hearing protection. "Earphones" 7241

"Earphones" does not include speakers or other listening 7242  
devices that are built into protective headgear. 7243

(2) "Earplugs" means any device that can be inserted into one 7244  
or both ears and that does either of the following: 7245

(a) Through either a physical connection to another device or 7246  
a wireless connection, provides the listener with radio programs, 7247  
music, or other information; 7248

(b) Provides hearing protection. 7249

(B) No person shall operate a motor vehicle while wearing 7250  
earphones over, or earplugs in, both ears. 7251

(C) This section does not apply to: 7252

(1) Any person wearing a hearing aid; 7253

(2) Law enforcement personnel while on duty; 7254

(3) Fire department personnel and emergency medical service 7255  
personnel while on duty; 7256

(4) Any person engaged in the operation of equipment for use 7257

in the maintenance or repair of any highway; 7258

(5) Any person engaged in the operation of refuse collection 7259  
equipment; 7260

(6) Any person wearing earphones or earplugs for hearing 7261  
protection while operating a motorcycle. 7262

~~(C)~~(D) Except as otherwise provided in this division, whoever 7263  
violates this section is guilty of a minor misdemeanor. If, within 7264  
one year of the offense, the offender previously has been 7265  
convicted of or pleaded guilty to one predicate motor vehicle or 7266  
traffic offense, whoever violates this section is guilty of a 7267  
misdemeanor of the fourth degree. If, within one year of the 7268  
offense, the offender previously has been convicted of two or more 7269  
predicate motor vehicle or traffic offenses, whoever violates this 7270  
section is guilty of a misdemeanor of the third degree. 7271

**Sec. 4511.991.** (A) As used in this section and each section 7272  
referenced in division (B) of this section, all of the following 7273  
apply: 7274

(1) "Distracted" means doing either of the following while 7275  
operating a vehicle: 7276

(a) Using ~~a handheld~~ an electronic wireless communications 7277  
device, as defined in section 4511.204 of the Revised Code, that 7278  
is handheld, except when utilizing any of the following: 7279

(i) The device's speakerphone function; 7280

(ii) A wireless technology standard for exchanging data over 7281  
short distances; 7282

(iii) A ~~"voice-operated or hands-free" device~~ feature that 7283  
allows the person to use the ~~electronic wireless communications~~ 7284  
device without the use of either hand except to activate, 7285  
deactivate, or initiate a feature or function; 7286

(iv) Any device that is physically or electronically integrated into the motor vehicle.	7287 7288
(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.	7289 7290 7291 7292
(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of section 4511.84 of the Revised Code.	7293 7294 7295 7296
(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.	7297 7298 7299 7300 7301
As used in division (A)(3) of this section:	7302
(a) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.	7303 7304
(b) "Utility service vehicle" means a vehicle owned or operated by a utility.	7305 7306
(B) If an offender violates section 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised Code while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation	7307 7308 7309 7310 7311 7312 7313 7314 7315 7316 7317

and, notwithstanding section 2929.28 of the Revised Code, is 7318  
subject to an additional fine of not more than one hundred dollars 7319  
as follows: 7320

(1) Subject to the mandatory appearance requirements of 7321  
Traffic Rule 13, if a law enforcement officer issues an offender a 7322  
ticket, citation, or summons for a violation of any of the 7323  
aforementioned sections of the Revised Code that indicates that 7324  
the offender was distracted while committing the violation and 7325  
that the distracting activity was a contributing factor to the 7326  
commission of the violation, the offender may enter a written plea 7327  
of guilty and waive the offender's right to contest the ticket, 7328  
citation, or summons in a trial provided that the offender pays 7329  
the total amount of the fine established for the violation and 7330  
pays the additional fine of one hundred dollars. 7331

In lieu of payment of the additional fine of one hundred 7332  
dollars, the offender instead may elect to attend a distracted 7333  
driving safety course, the duration and contents of which shall be 7334  
established by the director of public safety. If the offender 7335  
attends and successfully completes the course, the offender shall 7336  
be issued written evidence that the offender successfully 7337  
completed the course. The offender shall be required to pay the 7338  
total amount of the fine established for the violation, but shall 7339  
not be required to pay the additional fine of one hundred dollars, 7340  
so long as the offender submits to the court both the offender's 7341  
payment in full and such written evidence. 7342

(2) If the offender appears in person to contest the ticket, 7343  
citation, or summons in a trial and the offender pleads guilty to 7344  
or is convicted of the violation, the court, in addition to all 7345  
other penalties provided by law, may impose the applicable penalty 7346  
for the violation and may impose the additional fine of not more 7347  
than one hundred dollars. 7348

If the court imposes upon the offender the applicable penalty 7349

for the violation and an additional fine of not more than one 7350  
hundred dollars, the court shall inform the offender that, in lieu 7351  
of payment of the additional fine of not more than one hundred 7352  
dollars, the offender instead may elect to attend the distracted 7353  
driving safety course described in division (B)(1) of this 7354  
section. If the offender elects the course option and attends and 7355  
successfully completes the course, the offender shall be issued 7356  
written evidence that the offender successfully completed the 7357  
course. The offender shall be required to pay the total amount of 7358  
the fine established for the violation, but shall not be required 7359  
to pay the additional fine of not more than one hundred dollars, 7360  
so long as the offender submits to the court the offender's 7361  
payment and such written evidence. 7362

**Sec. 4513.34.** (A)(1) The director of transportation with 7363  
respect to all highways that are a part of the state highway 7364  
system and local authorities with respect to highways under their 7365  
jurisdiction, upon application in writing, shall issue a special 7366  
regional heavy hauling permit authorizing the applicant to operate 7367  
or move a vehicle or combination of vehicles as follows: 7368

(a) At a size or weight of vehicle or load exceeding the 7369  
maximum specified in sections 5577.01 to 5577.09 of the Revised 7370  
Code, or otherwise not in conformity with sections 4513.01 to 7371  
4513.37 of the Revised Code; 7372

(b) Upon any highway under the jurisdiction of the authority 7373  
granting the permit except those highways with a condition 7374  
insufficient to bear the weight of the vehicle or combination of 7375  
vehicles as stated in the application; 7376

~~(c) For regional trips at distances of one hundred fifty 7377  
miles or less from a facility stated on the application as the 7378  
applicant's point of origin. 7379~~

Issuance of a special regional heavy hauling permit is 7380

subject to the payment of a fee established by the director or 7381  
local authority in accordance with this section. 7382

(2) In circumstances where a person is not eligible to 7383  
receive a permit under division (A)(1) of this section, the 7384  
director of transportation with respect to all highways that are a 7385  
part of the state highway system and local authorities with 7386  
respect to highways under their jurisdiction, upon application in 7387  
writing and for good cause shown, may issue a special permit in 7388  
writing authorizing the applicant to operate or move a vehicle or 7389  
combination of vehicles of a size or weight of vehicle or load 7390  
exceeding the maximum specified in sections 5577.01 to 5577.09 of 7391  
the Revised Code, or otherwise not in conformity with sections 7392  
4513.01 to 4513.37 of the Revised Code, upon any highway under the 7393  
jurisdiction of the authority granting the permit. 7394

(3) For purposes of this section, the director may designate 7395  
certain state highways or portions of state highways as special 7396  
economic development highways. If an application submitted to the 7397  
director under this section involves travel of a nonconforming 7398  
vehicle or combination of vehicles upon a special economic 7399  
development highway, the director, in determining whether good 7400  
cause has been shown that issuance of a permit is justified, shall 7401  
consider the effect the travel of the vehicle or combination of 7402  
vehicles will have on the economic development in the area in 7403  
which the designated highway or portion of highway is located. 7404

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 7405  
Code, the holder of a permit issued by the director under this 7406  
section may move the vehicle or combination of vehicles described 7407  
in the permit on any highway that is a part of the state highway 7408  
system when the movement is partly within and partly without the 7409  
corporate limits of a municipal corporation. No local authority 7410  
shall require any other permit or license or charge any license 7411  
fee or other charge against the holder of a permit for the 7412

movement of a vehicle or combination of vehicles on any highway 7413  
that is a part of the state highway system. The director shall not 7414  
require the holder of a permit issued by a local authority to 7415  
obtain a special permit for the movement of vehicles or 7416  
combination of vehicles on highways within the jurisdiction of the 7417  
local authority. Permits may be issued for any period of time not 7418  
to exceed one year, as the director in the director's discretion 7419  
or a local authority in its discretion determines advisable, or 7420  
for the duration of any public construction project. 7421

(C)(1) The application for a permit issued under this section 7422  
shall be in the form that the director or local authority 7423  
prescribes. The director or local authority may prescribe a permit 7424  
fee to be imposed and collected when any permit described in this 7425  
section is issued. The permit fee may be in an amount sufficient 7426  
to reimburse the director or local authority for the 7427  
administrative costs incurred in issuing the permit, and also to 7428  
cover the cost of the normal and expected damage caused to the 7429  
roadway or a street or highway structure as the result of the 7430  
operation of the nonconforming vehicle or combination of vehicles. 7431  
The director, in accordance with Chapter 119. of the Revised Code, 7432  
shall establish a schedule of fees for permits issued by the 7433  
director under this section; however, the fee to operate a triple 7434  
trailer unit, at locations authorized under federal law, shall be 7435  
one hundred dollars. 7436

(2) For the purposes of this section and of rules adopted by 7437  
the director under this section, milk transported in bulk by 7438  
vehicle is deemed a nondivisible load. 7439

(3) For purposes of this section and of rules adopted by the 7440  
director under this section, three or fewer aluminum coils, 7441  
transported by a vehicle, are deemed a nondivisible load. The 7442  
director shall adopt rules establishing requirements for an 7443  
aluminum coil permit that are substantially similar to the 7444

requirements for a steel coil permit under Chapter 5501:2-1 of the Administrative Code.

(D) The director or a local authority shall issue a special regional heavy hauling permit under division (A)(1) of this section upon application and payment of the applicable fee. However, the director or local authority may issue or withhold a special permit specified in division (A)(2) of this section. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit.

For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(E) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.

(F) The director may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following:

(1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;	7476 7477 7478 7479
(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;	7480 7481 7482
(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;	7483 7484 7485 7486 7487
(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;	7488 7489 7490 7491
(5) Attempted to influence a public employee to breach ethical conduct standards;	7492 7493
(6) Been convicted of a criminal offense related to the application for, or performance under, a permit, including, but not limited to, bribery, falsification, fraud or destruction of records, receiving stolen property, and any other offense that directly reflects on the applicant's integrity or commercial driver's license;	7494 7495 7496 7497 7498 7499
(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;	7500 7501 7502
(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;	7503 7504 7505

(9) Failed to pay any fees associated with any permitted operation or move; 7506  
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(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section. 7508  
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If the applicant is a partnership, association, or corporation, the director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred. 7511  
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The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant. 7516  
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(G) When the director reasonably believes that grounds for debarment exist, the director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with Chapter 119. of the Revised Code. If the person does not respond with a request for a hearing in the manner specified in that chapter, the director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the director, and the director may modify or rescind the debarment at any time. During the period of debarment, the director shall not issue, or consider issuing, a permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a permit. 7518  
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(H)(1) No person shall violate the terms of a permit issued 7536

under this section that relate to gross load limits. 7537

(2) No person shall violate the terms of a permit issued 7538  
under this section that relate to axle load by more than two 7539  
thousand pounds per axle or group of axles. 7540

(3) No person shall violate the terms of a permit issued 7541  
under this section that relate to an approved route except upon 7542  
order of a law enforcement officer or authorized agent of the 7543  
issuing authority. 7544

(I) Whoever violates division (H) of this section shall be 7545  
punished as provided in section 4513.99 of the Revised Code. 7546

(J) A permit issued by the department of transportation or a 7547  
local authority under this section for the operation of a vehicle 7548  
or combination of vehicles is valid for the purposes of the 7549  
vehicle operation in accordance with the conditions and 7550  
limitations specified on the permit. Such a permit is voidable by 7551  
law enforcement only for operation of a vehicle or combination of 7552  
vehicles in violation of the weight, dimension, or route 7553  
provisions of the permit. However, a permit is not voidable for 7554  
operation in violation of a route provision of a permit if the 7555  
operation is upon the order of a law enforcement officer. 7556

**Sec. 4513.60.** (A)(1) The sheriff of a county or chief of 7557  
police of a municipal corporation, township, port authority, or 7558  
township or joint police district, within the sheriff's or chief's 7559  
respective territorial jurisdiction, upon complaint of any person 7560  
adversely affected, may order into storage any motor vehicle, 7561  
other than an abandoned junk motor vehicle as defined in section 7562  
4513.63 of the Revised Code, that has been left on private 7563  
residential or private agricultural property for at least four 7564  
hours without the permission of the person having the right to the 7565  
possession of the property. The sheriff or chief of police, upon 7566  
complaint of a repair garage or place of storage, may order into 7567

storage any motor vehicle, other than an abandoned junk motor 7568  
vehicle, that has been left at the garage or place of storage for 7569  
a longer period than that agreed upon. When ordering a motor 7570  
vehicle into storage pursuant to this division, a sheriff or chief 7571  
of police may arrange for the removal of the motor vehicle by a 7572  
towing service and shall designate a storage facility. 7573

(2) A towing service towing a motor vehicle under division 7574  
(A)(1) of this section shall remove the motor vehicle in 7575  
accordance with that division. The towing service shall deliver 7576  
the motor vehicle to the location designated by the sheriff or 7577  
chief of police not more than two hours after the time it is 7578  
removed from the private property, unless the towing service is 7579  
unable to deliver the motor vehicle within two hours due to an 7580  
uncontrollable force, natural disaster, or other event that is not 7581  
within the power of the towing service. 7582

(3) Subject to division (B) of this section, the owner of a 7583  
motor vehicle that has been removed pursuant to this division may 7584  
recover the vehicle only in accordance with division (D) of this 7585  
section. 7586

(4) As used in this section, "private residential property" 7587  
means private property on which is located one or more structures 7588  
that are used as a home, residence, or sleeping place by one or 7589  
more persons, if no more than three separate households are 7590  
maintained in the structure or structures. "Private residential 7591  
property" does not include any private property on which is 7592  
located one or more structures that are used as a home, residence, 7593  
or sleeping place by two or more persons, if more than three 7594  
separate households are maintained in the structure or structures. 7595

(B) If the owner or operator of a motor vehicle that has been 7596  
ordered into storage pursuant to division (A)(1) of this section 7597  
arrives after the motor vehicle has been prepared for removal, but 7598

prior to its actual removal from the property, the towing service 7599  
shall give the owner or operator oral or written notification at 7600  
the time of such arrival that the vehicle owner or operator may 7601  
pay a fee of not more than one-half of the fee for the removal of 7602  
the motor vehicle established by the public utilities commission 7603  
in rules adopted under section 4921.25 of the Revised Code, in 7604  
order to obtain release of the motor vehicle. However, if the 7605  
vehicle is within a municipal corporation and the municipal 7606  
corporation has established a vehicle removal fee, the towing 7607  
service shall give the owner or operator oral or written 7608  
notification that the owner or operator may pay not more than 7609  
one-half of that fee to obtain release of the motor vehicle. That 7610  
fee may be paid by use of a major credit card unless the towing 7611  
service uses a mobile credit card processor and mobile service is 7612  
not available at the time of the transaction. 7613

Upon payment of the applicable fee, the towing service shall 7614  
give the vehicle owner or operator a receipt showing both the full 7615  
amount normally assessed and the actual amount received and shall 7616  
release the motor vehicle to the owner or operator. Upon its 7617  
release, the owner or operator immediately shall move it so that 7618  
it is not on the private residential or private agricultural 7619  
property without the permission of the person having the right to 7620  
possession of the property, or is not at the garage or place of 7621  
storage without the permission of the owner, whichever is 7622  
applicable. 7623

(C)(1) Each county sheriff and each chief of police of a 7624  
municipal corporation, township, port authority, or township or 7625  
joint police district shall maintain a record of motor vehicles 7626  
that the sheriff or chief orders into storage pursuant to division 7627  
(A)(1) of this section. The record shall include an entry for each 7628  
such motor vehicle that identifies the motor vehicle's license 7629  
number, make, model, and color, the location from which it was 7630

removed, the date and time of its removal, the telephone number of 7631  
the person from whom it may be recovered, and the address of the 7632  
place to which it has been taken and from which it may be 7633  
recovered. A sheriff or chief of police shall provide any 7634  
information in the record that pertains to a particular motor 7635  
vehicle to any person who, either in person or pursuant to a 7636  
telephone call, identifies self as the owner or operator of the 7637  
motor vehicle and requests information pertaining to its location. 7638

(2) Any person who registers a complaint that is the basis of 7639  
a sheriff's or police chief's order for the removal and storage of 7640  
a motor vehicle under division (A)(1) of this section shall 7641  
provide the identity of the law enforcement agency with which the 7642  
complaint was registered to any person who identifies self as the 7643  
owner or operator of the motor vehicle and requests information 7644  
pertaining to its location. 7645

(D)(1) The owner or lienholder of a motor vehicle that is 7646  
ordered into storage pursuant to division (A)(1) of this section 7647  
may reclaim it upon both of the following: 7648

(a) Payment of all applicable fees established by the public 7649  
utilities commission in rules adopted under section 4921.25 of the 7650  
Revised Code or, if the vehicle was towed within a municipal 7651  
corporation that has established fees for vehicle removal and 7652  
storage, payment of all applicable fees established by the 7653  
municipal corporation. 7654

(b) Presentation of proof of ownership, which may be 7655  
evidenced by a certificate of title to the motor vehicle, a 7656  
certificate of registration for the motor vehicle, or a lease 7657  
agreement. 7658

When the owner of a vehicle towed under this section 7659  
retrieves the vehicle, the towing service or storage facility in 7660  
possession of the vehicle shall give the owner written notice that 7661

if the owner disputes that the motor vehicle was lawfully towed, 7662  
the owner may be able to file a civil action under section 7663  
4513.611 of the Revised Code. 7664

(2) Upon presentation of proof of ownership as required under 7665  
division (D)(1)(b) of this section, the owner of a motor vehicle 7666  
that is ordered into storage under division (A)(1) of this section 7667  
may retrieve any personal items from the motor vehicle without 7668  
retrieving the vehicle and without paying any fee. However, a 7669  
towing service or storage facility may charge an after-hours 7670  
retrieval fee established by the public utilities commission in 7671  
rules adopted under section 4921.25 of the Revised Code if the 7672  
owner retrieves the personal items after hours, unless the towing 7673  
service or storage facility fails to provide the notice required 7674  
under division (B)(3) of section 4513.69 of the Revised Code, if 7675  
applicable. The owner of a motor vehicle shall not do either of 7676  
the following: 7677

(a) Retrieve any personal item that has been determined by 7678  
the sheriff or chief of police, as applicable, to be necessary to 7679  
a criminal investigation; 7680

(b) Retrieve any personal item from a vehicle if it would 7681  
endanger the safety of the owner, unless the owner agrees to sign 7682  
a waiver of liability. 7683

For purposes of division (D)(2) of this section, "personal 7684  
items" do not include any items that are attached to the motor 7685  
vehicle. 7686

(3) If a motor vehicle that is ordered into storage pursuant 7687  
to division (A)(1) of this section remains unclaimed by the owner 7688  
for thirty days, the procedures established by sections 4513.61 7689  
and 4513.62 of the Revised Code apply. 7690

(E)(1) No person shall remove, or cause the removal of, any 7691  
motor vehicle from any private residential or private agricultural 7692

property other than in accordance with division (A)(1) of this 7693  
section or sections 4513.61 to 4513.65 of the Revised Code. 7694

(2) No towing service or storage facility shall fail to 7695  
comply with the requirements of this section. 7696

(F) This section does not apply to any private residential or 7697  
private agricultural property that is established as a private 7698  
tow-away zone in accordance with section 4513.601 of the Revised 7699  
Code. 7700

(G) Whoever violates division (E) of this section is guilty 7701  
of a minor misdemeanor. 7702

**Sec. 4513.601.** (A) The owner of a private property may 7703  
establish a private tow-away zone, but may do so only if all of 7704  
the following conditions are satisfied: 7705

(1) The owner of the private property posts on the property a 7706  
sign, that is at least eighteen inches by twenty-four inches in 7707  
size, that is visible from all entrances to the property, and that 7708  
includes all of the following information: 7709

(a) A statement that the property is a tow-away zone; 7710

(b) A description of persons authorized to park on the 7711  
property. If the property is a residential property, the owner of 7712  
the private property may include on the sign a statement that only 7713  
tenants and guests may park in the private tow-away zone, subject 7714  
to the terms of the property owner. If the property is a 7715  
commercial property, the owner of the private property may include 7716  
on the sign a statement that only customers may park in the 7717  
private tow-away zone. In all cases, if it is not apparent which 7718  
persons may park in the private tow-away zone, the owner of the 7719  
private property shall include on the sign the address of the 7720  
property on which the private tow-away zone is located or the name 7721  
of the business that is located on the property designated as a 7722

private tow-away zone. 7723

(c) If the private tow-away zone is not enforceable at all 7724  
times, the times during which the parking restrictions are 7725  
enforced; 7726

(d) The telephone number and the address of the place from 7727  
which a towed vehicle may be recovered at any time during the day 7728  
or night; 7729

(e) A statement that the failure to recover a towed vehicle 7730  
may result in the loss of title to the vehicle as provided in 7731  
division (B) of section 4505.101 of the Revised Code. 7732

In order to comply with the requirements of division (A)(1) 7733  
of this section, the owner of a private property may modify an 7734  
existing sign by affixing to the existing sign stickers or an 7735  
addendum in lieu of replacing the sign. 7736

(2) A towing service ensures that a vehicle towed under this 7737  
section is taken to a location from which it may be recovered that 7738  
complies with all of the following: 7739

(a) It is located within twenty-five linear miles of the 7740  
location of the private tow-away zone, unless it is not 7741  
practicable to take the vehicle to a place of storage within 7742  
twenty-five linear miles. 7743

(b) It is well-lighted. 7744

(c) It is on or within a reasonable distance of a regularly 7745  
scheduled route of one or more modes of public transportation, if 7746  
any public transportation is available in the municipal 7747  
corporation or township in which the private tow-away zone is 7748  
located. 7749

(B)(1) If a vehicle is parked on private property that is 7750  
established as a private tow-away zone in accordance with division 7751  
(A) of this section, without the consent of the owner of the 7752

private property or in violation of any posted parking condition 7753  
or regulation, the owner of the private property may cause the 7754  
removal of the vehicle by a towing service. The towing service 7755  
shall remove the vehicle in accordance with this section. The 7756  
vehicle owner and the operator of the vehicle are considered to 7757  
have consented to the removal and storage of the vehicle, to the 7758  
payment of the applicable fees established by the public utilities 7759  
commission in rules adopted under section 4921.25 of the Revised 7760  
Code, and to the right of a towing service to obtain title to the 7761  
vehicle if it remains unclaimed as provided in section 4505.101 of 7762  
the Revised Code. The owner or lienholder of a vehicle that has 7763  
been removed under this section, subject to division (C) of this 7764  
section, may recover the vehicle in accordance with division (G) 7765  
of this section. 7766

(2) If a municipal corporation requires tow trucks and tow 7767  
truck operators to be licensed, no owner of a private property 7768  
located within the municipal corporation shall cause the removal 7769  
and storage of any vehicle pursuant to division (B) of this 7770  
section by an unlicensed tow truck or unlicensed tow truck 7771  
operator. 7772

(3) No towing service shall remove a vehicle from a private 7773  
tow-away zone except pursuant to a written contract for the 7774  
removal of vehicles entered into with the owner of the private 7775  
property on which the private tow-away zone is located. 7776

(C) If the owner or operator of a vehicle that is being 7777  
removed under authority of division (B) of this section arrives 7778  
after the vehicle has been prepared for removal, but prior to its 7779  
actual removal from the property, the towing service shall give 7780  
the vehicle owner or operator oral or written notification at the 7781  
time of such arrival that the vehicle owner or operator may pay a 7782  
fee of not more than one-half of the fee for the removal of the 7783  
vehicle established by the public utilities commission in rules 7784

adopted under section 4921.25 of the Revised Code in order to 7785  
obtain release of the vehicle. That fee may be paid by use of a 7786  
major credit card unless the towing service uses a mobile credit 7787  
card processor and mobile service is not available at the time of 7788  
the transaction. Upon payment of that fee, the towing service 7789  
shall give the vehicle owner or operator a receipt showing both 7790  
the full amount normally assessed and the actual amount received 7791  
and shall release the vehicle to the owner or operator. Upon its 7792  
release, the owner or operator immediately shall move the vehicle 7793  
so that the vehicle is not parked on the private property 7794  
established as a private tow-away zone without the consent of the 7795  
owner of the private property or in violation of any posted 7796  
parking condition or regulation. 7797

(D)(1) Prior to towing a vehicle under division (B) of this 7798  
section, a towing service shall make all reasonable efforts to 7799  
take as many photographs as necessary to evidence that the vehicle 7800  
is clearly parked on private property in violation of a private 7801  
tow-away zone established under division (A) of this section. 7802

The towing service shall record the time and date of the 7803  
photographs taken under this section. The towing service shall 7804  
retain the photographs and the record of the time and date, in 7805  
electronic or printed form, for at least thirty days after the 7806  
date on which the vehicle is recovered by the owner or lienholder 7807  
or at least two years after the date on which the vehicle was 7808  
towed, whichever is earlier. 7809

(2) A towing service shall deliver a vehicle towed under 7810  
division (B) of this section to the location from which it may be 7811  
recovered not more than two hours after the time it was removed 7812  
from the private tow-away zone, unless the towing service is 7813  
unable to deliver the motor vehicle within two hours due to an 7814  
uncontrollable force, natural disaster, or other event that is not 7815  
within the power of the towing service. 7816

(E)(1) If an owner of a private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division (B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township, port authority, or township or joint police district in which the property is located concerning all of the following:

(a) The vehicle's license number, make, model, and color;

(b) The location from which the vehicle was removed;

(c) The date and time the vehicle was removed;

(d) The telephone number of the person from whom the vehicle may be recovered;

(e) The address of the place from which the vehicle may be recovered.

(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the

vehicle may be recovered shall cause a search to be made of the 7848  
records of the bureau of motor vehicles to ascertain the identity 7849  
of the owner and any lienholder of the motor vehicle. The 7850  
registrar of motor vehicles shall ensure that such information is 7851  
provided in a timely manner. Subject to division (F)(4) of this 7852  
section, the towing service or storage facility shall send notice 7853  
to the vehicle owner and any known lienholder as follows: 7854

(a) Within five business days after the registrar of motor 7855  
vehicles provides the identity of the owner and any lienholder of 7856  
the motor vehicle, if the vehicle remains unclaimed, to the 7857  
owner's and lienholder's last known address by certified or 7858  
express mail with return receipt requested or by a commercial 7859  
carrier service utilizing any form of delivery requiring a signed 7860  
receipt; 7861

(b) If the vehicle remains unclaimed thirty days after the 7862  
first notice is sent, in the manner required under division 7863  
(F)(1)(a) of this section; 7864

(c) If the vehicle remains unclaimed forty-five days after 7865  
the first notice is sent, in the manner required under division 7866  
(F)(1)(a) of this section. 7867

(2) Sixty days after any notice sent pursuant to division 7868  
(F)(1) of this section is received, as evidenced by a receipt 7869  
signed by any person, or the towing service or storage facility 7870  
has been notified that delivery was not possible, the towing 7871  
service or storage facility, if authorized under division (B) of 7872  
section 4505.101 of the Revised Code, may initiate the process for 7873  
obtaining a certificate of title to the motor vehicle as provided 7874  
in that section. 7875

(3) A towing service or storage facility that does not 7876  
receive a signed receipt of notice, or a notification that 7877  
delivery was not possible, shall not obtain, and shall not attempt 7878

to obtain, a certificate of title to the motor vehicle under 7879  
division (B) of section 4505.101 of the Revised Code. 7880

(4) With respect to a vehicle concerning which a towing 7881  
service or storage facility is not eligible to obtain title under 7882  
section 4505.101 of the Revised Code, the towing service or 7883  
storage facility need only comply with the initial notice required 7884  
under division (F)(1)(a) of this section. 7885

(G)(1) The owner or lienholder of a vehicle that is removed 7886  
under division (B) of this section may reclaim it upon both of the 7887  
following: 7888

(a) Presentation of proof of ownership, which may be 7889  
evidenced by a certificate of title to the vehicle, a certificate 7890  
of registration for the motor vehicle, or a lease agreement; 7891

(b) Payment of the following fees: 7892

(i) All applicable fees established by the public utilities 7893  
commission in rules adopted under section 4921.25 of the Revised 7894  
Code, except that the lienholder of a vehicle may retrieve the 7895  
vehicle without paying any storage fee for the period of time that 7896  
the vehicle was in the possession of the towing service or storage 7897  
facility prior to the date the lienholder received the notice sent 7898  
under division (F)(1)(a) of this section; 7899

(ii) If notice has been sent to the owner and lienholder as 7900  
described in division (F) of this section, a processing fee of 7901  
twenty-five dollars. 7902

(2) A towing service or storage facility in possession of a 7903  
vehicle that is removed under authority of division (B) of this 7904  
section shall show the vehicle owner, operator, or lienholder who 7905  
contests the removal of the vehicle all photographs taken under 7906  
division (D) of this section. Upon request, the towing service or 7907  
storage facility shall provide a copy of all photographs in the 7908  
medium in which the photographs are stored, whether paper, 7909

electronic, or otherwise. 7910

(3) When the owner of a vehicle towed under this section 7911  
retrieves the vehicle, the towing service or storage facility in 7912  
possession of the vehicle shall give the owner written notice that 7913  
if the owner disputes that the motor vehicle was lawfully towed, 7914  
the owner may be able to file a civil action under section 7915  
4513.611 of the Revised Code. 7916

(4) Upon presentation of proof of ownership, which may be 7917  
evidenced by a certificate of title to the vehicle, a certificate 7918  
of registration for the motor vehicle, or a lease agreement, the 7919  
owner of a vehicle that is removed under authority of division (B) 7920  
of this section may retrieve any personal items from the vehicle 7921  
without retrieving the vehicle and without paying any fee. The 7922  
owner of the vehicle shall not retrieve any personal items from a 7923  
vehicle if it would endanger the safety of the owner, unless the 7924  
owner agrees to sign a waiver of liability. For purposes of 7925  
division (G)(4) of this section, "personal items" do not include 7926  
any items that are attached to the vehicle. 7927

(H) No person shall remove, or cause the removal of, any 7928  
vehicle from private property that is established as a private 7929  
tow-away zone under this section or store such a vehicle other 7930  
than in accordance with this section, or otherwise fail to comply 7931  
with any applicable requirement of this section. 7932

(I) This section does not affect or limit the operation of 7933  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 7934  
as they relate to property other than private property that is 7935  
established as a private tow-away zone under division (A) of this 7936  
section. 7937

(J) Whoever violates division (H) of this section is guilty 7938  
of a minor misdemeanor. 7939

(K) As used in this section, "owner of a private property" or 7940

"owner of the private property" includes, with respect to a 7941  
private property, any of the following: 7942

(1) Any person who holds title to the property; 7943

(2) Any person who is a lessee or sublessee with respect to a 7944  
lease or sublease agreement for the property; 7945

(3) A person who is authorized to manage the property; 7946

(4) A duly authorized agent of any person listed in divisions 7947  
(K)(1) to (3) of this section. 7948

**Sec. 4513.61.** (A) The sheriff of a county or chief of police 7949  
of a municipal corporation, township, port authority, or township 7950  
or joint police district, within the sheriff's or chief's 7951  
respective territorial jurisdiction, or a state highway patrol 7952  
trooper, upon notification to the sheriff or chief of police of 7953  
such action and of the location of the place of storage, may order 7954  
into storage any motor vehicle, including an abandoned junk motor 7955  
vehicle as defined in section 4513.63 of the Revised Code, that: 7956

(1) Has come into the possession of the sheriff, chief of 7957  
police, or state highway patrol trooper as a result of the 7958  
performance of the sheriff's, chief's, or trooper's duties; or 7959

(2) Has been left on a public street or other property open 7960  
to the public for purposes of vehicular travel, or upon or within 7961  
the right-of-way of any road or highway, for forty-eight hours or 7962  
longer without notification to the sheriff or chief of police of 7963  
the reasons for leaving the motor vehicle in such place. However, 7964  
when such a motor vehicle constitutes an obstruction to traffic it 7965  
may be ordered into storage immediately unless either of the 7966  
following applies: 7967

(a) The vehicle was involved in an accident and is subject to 7968  
section 4513.66 of the Revised Code; 7969

(b) The vehicle is a commercial motor vehicle. If the vehicle 7970

is a commercial motor vehicle, the sheriff, chief of police, or 7971  
state highway patrol trooper shall allow the owner or operator of 7972  
the vehicle the opportunity to arrange for the removal of the 7973  
motor vehicle within a period of time specified by the sheriff, 7974  
chief of police, or state highway patrol trooper. If the sheriff, 7975  
chief of police, or state highway patrol trooper determines that 7976  
the vehicle cannot be removed within the specified period of time, 7977  
the sheriff, chief of police, or state highway patrol trooper 7978  
shall order the removal of the vehicle. 7979

Subject to division (C) of this section, the sheriff or chief 7980  
of police shall designate the place of storage of any motor 7981  
vehicle so ordered removed. 7982

(B) If the sheriff, chief of police, or a state highway 7983  
patrol trooper issues an order under division (A) of this section 7984  
and arranges for the removal of a motor vehicle by a towing 7985  
service, the towing service shall deliver the motor vehicle to the 7986  
location designated by the sheriff or chief of police not more 7987  
than two hours after the time it is removed. 7988

(C)(1) The sheriff or chief of police shall cause a search to 7989  
be made of the records of the bureau of motor vehicles to 7990  
ascertain the identity of the owner and any lienholder of a motor 7991  
vehicle ordered into storage by the sheriff or chief of police, or 7992  
by a state highway patrol trooper within five business days of the 7993  
removal of the vehicle. Upon obtaining such identity, the sheriff 7994  
or chief of police shall send or cause to be sent to the owner or 7995  
lienholder at the owner's or lienholder's last known address by 7996  
certified mail with return receipt requested, notice that informs 7997  
the owner or lienholder that the motor vehicle will be declared a 7998  
nuisance and disposed of if not claimed within ten days of the 7999  
date of mailing of the notice. 8000

(2) The owner or lienholder of the motor vehicle may reclaim 8001  
the motor vehicle upon payment of any expenses or charges incurred 8002

in its removal and storage, and presentation of proof of 8003  
ownership, which may be evidenced by a certificate of title or 8004  
memorandum certificate of title to the motor vehicle, a 8005  
certificate of registration for the motor vehicle, or a lease 8006  
agreement. Upon presentation of proof of ownership evidenced as 8007  
provided above, the owner of the motor vehicle also may retrieve 8008  
any personal items from the vehicle without retrieving the vehicle 8009  
and without paying any fee. However, a towing service or storage 8010  
facility may charge an after-hours retrieval fee established by 8011  
the public utilities commission in rules adopted under section 8012  
4921.25 of the Revised Code if the owner retrieves the personal 8013  
items after hours, unless the towing service or storage facility 8014  
fails to provide the notice required under division (B)(3) of 8015  
section 4513.69 of the Revised Code, if applicable. However, the 8016  
owner shall not do either of the following: 8017

(a) Retrieve any personal item that has been determined by 8018  
the sheriff, chief of police, or a state highway patrol trooper, 8019  
as applicable, to be necessary to a criminal investigation; 8020

(b) Retrieve any personal item from a vehicle if it would 8021  
endanger the safety of the owner, unless the owner agrees to sign 8022  
a waiver of liability. 8023

For purposes of division (C)(2) of this section, "personal 8024  
items" do not include any items that are attached to the vehicle. 8025

(3) If the owner or lienholder of the motor vehicle reclaims 8026  
it after a search of the records of the bureau has been conducted 8027  
and after notice has been sent to the owner or lienholder as 8028  
described in this section, and the search was conducted by the 8029  
place of storage, and the notice was sent to the motor vehicle 8030  
owner by the place of storage, the owner or lienholder shall pay 8031  
to the place of storage a processing fee of twenty-five dollars, 8032  
in addition to any expenses or charges incurred in the removal and 8033  
storage of the vehicle. 8034

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction as provided in section 4513.62 of the Revised Code, the sheriff or chief of police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief of police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in section 4513.62 of the Revised Code, the sheriff or chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief of police shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue 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. 8067

**Sec. 4513.62.** Unclaimed motor vehicles ordered into storage 8068  
pursuant to division (A)(1) of section 4513.60 or section 4513.61 8069  
of the Revised Code shall be disposed of at the order of the 8070  
sheriff of the county or the chief of police of the municipal 8071  
corporation, township, port authority, or township or joint police 8072  
district to a motor vehicle salvage dealer or scrap metal 8073  
processing facility as defined in section 4737.05 of the Revised 8074  
Code, or to any other facility owned by or under contract with the 8075  
county, municipal corporation, port authority, or township, for 8076  
the disposal of such motor vehicles, or shall be sold by the 8077  
sheriff, chief of police, or licensed auctioneer at public 8078  
auction, after giving notice thereof by advertisement, published 8079  
once a week for two successive weeks in a newspaper of general 8080  
circulation in the county or as provided in section 7.16 of the 8081  
Revised Code. Any moneys accruing from the disposition of an 8082  
unclaimed motor vehicle that are in excess of the expenses 8083  
resulting from the removal and storage of the vehicle shall be 8084  
credited to the general fund of the county, municipal corporation, 8085  
port authority, township, or joint police district, as the case 8086  
may be. 8087

**Sec. 4513.63.** "Abandoned junk motor vehicle" means any motor 8088  
vehicle meeting all of the following requirements: 8089

(A) Left on private property for forty-eight hours or longer 8090  
without the permission of the person having the right to the 8091  
possession of the property, on a public street or other property 8092  
open to the public for purposes of vehicular travel or parking, or 8093  
upon or within the right-of-way of any road or highway, for 8094  
forty-eight hours or longer; 8095

(B) Three years old, or older; 8096

(C) Extensively damaged, such damage including but not 8097  
limited to any of the following: missing wheels, tires, motor, or 8098  
transmission; 8099

(D) Apparently inoperable; 8100

(E) Having a fair market value of one thousand five hundred 8101  
dollars or less. 8102

The sheriff of a county or chief of police of a municipal 8103  
corporation, township, port authority, or township or joint police 8104  
district, within the sheriff's or chief's respective territorial 8105  
jurisdiction, or a state highway patrol trooper, upon notification 8106  
to the sheriff or chief of police of such action, shall order any 8107  
abandoned junk motor vehicle to be photographed by a law 8108  
enforcement officer. The officer shall record the make of motor 8109  
vehicle, the serial number when available, and shall also detail 8110  
the damage or missing equipment to substantiate the value of one 8111  
thousand five hundred dollars or less. The sheriff or chief of 8112  
police shall thereupon immediately dispose of the abandoned junk 8113  
motor vehicle to a motor vehicle salvage dealer as defined in 8114  
section 4738.01 of the Revised Code or a scrap metal processing 8115  
facility as defined in section 4737.05 of the Revised Code which 8116  
is under contract to the county, township, port authority, or 8117  
municipal corporation, or to any other facility owned by or under 8118  
contract with the county, township, port authority, or municipal 8119  
corporation for the destruction of such motor vehicles. The 8120  
records and photograph relating to the abandoned junk motor 8121  
vehicle shall be retained by the law enforcement agency ordering 8122  
the disposition of such vehicle for a period of at least two 8123  
years. The law enforcement agency shall execute in quadruplicate 8124  
an affidavit, as prescribed by the registrar of motor vehicles, 8125  
describing the motor vehicle and the manner in which it was 8126  
disposed of, and that all requirements of this section have been 8127  
complied with, and, within thirty days of disposing of the 8128

vehicle, shall sign and file the affidavit with the clerk of 8129  
courts of the county in which the motor vehicle was abandoned. The 8130  
clerk of courts shall retain the original of the affidavit for the 8131  
clerk's files, shall furnish one copy thereof to the registrar, 8132  
one copy to the motor vehicle salvage dealer or other facility 8133  
handling the disposal of the vehicle, and one copy to the law 8134  
enforcement agency ordering the disposal, who shall file such copy 8135  
with the records and photograph relating to the disposal. Any 8136  
moneys arising from the disposal of an abandoned junk motor 8137  
vehicle shall be deposited in the general fund of the county, 8138  
township, or the municipal corporation, as the case may be. 8139

Notwithstanding section 4513.61 of the Revised Code, any 8140  
motor vehicle meeting the requirements of divisions (C), (D), and 8141  
(E) of this section which has remained unclaimed by the owner or 8142  
lienholder for a period of ten days or longer following 8143  
notification as provided in section 4513.61 of the Revised Code 8144  
may be disposed of as provided in this section. 8145

**Sec. 4513.64.** (A) No person shall willfully leave an 8146  
abandoned junk motor vehicle as defined in section 4513.63 of the 8147  
Revised Code on private property for more than seventy-two hours 8148  
without the permission of the person having the right to the 8149  
possession of the property, or on a public street or other 8150  
property open to the public for purposes of vehicular travel or 8151  
parking, or upon or within the right-of-way of any road or 8152  
highway, for forty-eight hours or longer without notification to 8153  
the sheriff of the county or chief of police of the municipal 8154  
corporation, township, port authority, or township or joint police 8155  
district of the reasons for leaving the motor vehicle in such 8156  
place. 8157

For purposes of this section, the fact that a motor vehicle 8158  
has been so left without permission or notification is prima-facie 8159

evidence of abandonment. 8160

Nothing contained in sections 4513.60, 4513.61, and 4513.63 8161  
of the Revised Code shall invalidate the provisions of municipal 8162  
ordinances or township resolutions regulating or prohibiting the 8163  
abandonment of motor vehicles on streets, highways, public 8164  
property, or private property within municipal corporations or 8165  
townships. 8166

(B) Whoever violates this section is guilty of a minor 8167  
misdemeanor and shall also be assessed any costs incurred by the 8168  
county, township, joint police district, port authority, or 8169  
municipal corporation in disposing of the abandoned junk motor 8170  
vehicle that is the basis of the violation, less any money 8171  
accruing to the county, township, joint police district, port 8172  
authority, or municipal corporation from this disposal of the 8173  
vehicle. 8174

**Sec. 4513.65.** (A) For purposes of this section, "junk motor 8175  
vehicle" means any motor vehicle meeting the requirements of 8176  
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 8177  
Code that is left uncovered in the open on private property for 8178  
more than seventy-two hours with the permission of the person 8179  
having the right to the possession of the property, except if the 8180  
person is operating a junk yard or scrap metal processing facility 8181  
licensed under authority of sections 4737.05 to 4737.12 of the 8182  
Revised Code, or regulated under authority of a political 8183  
subdivision; or if the property on which the motor vehicle is left 8184  
is not subject to licensure or regulation by any governmental 8185  
authority, unless the person having the right to the possession of 8186  
the property can establish that the motor vehicle is part of a 8187  
bona fide commercial operation; or if the motor vehicle is a 8188  
collector's vehicle. 8189

No political subdivision shall prevent a person from storing 8190

or keeping, or restrict a person in the method of storing or 8191  
keeping, any collector's vehicle on private property with the 8192  
permission of the person having the right to the possession of the 8193  
property; except that a political subdivision may require a person 8194  
having such permission to conceal, by means of buildings, fences, 8195  
vegetation, terrain, or other suitable obstruction, any unlicensed 8196  
collector's vehicle stored in the open. 8197

The sheriff of a county, or chief of police of a municipal 8198  
corporation or port authority, within the sheriff's or chief's 8199  
respective territorial jurisdiction, a state highway patrol 8200  
trooper, a board of township trustees, the legislative authority 8201  
of a municipal corporation or port authority, or the zoning 8202  
authority of a township or a municipal corporation, may send 8203  
notice, by certified mail with return receipt requested, to the 8204  
person having the right to the possession of the property on which 8205  
a junk motor vehicle is left, that within ten days of receipt of 8206  
the notice, the junk motor vehicle either shall be covered by 8207  
being housed in a garage or other suitable structure, or shall be 8208  
removed from the property. 8209

No person shall willfully leave a junk motor vehicle 8210  
uncovered in the open for more than ten days after receipt of a 8211  
notice as provided in this section. The fact that a junk motor 8212  
vehicle is so left is prima-facie evidence of willful failure to 8213  
comply with the notice, and each subsequent period of thirty days 8214  
that a junk motor vehicle continues to be so left constitutes a 8215  
separate offense. 8216

(B) Whoever violates this section is guilty of a minor 8217  
misdemeanor. 8218

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on any 8219  
highway, public street, or other property open to the public for 8220  
purposes of vehicular travel and if any motor vehicle, cargo, or 8221

personal property that has been damaged or spilled as a result of 8222  
the motor vehicle accident is blocking the highway, street, or 8223  
other property or is otherwise endangering public safety, a public 8224  
safety official may do either of the following without the consent 8225  
of the owner but with the approval of the law enforcement agency 8226  
conducting any investigation of the accident: 8227

(1) Remove, or order the removal of, the motor vehicle if the 8228  
motor vehicle is unoccupied, cargo, or personal property from the 8229  
portion of the highway, public street, or property ordinarily used 8230  
for vehicular travel on the highway, public street, or other 8231  
property open to the public for purposes of vehicular travel. 8232

(2) If the motor vehicle is a commercial motor vehicle, allow 8233  
the owner or operator of the vehicle the opportunity to arrange 8234  
for the removal of the motor vehicle within a period of time 8235  
specified by the public safety official. If the public safety 8236  
official determines that the motor vehicle cannot be removed 8237  
within the specified period of time, the public safety official 8238  
shall remove or order the removal of the motor vehicle. 8239

(B)(1) Except as provided in division (B)(2) of this section, 8240  
the department of transportation, any employee of the department 8241  
of transportation, or a public safety official who authorizes or 8242  
participates in the removal of any unoccupied motor vehicle, 8243  
cargo, or personal property as authorized by division (A) of this 8244  
section, regardless of whether the removal is executed by a 8245  
private towing service, is not liable for civil damages for any 8246  
injury, death, or loss to person or property that results from the 8247  
removal of that unoccupied motor vehicle, cargo, or personal 8248  
property. Further, except as provided in division (B)(2) of this 8249  
section, if a public safety official authorizes, employs, or 8250  
arranges to have a private towing service remove any unoccupied 8251  
motor vehicle, cargo, or personal property as authorized by 8252

division (A) of this section, that private towing service is not 8253  
liable for civil damages for any injury, death, or loss to person 8254  
or property that results from the removal of that unoccupied motor 8255  
vehicle, cargo, or personal property. 8256

(2) Division (B)(1) of this section does not apply to any of 8257  
the following: 8258

(a) Any person or entity involved in the removal of an 8259  
unoccupied motor vehicle, cargo, or personal property pursuant to 8260  
division (A) of this section if that removal causes or contributes 8261  
to the release of a hazardous material or to structural damage to 8262  
the roadway; 8263

(b) A private towing service that was not authorized, 8264  
employed, or arranged by a public safety official to remove an 8265  
unoccupied motor vehicle, cargo, or personal property under this 8266  
section; 8267

(c) Except as provided in division (B)(2)(d) of this section, 8268  
a private towing service that was authorized, employed, or 8269  
arranged by a public safety official to perform the removal of the 8270  
unoccupied motor vehicle, cargo, or personal property but the 8271  
private towing service performed the removal in a negligent 8272  
manner; 8273

(d) A private towing service that was authorized, employed, 8274  
or arranged by a public safety official to perform the removal of 8275  
the unoccupied motor vehicle, cargo, or personal property that was 8276  
endangering public safety but the private towing service performed 8277  
the removal in a reckless manner. 8278

(C) As used in this section: 8279

(1) "Public safety official" means any of the following: 8280

(a) The sheriff of the county, or the chief of police in the 8281  
municipal corporation, township, port authority, or township or 8282

joint police district, in which the accident occurred; 8283

(b) A state highway patrol trooper; 8284

(c) The chief of the fire department having jurisdiction 8285  
where the accident occurred; 8286

(d) A duly authorized subordinate acting on behalf of an 8287  
official specified in divisions (C)(1)(a) to (c) of this section. 8288

(2) "Hazardous material" has the same meaning as in section 8289  
2305.232 of the Revised Code. 8290

**Sec. 4513.69.** (A) A storage facility shall ensure that the 8291  
facility remains open during both of the following periods of time 8292  
to allow a vehicle owner or lienholder to retrieve a vehicle in 8293  
the possession of the storage facility: 8294

(1) Any time during which a towing service is towing a 8295  
vehicle pursuant to section 4513.601 of the Revised Code and the 8296  
vehicle will be held by the storage facility; 8297

(2) Between nine o'clock in the morning and noon on the day 8298  
after any day during which the storage facility accepted for 8299  
storage a vehicle towed under section 4513.60, 4513.601, or 8300  
4513.61 of the Revised Code. 8301

(B)(1) A storage facility that accepts for storage vehicles 8302  
towed under section 4513.60, 4513.601, or 4513.61 of the Revised 8303  
Code shall ensure that a notice is conspicuously posted at the 8304  
entrance to the storage facility that states the telephone number 8305  
at which the owner or lienholder of a vehicle may contact the 8306  
owner or a representative of the storage facility for the purpose 8307  
of determining whether the person may retrieve a vehicle or 8308  
personal items when the storage facility is closed. The storage 8309  
facility also shall provide that telephone number to the sheriff 8310  
of a county or chief of police of a municipal corporation, 8311  
township, port authority, or township or joint police district. 8312

The storage facility shall ensure that a process is in place for 8313  
purposes of answering calls at all times day or night. 8314

(2) After receiving a call from the owner or lienholder of a 8315  
vehicle who seeks to recover a vehicle that was towed pursuant to 8316  
section 4513.601 of the Revised Code, the storage facility shall 8317  
ensure that, within three hours of receiving the phone call, a 8318  
representative of the storage facility is available to release the 8319  
vehicle upon being presented with proof of ownership of the 8320  
vehicle, which may be evidenced by a certificate of title to the 8321  
vehicle, a certificate of registration for the motor vehicle, or a 8322  
lease agreement, and payment of an after-hours vehicle retrieval 8323  
fee established under section 4921.25 of the Revised Code along 8324  
with all other applicable fees. 8325

(3) If a storage facility receives a call from a person who 8326  
seeks to recover personal items from a vehicle that was towed 8327  
pursuant to section 4513.60 or 4513.61 of the Revised Code and the 8328  
storage facility is not open to the public, the storage facility 8329  
shall notify the person that an after-hours retrieval fee applies 8330  
and shall state the amount of the fee as established by the public 8331  
utilities commission in rules adopted under section 4921.25 of the 8332  
Revised Code. The storage facility shall allow the person to 8333  
retrieve personal items in accordance with division (D)(2) of 8334  
section 4513.60 or division (C)(2) of section 4513.61 of the 8335  
Revised Code, but shall not charge an after-hours retrieval fee 8336  
unless notice is provided in accordance with this division. 8337

(C) No storage facility shall fail to comply with division 8338  
(A) or (B) of this section. 8339

**Sec. 4516.01.** As used in sections 4516.01 to 4516.07 of the 8340  
Revised Code: 8341

(A) "Car sharing period" means the period of time that 8342  
commences with the car sharing delivery period or, if there is no 8343

car sharing delivery period, with the car sharing start time, in 8344  
accordance with the peer-to-peer car sharing program agreement, 8345  
and ends with the car sharing termination time. 8346

(B) "Car sharing delivery period" means the period of time in 8347  
which a shared vehicle is being delivered to the agreed upon 8348  
location for the shared vehicle driver to take over possession of 8349  
the vehicle, in accordance with the peer-to-peer car sharing 8350  
program agreement. 8351

(C) "Car sharing start time" means either the point in time 8352  
when the shared vehicle driver takes possession of the shared 8353  
vehicle or the point in time when the shared vehicle driver was 8354  
scheduled to take possession of the shared vehicle, whichever 8355  
occurs first. 8356

(D) "Car sharing termination time" means the point in time 8357  
when the shared vehicle is returned to the location designated by 8358  
the shared vehicle owner, in accordance with the peer-to-peer car 8359  
sharing program agreement, and any of the following occur: 8360

(1) The period of time established in the agreement expires. 8361

(2) The shared vehicle driver notifies the shared vehicle 8362  
owner through the peer-to-peer car sharing program that the driver 8363  
is finished using the shared vehicle. 8364

(3) The shared vehicle owner or the owner's designee takes 8365  
possession of the shared vehicle. 8366

(E) "Motor vehicle" has the same meaning as in section 8367  
3937.30 of the Revised Code. 8368

(F) "Motor vehicle renting dealer" has the same meaning as in 8369  
section 4549.65 of the Revised Code. 8370

(G) "Peer-to-peer car sharing" means the authorized use of a 8371  
private motor vehicle by an individual other than the motor 8372  
vehicle's owner through a peer-to-peer car sharing program. 8373

(H) "Peer-to-peer car sharing program" means a person who 8374  
operates a business platform that connects a shared vehicle owner 8375  
to a shared vehicle driver to enable the sharing of vehicles for 8376  
financial consideration. 8377

(I) "Peer-to-peer car sharing program agreement" means an 8378  
agreement established through the peer-to-peer car sharing program 8379  
that serves as a contract between the peer-to-peer car sharing 8380  
program, the shared vehicle owner, and the shared vehicle driver 8381  
and describes the specific terms and conditions of the agreement, 8382  
including the car sharing period and the location or locations for 8383  
transfer of possession. 8384

(J) "Primary insurer" means any insurer issuing a primary 8385  
policy of automobile insurance for a shared vehicle. 8386

(K) "Primary policy of automobile insurance" means a policy 8387  
of automobile insurance covering a shared vehicle for any period 8388  
of time outside a vehicle sharing period. 8389

(L) "Private motor vehicle" means a motor vehicle owned and 8390  
registered in this state to an individual. "Private motor vehicle" 8391  
does not include any vehicle owned or registered by a motor 8392  
vehicle renting dealer. 8393

(M) "Shared vehicle" means a private motor vehicle that is 8394  
enrolled in a peer-to-peer car sharing program. 8395

(N) "Shared vehicle driver" means a person authorized by a 8396  
shared vehicle owner, in accordance with the terms and conditions 8397  
of a peer-to-peer car sharing program agreement, to operate a 8398  
shared vehicle during a vehicle sharing period. 8399

(O) "Shared vehicle owner" means a registered owner of a 8400  
shared vehicle. 8401

**Sec. 4516.02.** (A) A peer-to-peer car sharing program shall 8402  
collect all of the following information before entering into a 8403

<u>peer-to-peer car sharing program agreement:</u>	8404
<u>(1) The name and address of the shared vehicle owner and the shared vehicle driver;</u>	8405
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8406
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8407
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8408
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8409
<u>(2) The driver's license number and state of issuance of the shared vehicle owner and the shared vehicle driver and verification that both licenses are valid and not suspended for any reason;</u>	8410
<u>(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period;</u>	8411
<u>(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period;</u>	8412
<u>(3) The name, address, driver's license number, and state of issuance of any other person who will operate the shared vehicle during the car sharing period;</u>	8413
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8414
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8415
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8416
<u>(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have a primary policy of automobile insurance and information related to that policy and the policy limits;</u>	8417
<u>(5) Whether the shared vehicle owner is aware of any safety recalls regarding the shared vehicle;</u>	8418
<u>(5) Whether the shared vehicle owner is aware of any safety recalls regarding the shared vehicle;</u>	8419
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8420
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8421
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8422
<u>(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.</u>	8423
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8424
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8425
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8426
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8427
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8428
<u>(B) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the peer-to-peer car sharing program agreement or knows that such a person does not have a valid driver's license.</u>	8429
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8430
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8431
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8432
<u>(C) A peer-to-peer car sharing program shall not allow a peer-to-peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered or the shared vehicle owner does not maintain a primary</u>	8433

policy of automobile insurance. 8434

(D) Whoever violates this section is subject to the 8435  
administrative penalties established by the registrar of motor 8436  
vehicles under section 4516.07 of the Revised Code. 8437

**Sec. 4516.03.** (A) A peer-to-peer car sharing program shall 8438  
disclose all of the following to the shared vehicle owner and the 8439  
shared vehicle driver in the peer-to-peer car sharing program 8440  
agreement: 8441

(1) Any right of the program to seek indemnification from the 8442  
shared vehicle owner or the shared vehicle driver for economic 8443  
loss sustained by the program resulting from a breach of the terms 8444  
and conditions of the agreement; 8445

(2) That any primary policy of automobile insurance for the 8446  
shared vehicle does not provide a defense against or 8447  
indemnification for any claim asserted by the program; 8448

(3) That the program's motor vehicle insurance coverage on 8449  
the shared vehicle owner, the shared vehicle driver, and the 8450  
shared vehicle is in effect only during the car sharing period and 8451  
that any use of the shared vehicle by the shared vehicle driver 8452  
after the car sharing termination time may not be covered by 8453  
either the program's insurance or any primary policy of automobile 8454  
insurance; 8455

(4) The daily rate, fees, and any insurance or protection 8456  
package costs that are charged to the shared vehicle owner or the 8457  
shared vehicle driver; 8458

(5) That the shared vehicle owner's primary policy of 8459  
automobile insurance may not provide coverage for a shared vehicle 8460  
during the car sharing period or for any use outside of the 8461  
policy's stated terms and conditions; 8462

(6) Emergency contact information for roadside assistance and 8463

other customer service inquiries. 8464

(B) Whoever violates this section is subject to the 8465  
administrative penalties established by the registrar of motor 8466  
vehicles under section 4516.07 of the Revised Code. 8467

**Sec. 4516.04.** (A) A peer-to-peer car sharing program shall 8468  
have sole responsibility for any equipment, including a global 8469  
positioning system or other special equipment that is installed in 8470  
or on the shared vehicle to monitor or facilitate peer-to-peer car 8471  
sharing. The program shall agree to indemnify and hold harmless 8472  
the shared vehicle owner for any damage or theft of the system or 8473  
equipment during the car sharing period that is not caused by the 8474  
shared vehicle owner. The program may seek indemnity from the 8475  
shared vehicle driver for any loss or damage to the system or 8476  
equipment that occurs during the car sharing period that is caused 8477  
by the shared vehicle driver. 8478

(B) Whoever violates this section is subject to the 8479  
administrative penalties established by the registrar of motor 8480  
vehicles under section 4516.07 of the Revised Code. 8481

**Sec. 4516.05.** (A) When a motor vehicle owner registers as a 8482  
shared vehicle owner with a peer-to-peer car sharing program and 8483  
before the shared vehicle owner makes the shared vehicle available 8484  
for peer-to-peer car sharing, the peer-to-peer car sharing program 8485  
shall do all of the following: 8486

(1) Verify that the shared vehicle does not have any 8487  
outstanding safety recalls on the vehicle; 8488

(2) Provide notice to the shared vehicle owner of the owner's 8489  
responsibilities under division (B) of this section. 8490

(B)(1) If a shared vehicle owner receives actual notice of a 8491  
safety recall on the shared vehicle, the shared vehicle owner 8492  
shall not make the shared vehicle available through a peer-to-peer 8493

car sharing program until the safety recall repair is made. 8494

(2) If the shared vehicle owner receives actual notice of a 8495  
safety recall on the shared vehicle after the shared vehicle is 8496  
available through a peer-to-peer car sharing program but while the 8497  
shared vehicle is not currently possessed by a shared vehicle 8498  
driver, the shared vehicle owner shall remove the shared vehicle 8499  
from availability until the safety recall repair is made. 8500

(3) If the shared vehicle owner receives actual notice of a 8501  
safety recall on the shared vehicle while the vehicle is possessed 8502  
by a shared vehicle driver, the shared vehicle owner shall notify 8503  
the peer-to-peer car sharing program about the safety recall, so 8504  
that the car sharing period can be terminated to allow the shared 8505  
vehicle owner to address the safety recall repair. 8506

(C) Whoever violates this section is subject to the 8507  
administrative penalties established by the registrar of motor 8508  
vehicles under section 4516.07 of the Revised Code. 8509

**Sec. 4516.06.** (A) A peer-to-peer car sharing program is a 8510  
vendor for purposes of Chapter 5739. of the Revised Code and 8511  
therefore is responsible for collecting and remitting any sales 8512  
taxes required under that chapter. 8513

(B) Whoever violates this section is subject to any 8514  
applicable penalties for such violation, including administrative 8515  
penalties established by the registrar of motor vehicles under 8516  
section 4516.07 of the Revised Code. 8517

**Sec. 4516.07.** The registrar of motor vehicles, in 8518  
consultation with the department of insurance, shall adopt rules 8519  
in accordance with Chapter 119. of the Revised Code for purposes 8520  
of administering this chapter, including rules that do all of the 8521  
following: 8522

(A) Establish procedures and requirements for the imposition 8523

of administrative penalties for violations of this chapter; 8524

(B) Establish the amount of any administrative penalties. 8525

Such amounts shall be based upon the number of prior violations 8526

committed by a person subject to the administrative penalty. 8527

(C) Establish requirements that do all of the following: 8528

(1) Require a peer-to-peer car sharing program to enter into 8529

a concession agreement with an operator of an airport prior to the 8530

program enabling peer-to-peer car sharing within three miles of 8531

the airport's terminal; 8532

(2) Require a shared vehicle owner offering three or more 8533

shared vehicles through a peer-to-peer car sharing program to 8534

enter into a concession agreement with an operator of an airport 8535

if the shared vehicle driver takes possession of a shared vehicle 8536

within three miles of an airport; 8537

(3) Specify that a concession agreement entered into under 8538

rules adopted under division (C)(1) or (2) of this section must 8539

impose fees or other charges in the same manner as such fees and 8540

charges are imposed with a motor vehicle rental dealer located at 8541

or in the vicinity of the airport. 8542

**Sec. 4549.10.** (A) No person shall operate or cause to be 8543

operated upon a public road or highway a motor vehicle of a 8544

manufacturer or dealer unless the vehicle carries and displays ~~two~~ 8545

~~placards~~ a placard, except as provided in section 4503.21 of the 8546

Revised Code, issued by the director of public safety that ~~bear~~ 8547

displays the registration number of its manufacturer or dealer. 8548

(B) Whoever violates division (A) of this section is guilty 8549

of illegal operation of a manufacturer's or dealer's motor 8550

vehicle, a minor misdemeanor. 8551

**Sec. 4582.12.** (A)(1) Except as otherwise provided in division 8552

(E) of section 307.671 of the Revised Code, division (A) of this section does not apply to a port authority educational and cultural facility acquired, constructed, and equipped pursuant to a cooperative agreement entered into under section 307.671 of the Revised Code.

(2) Except as provided in division (C) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under sections 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding one hundred fifty thousand dollars and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the jurisdiction of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. Every contract let shall be in writing and if the contract involves work or construction, it shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, and signed by an authorized officer of the port authority and by the contractor, ~~and shall be executed in triplicate.~~

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code.

The port authority may reject any and all bids.

(B) The board of directors of a port authority by rule may provide criteria for the negotiation and award without competitive

bidding of any contract as to which the port authority is the 8585  
contracting entity for the construction of any building, 8586  
structure, or other improvement under any of the following 8587  
circumstances: 8588

(1) There exists a real and present emergency that threatens 8589  
damage or injury to persons or property of the port authority or 8590  
other persons, provided that a statement specifying the nature of 8591  
the emergency that is the basis for the negotiation and award of a 8592  
contract without competitive bidding shall be signed by the 8593  
officer of the port authority that executes that contract at the 8594  
time of the contract's execution and shall be attached to the 8595  
contract. 8596

(2) A commonly recognized industry or other standard or 8597  
specification does not exist and cannot objectively be articulated 8598  
for the improvement. 8599

(3) The contract is for any energy conservation measure as 8600  
defined in section 307.041 of the Revised Code. 8601

(4) With respect to material to be incorporated into the 8602  
improvement, only a single source or supplier exists for the 8603  
material. 8604

(5) A single bid is received by the port authority after 8605  
complying with the provisions of division (A) of this section. 8606

(C)(1) If a contract is to be negotiated and awarded without 8607  
competitive bidding for the reason set forth in division (B)(2) of 8608  
this section, the port authority shall publish a notice calling 8609  
for technical proposals at least twice, with at least seven days 8610  
between publications, in a newspaper of general circulation in the 8611  
area of the port authority. After receipt of the technical 8612  
proposals, the port authority may negotiate with and award a 8613  
contract for the improvement to the proposer making the proposal 8614  
considered to be the most advantageous to the port authority. 8615

(2) If a contract is to be negotiated and awarded without 8616  
competitive bidding for the reason set forth in division (B)(4) of 8617  
this section, any construction activities related to the 8618  
incorporation of the material into the improvement also may be 8619  
provided without competitive bidding by the source or supplier of 8620  
that material. 8621

**Sec. 4582.31.** (A) A port authority created in accordance with 8622  
section 4582.22 of the Revised Code may: 8623

(1) Adopt bylaws for the regulation of its affairs and the 8624  
conduct of its business; 8625

(2) Adopt an official seal; 8626

(3) Maintain a principal office within its jurisdiction, and 8627  
maintain such branch offices as it may require; 8628

(4) Acquire, construct, furnish, equip, maintain, repair, 8629  
sell, exchange, lease to or from, or lease with an option to 8630  
purchase, convey other interests in real or personal property, or 8631  
any combination thereof, related to, useful for, or in furtherance 8632  
of any authorized purpose and operate any property in connection 8633  
with transportation, recreational, governmental operations, or 8634  
cultural activities; 8635

(5) Straighten, deepen, and improve any channel, river, 8636  
stream, or other water course or way which may be necessary or 8637  
proper in the development of the facilities of a port authority; 8638

(6) Make available the use or services of any port authority 8639  
facility to one or more persons, one or more governmental 8640  
agencies, or any combination thereof; 8641

(7) Issue bonds or notes for the acquisition, construction, 8642  
furnishing, or equipping of any port authority facility or other 8643  
permanent improvement that a port authority is authorized to 8644  
acquire, construct, furnish, or equip, in compliance with Chapter 8645

133. of the Revised Code, except that such bonds or notes may only 8646  
be issued pursuant to a vote of the electors residing within the 8647  
area of jurisdiction of the port authority. The net indebtedness 8648  
incurred by a port authority shall never exceed two per cent of 8649  
the total value of all property within the territory comprising 8650  
the port authority as listed and assessed for taxation. 8651

(8) Issue port authority revenue bonds beyond the limit of 8652  
bonded indebtedness provided by law, payable solely from revenues 8653  
as provided in section 4582.48 of the Revised Code, for the 8654  
purpose of providing funds to pay the costs of any port authority 8655  
facility or facilities or parts thereof; 8656

(9) Apply to the proper authorities of the United States 8657  
pursuant to appropriate law for the right to establish, operate, 8658  
and maintain foreign trade zones and establish, operate, and 8659  
maintain foreign trade zones and to acquire, exchange, sell, lease 8660  
to or from, lease with an option to purchase, or operate 8661  
facilities, land, or property therefor in accordance with the 8662  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 8663  
81u; 8664

(10) Enjoy and possess the same rights, privileges, and 8665  
powers granted municipal corporations under sections 721.04 to 8666  
721.11 of the Revised Code; 8667

(11) Maintain such funds as it considers necessary; 8668

(12) Direct its agents or employees, when properly identified 8669  
in writing, and after at least five days' written notice, to enter 8670  
upon lands within the confines of its jurisdiction in order to 8671  
make surveys and examinations preliminary to location and 8672  
construction of works for the purposes of the port authority, 8673  
without liability of the port authority or its agents or employees 8674  
except for actual damage done; 8675

(13) Promote, advertise, and publicize the port authority and 8676

its facilities; provide information to shippers and other 8677  
commercial interests; and appear before rate-making authorities to 8678  
represent and promote the interests of the port authority; 8679

(14) Adopt rules, not in conflict with general law, it finds 8680  
necessary or incidental to the performance of its duties and the 8681  
execution of its powers under sections 4582.21 to 4582.54 of the 8682  
Revised Code. Any such rule shall be posted at no less than five 8683  
public places in the port authority, as determined by the board of 8684  
directors, for a period of not fewer than fifteen days, and shall 8685  
be available for public inspection at the principal office of the 8686  
port authority during regular business hours. No person shall 8687  
violate any lawful rule adopted and posted as provided in this 8688  
division. 8689

(15) Do any of the following, in regard to any interests in 8690  
any real or personal property, or any combination thereof, 8691  
including, without limitation, machinery, equipment, plants, 8692  
factories, offices, and other structures and facilities related 8693  
to, useful for, or in furtherance of any authorized purpose, for 8694  
such consideration and in such manner, consistent with Article 8695  
VIII of the Ohio Constitution, as the board in its sole discretion 8696  
may determine: 8697

(a) Loan moneys to any person or governmental entity for the 8698  
acquisition, construction, furnishing, and equipping of the 8699  
property; 8700

(b) Acquire, construct, maintain, repair, furnish, and equip 8701  
the property; 8702

(c) Sell to, exchange with, lease, convey other interests in, 8703  
or lease with an option to purchase the same or any lesser 8704  
interest in the property to the same or any other person or 8705  
governmental entity; 8706

(d) Guarantee the obligations of any person or governmental 8707

entity. 8708

A port authority may accept and hold as consideration for the 8709  
conveyance of property or any interest therein such property or 8710  
interests therein as the board in its discretion may determine, 8711  
notwithstanding any restrictions that apply to the investment of 8712  
funds by a port authority. 8713

(16) Sell, lease, or convey other interests in real and 8714  
personal property, and grant easements or rights-of-way over 8715  
property of the port authority. The board of directors shall 8716  
specify the consideration and any terms for the sale, lease, or 8717  
conveyance of other interests in real and personal property. Any 8718  
determination made by the board under this division shall be 8719  
conclusive. The sale, lease, or conveyance may be made without 8720  
advertising and the receipt of bids. 8721

(17) Exercise the right of eminent domain to appropriate any 8722  
land, rights, rights-of-way, franchises, easements, or other 8723  
property, necessary or proper for any authorized purpose, pursuant 8724  
to the procedure provided in sections 163.01 to 163.22 of the 8725  
Revised Code, if funds equal to the appraised value of the 8726  
property to be acquired as a result of such proceedings are 8727  
available for that purpose. However, nothing contained in sections 8728  
4582.201 to 4582.59 of the Revised Code shall authorize a port 8729  
authority to take or disturb property or facilities belonging to 8730  
any agency or political subdivision of this state, public utility, 8731  
cable operator, or common carrier, which property or facilities 8732  
are necessary and convenient in the operation of the agency or 8733  
political subdivision, public utility, cable operator, or common 8734  
carrier, unless provision is made for the restoration, relocation, 8735  
or duplication of such property or facilities, or upon the 8736  
election of the agency or political subdivision, public utility, 8737  
cable operator, or common carrier, for the payment of 8738  
compensation, if any, at the sole cost of the port authority, 8739

provided that: 8740

(a) If any restoration or duplication proposed to be made 8741  
under this section involves a relocation of the property or 8742  
facilities, the new facilities and location shall be of at least 8743  
comparable utilitarian value and effectiveness and shall not 8744  
impair the ability of the public utility, cable operator, or 8745  
common carrier to compete in its original area of operation; 8746

(b) If any restoration or duplication made under this section 8747  
involves a relocation of the property or facilities, the port 8748  
authority shall acquire no interest or right in or to the 8749  
appropriated property or facilities, except as provided in 8750  
division (A)(15) of this section, until the relocated property or 8751  
facilities are available for use and until marketable title 8752  
thereto has been transferred to the public utility, cable 8753  
operator, or common carrier. 8754

As used in division (A)(17) of this section, "cable operator" 8755  
has the same meaning as in the "Cable Communications Policy Act of 8756  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 8757  
amended by the "Telecommunications Act of 1996," Pub. L. No. 8758  
104-104, 110 Stat. 56. 8759

(18)(a) Make and enter into all contracts and agreements and 8760  
execute all instruments necessary or incidental to the performance 8761  
of its duties and the execution of its powers under sections 8762  
4582.21 to 4582.59 of the Revised Code. 8763

(b) Except as provided in division (A)(18)(c) of this section 8764  
or except when the port authority elects to construct a building, 8765  
structure, or other improvement pursuant to a contract made with a 8766  
construction manager at risk under sections 9.33 to 9.335 of the 8767  
Revised Code or with a design-build firm under section 153.65 to 8768  
153.73 of the Revised Code, when the cost of a contract for the 8769  
construction of any building, structure, or other improvement 8770

undertaken by a port authority involves an expenditure exceeding 8771  
one hundred fifty thousand dollars and the port authority is the 8772  
contracting entity, the port authority shall make a written 8773  
contract after notice calling for bids for the award of the 8774  
contract has been given by publication twice, with at least seven 8775  
days between publications, in a newspaper of general circulation 8776  
in the area of the port authority or as provided in section 7.16 8777  
of the Revised Code. Each such contract shall be let to the lowest 8778  
responsive and responsible bidder in accordance with section 9.312 8779  
of the Revised Code. Every contract shall be accompanied by or 8780  
shall refer to plans and specifications for the work to be done, 8781  
prepared for and approved by the port authority, and signed by an 8782  
authorized officer of the port authority and by the contractor, 8783  
~~and shall be executed in triplicate.~~ 8784

Each bid shall be awarded in accordance with sections 153.54, 8785  
153.57, and 153.571 of the Revised Code. The port authority may 8786  
reject any and all bids. 8787

(c) The board of directors by rule may provide criteria for 8788  
the negotiation and award without competitive bidding of any 8789  
contract as to which the port authority is the contracting entity 8790  
for the construction of any building or structure or other 8791  
improvement under any of the following circumstances: 8792

(i) There exists a real and present emergency that threatens 8793  
damage or injury to persons or property of the port authority or 8794  
other persons, provided that a statement specifying the nature of 8795  
the emergency that is the basis for the negotiation and award of a 8796  
contract without competitive bidding shall be signed by the 8797  
officer of the port authority that executes that contract at the 8798  
time of the contract's execution and shall be attached to the 8799  
contract. 8800

(ii) A commonly recognized industry or other standard or 8801  
specification does not exist and cannot objectively be articulated 8802

for the improvement. 8803

(iii) The contract is for any energy conservation measure as 8804  
defined in section 307.041 of the Revised Code. 8805

(iv) With respect to material to be incorporated into the 8806  
improvement, only a single source or supplier exists for the 8807  
material. 8808

(v) A single bid is received by the port authority after 8809  
complying with the provisions of division (A)(18)(b) of this 8810  
section. 8811

(d)(i) If a contract is to be negotiated and awarded without 8812  
competitive bidding for the reason set forth in division 8813  
(A)(18)(c)(ii) of this section, the port authority shall publish a 8814  
notice calling for technical proposals twice, with at least seven 8815  
days between publications, in a newspaper of general circulation 8816  
in the area of the port authority or as provided in section 7.16 8817  
of the Revised Code. After receipt of the technical proposals, the 8818  
port authority may negotiate with and award a contract for the 8819  
improvement to the proposer making the proposal considered to be 8820  
the most advantageous to the port authority. 8821

(ii) If a contract is to be negotiated and awarded without 8822  
competitive bidding for the reason set forth in division 8823  
(A)(18)(c)(iv) of this section, any construction activities 8824  
related to the incorporation of the material into the improvement 8825  
also may be provided without competitive bidding by the source or 8826  
supplier of that material. 8827

(e)(i) Any purchase, exchange, sale, lease, lease with an 8828  
option to purchase, conveyance of other interests in, or other 8829  
contract with a person or governmental entity that pertains to the 8830  
acquisition, construction, maintenance, repair, furnishing, 8831  
equipping, or operation of any real or personal property, or any 8832  
combination thereof, related to, useful for, or in furtherance of 8833

an activity contemplated by Section 13 or 16 of Article VIII, Ohio 8834  
Constitution, shall be made in such manner and subject to such 8835  
terms and conditions as may be determined by the board of 8836  
directors in its discretion. 8837

(ii) Division (A)(18)(e)(i) of this section applies to all 8838  
contracts that are subject to the division, notwithstanding any 8839  
other provision of law that might otherwise apply, including, 8840  
without limitation, any requirement of notice, any requirement of 8841  
competitive bidding or selection, or any requirement for the 8842  
provision of security. 8843

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 8844  
apply to either of the following: any contract secured by or to be 8845  
paid from moneys raised by taxation or the proceeds of obligations 8846  
secured by a pledge of moneys raised by taxation; or any contract 8847  
secured exclusively by or to be paid exclusively from the general 8848  
revenues of the port authority. For the purposes of this section, 8849  
any revenues derived by the port authority under a lease or other 8850  
agreement that, by its terms, contemplates the use of amounts 8851  
payable under the agreement either to pay the costs of the 8852  
improvement that is the subject of the contract or to secure 8853  
obligations of the port authority issued to finance costs of such 8854  
improvement, are excluded from general revenues. 8855

(19) Employ managers, superintendents, and other employees 8856  
and retain or contract with consulting engineers, financial 8857  
consultants, accounting experts, architects, attorneys, and any 8858  
other consultants and independent contractors as are necessary in 8859  
its judgment to carry out this chapter, and fix the compensation 8860  
thereof. All expenses thereof shall be payable from any available 8861  
funds of the port authority or from funds appropriated for that 8862  
purpose by a political subdivision creating or participating in 8863  
the creation of the port authority. 8864

(20) Receive and accept from any state or federal agency 8865

grants and loans for or in aid of the construction of any port 8866  
authority facility or for research and development with respect to 8867  
port authority facilities, and receive and accept aid or 8868  
contributions from any source of money, property, labor, or other 8869  
things of value, to be held, used, and applied only for the 8870  
purposes for which the grants and contributions are made; 8871

(21) Engage in research and development with respect to port 8872  
authority facilities; 8873

(22) Purchase fire and extended coverage and liability 8874  
insurance for any port authority facility and for the principal 8875  
office and branch offices of the port authority, insurance 8876  
protecting the port authority and its officers and employees 8877  
against liability for damage to property or injury to or death of 8878  
persons arising from its operations, and any other insurance the 8879  
port authority may agree to provide under any resolution 8880  
authorizing its port authority revenue bonds or in any trust 8881  
agreement securing the same; 8882

(23) Charge, alter, and collect rentals and other charges for 8883  
the use or services of any port authority facility as provided in 8884  
section 4582.43 of the Revised Code; 8885

(24) Provide coverage for its employees under Chapters 145., 8886  
4123., and 4141. of the Revised Code; 8887

(25) Establish and administer one or more payment card 8888  
programs for purposes of paying expenses related to port authority 8889  
business. Any obligation incurred as a result of the use of such a 8890  
payment card shall be paid from port authority funds. 8891

(26) Do all acts necessary or proper to carry out the powers 8892  
expressly granted in sections 4582.21 to 4582.59 of the Revised 8893  
Code. 8894

(B) Any instrument by which real property is acquired 8895  
pursuant to this section shall identify the agency of the state 8896

that has the use and benefit of the real property as specified in 8897  
section 5301.012 of the Revised Code. 8898

(C) Whoever violates division (A)(14) of this section is 8899  
guilty of a minor misdemeanor. 8900

**Sec. 4765.302.** (A) The state board of emergency medical, 8901  
fire, and transportation services within the division of emergency 8902  
medical services of the department of public safety shall be a 8903  
participating public office for purposes of the retained applicant 8904  
fingerprint database established under section 109.5721 of the 8905  
Revised Code. The board shall elect to participate in the 8906  
continuous record monitoring service for all persons certified or 8907  
applying for certification as an EMR, EMT, AEMT, or paramedic. 8908  
When the superintendent of the bureau of criminal identification 8909  
and investigation, under section 109.57 of the Revised Code, 8910  
indicates that an individual in the retained applicant fingerprint 8911  
database has been arrested for, convicted of, or pleaded guilty to 8912  
any offense, the superintendent promptly shall notify the board 8913  
either electronically or by mail that additional arrest or 8914  
conviction information is available. 8915

(B) Except in instances when an individual is already 8916  
enrolled in the continuous record monitoring service, each 8917  
individual seeking certification, including renewal, as an EMR, 8918  
EMT, AEMT, or paramedic shall submit one complete set of 8919  
fingerprints directly to the superintendent for the purpose of 8920  
conducting a criminal records check. The individual shall provide 8921  
the fingerprints using a method the superintendent prescribes 8922  
pursuant to division (C)(2) of section 109.572 of the Revised Code 8923  
and fill out the form the superintendent prescribes pursuant to 8924  
division (C)(1) of that section. The superintendent shall conduct 8925  
the criminal records check as set forth in division (B) of that 8926  
section. 8927

(C) Except as provided in division (D) of this section, the 8928  
department of public safety shall pay any initial or annual fee 8929  
charged by the superintendent pursuant to rules adopted under 8930  
division (H) of section 109.5721 of the Revised Code. An 8931  
individual submitting to a criminal records check pursuant to this 8932  
section shall be fingerprinted at locations approved in advance by 8933  
the state board of emergency medical, fire, and transportation 8934  
services. 8935

(D)(1) In addition to the requirements set forth in this 8936  
section, an applicant for certification by reciprocity shall ask 8937  
the superintendent to request that the federal bureau of 8938  
investigation send the superintendent any information it has 8939  
pertaining to the individual. 8940

(2) Notwithstanding division (C) of this section, an 8941  
applicant for certification by reciprocity shall pay the initial 8942  
fee associated with the background check, including the fee for 8943  
enrollment in the retained applicant fingerprint database 8944  
established under section 109.5721 of the Revised Code. 8945

(E) The results of a criminal records check conducted 8946  
pursuant to a request made under this section, and any report 8947  
containing those results, are not public records for purposes of 8948  
section 149.43 of the Revised Code. 8949

(F) The board, in accordance with Chapter 119. of the Revised 8950  
Code, may adopt rules establishing standards and procedures for 8951  
the provision of criminal background checks for individuals 8952  
seeking or renewing a certification as an EMR, EMT, AEMT, or 8953  
paramedic. 8954

**Sec. 5501.09.** (A) Notwithstanding section 117.11 of the 8955  
Revised Code, the auditor of state, at least once a year and 8956  
without previous notice to the department of transportation or any 8957  
regional transit authority, shall audit the accounts and 8958

transactions of the department and each of the regional transit 8959  
authorities. 8960

(B) The department and each regional transit authority shall 8961  
submit a copy of its annual audit by the auditor of state to the 8962  
governor, the presiding officers of each house of the general 8963  
assembly, and the director of budget and management not later than 8964  
ninety days after receiving that annual audit from the auditor of 8965  
state. 8966

**Sec. 5501.21.** The director of transportation shall provide a 8967  
seal of the department of transportation, which shall be 8968  
inscribed: "State of Ohio, Department of Transportation." 8969

Copies of records or parts thereof, and copies of any plan, 8970  
drawing, document, or paper writing in the department when 8971  
certified by the director to be true and correct copies of the 8972  
record, plan, drawing, document, or paper writing and attested by 8973  
the seal of the department shall be received in evidence in the 8974  
courts of the state in the same manner and with the same effect as 8975  
though the record, plan, drawing, document, or paper writing were 8976  
offered. Any such copy as may be required by any party to any 8977  
suit, upon request of such party, shall be furnished by the 8978  
director. 8979

The director need not produce in any court an original paper 8980  
or electronic record, plan, drawing, or other document, ~~or paper~~ 8981  
~~writing.~~ 8982

~~Any party to any suit pending in any court may take the~~ 8983  
~~deposition of the director, provided it is taken at the office of~~ 8984  
~~the director.~~ All records, plans, and other documents and drawings 8985  
of the department shall be open to the inspection of any 8986  
interested person, subject to such reasonable rules as to the time 8987  
of inspection and as to supervision, as the director prescribes. 8988

**Sec. 5501.41.** (A) The director of transportation may remove 8989  
snow and ice from state highways, purchase the necessary equipment 8990  
including snow fences, employ the necessary labor, and make all 8991  
contracts necessary to enable such removal. The director may 8992  
remove snow and ice from the state highways within municipal 8993  
corporations, but before doing so ~~he~~ the director must obtain the 8994  
consent of the legislative authority of such municipal 8995  
corporation. The board of county commissioners on county highways, 8996  
and the board of township trustees on township roads, shall have 8997  
the same authority to purchase equipment for the removal of and to 8998  
remove snow and ice as the director has on the state highway 8999  
system. 9000

(B)(1) The director may provide road salt to a political 9001  
subdivision if all of the following apply: 9002

(a) The director has excess road salt. 9003

(b) The political subdivision is otherwise unable to acquire 9004  
road salt. 9005

(c) The political subdivision is in an emergency situation. 9006

(2) The director shall seek reimbursement from a political 9007  
subdivision for road salt provided under this division. The 9008  
reimbursement amount shall equal the price at which the director 9009  
purchased the road salt. 9010

**Sec. 5517.07.** (A) If not already present, the department of 9011  
transportation shall install signs and other traffic control 9012  
devices designed to slow down the flow of traffic in construction 9013  
and similar work zones. The signs and devices may include arrow 9014  
boards, channelizing devices, temporary raise pavement markers, 9015  
portable changeable message signs, temporary traffic barriers, 9016  
screens, rumble strips, and any other signs or devices the 9017  
director of transportation determines are appropriate for the 9018

highway and local conditions. 9019

(B) The department shall ensure that the placement and 9020  
specifications for the signs and devices conform to the 9021  
department's manual of uniform traffic control devices as adopted 9022  
under section 4511.09 of the Revised Code. 9023

**Sec. 5577.044.** (A) Notwithstanding sections 5577.02 and 9024  
5577.04 of the Revised Code, a vehicle fueled solely by compressed 9025  
natural gas or liquid natural gas may exceed by not more than two 9026  
thousand pounds the gross vehicle weight provisions of sections 9027  
5577.01 to 5577.09 of the Revised Code or the axle load limits of 9028  
those sections. 9029

(B) If a vehicle described in division (A) of this section 9030  
exceeds the weight provisions of sections 5577.01 to 5577.09 of 9031  
the Revised Code by more than the allowance provided for in 9032  
division (A) of this section, both of the following apply: 9033

(1) The applicable penalty prescribed in section 5577.99 of 9034  
the Revised Code; 9035

(2) The civil liability imposed by section 5577.12 of the 9036  
Revised Code. 9037

(C) Division (A) of this section does not apply to the 9038  
operation of a vehicle on ~~either of the following:~~ 9039

~~(1) A highway that is part of the interstate system;~~ 9040

~~(2) A~~ a highway, road, or bridge that is subject to reduced 9041  
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 9042  
5577.09, or 5591.42 of the Revised Code. 9043

**Sec. 5577.15.** (A) The size and weight provisions of this 9044  
chapter do not apply to a any of the following: 9045

(1) A person who is engaged in the initial towing or removal 9046

of a wrecked or disabled motor vehicle from the site of an 9047  
emergency on a public highway where the vehicle became wrecked or 9048  
disabled to the nearest site where the vehicle can be brought into 9049  
conformance with the requirements of this chapter, to the nearest 9050  
storage facility, or to the nearest qualified repair facility; 9051

(2) A person who is en route to the site of an emergency on a 9052  
public highway to remove a wrecked or disabled motor vehicle; 9053

(3) A person who is returning from delivering a wrecked or 9054  
disabled motor vehicle to a site, storage facility, or repair 9055  
facility as specified in division (A)(1) of this section. 9056

(B) Any subsequent towing of a wrecked or disabled vehicle 9057  
shall comply with the size and weight provisions of this chapter. 9058

(C) No court shall impose any penalty prescribed in section 9059  
5577.99 of the Revised Code or the civil liability established in 9060  
section 5577.12 of the Revised Code upon a person ~~towing or~~ 9061  
~~removing~~ who is operating a vehicle in the manner described in 9062  
division (A) of this section. 9063

**Sec. 5735.01.** As used in this chapter: 9064

(A) "Motor vehicles" includes all vehicles, vessels, 9065  
watercraft, engines, machines, or mechanical contrivances which 9066  
are powered by internal combustion engines or motors. 9067

(B) "Motor fuel" means gasoline, diesel fuel, kerosene, 9068  
compressed natural gas, or any other liquid motor fuel, including, 9069  
but not limited to, liquid petroleum gas or liquid natural gas, 9070  
but excluding substances prepackaged and sold in containers of 9071  
five gallons or less. 9072

(C) "Kerosene" means all grades of kerosene, including, but 9073  
not limited to, the two grades of kerosene, no. 1-K and no. 2-K, 9074  
commonly known as K-1 kerosene and K-2 kerosene, respectively, 9075  
described in the American Society for Testing Materials Standard 9076

D-3699, in effect on January 1, 1999, and aviation grade kerosene. 9077

(D) "Diesel fuel" means any liquid fuel capable of use in 9078  
discrete form or as a blend component in the operation of engines 9079  
of the diesel type, including transmix when mixed with diesel 9080  
fuel. 9081

(E) "Gasoline" means any of the following: 9082

(1) All products, commonly or commercially known or sold as 9083  
gasoline; 9084

(2) Any blend stocks or additives, including alcohol, that 9085  
are sold for blending with gasoline, other than products typically 9086  
sold in containers of five gallons or less; 9087

(3) Transmix when mixed with gasoline, unless certified, as 9088  
required by the tax commissioner, for withdrawal from terminals 9089  
for reprocessing at refineries; 9090

(4) Alcohol that is offered for sale or sold for use as, or 9091  
commonly and commercially used as, a fuel for internal combustion 9092  
engines. 9093

Gasoline does not include diesel fuel, commercial or 9094  
industrial naphthas or solvents manufactured, imported, received, 9095  
stored, distributed, sold, or used exclusively for purposes other 9096  
than as a motor fuel for a motor vehicle or vessel. The blending 9097  
of any of the products listed in the preceding sentence, 9098  
regardless of name or characteristics, is conclusively presumed to 9099  
have been done to produce gasoline, unless the product obtained by 9100  
the blending is entirely incapable for use as fuel to operate a 9101  
motor vehicle. An additive, blend stock, or alcohol is presumed to 9102  
be sold for blending unless a certification is obtained as 9103  
required by the tax commissioner. 9104

(F) "Public highways" means lands and lots over which the 9105  
public, either as user or owner, generally has a right to pass, 9106

even though the same are closed temporarily by the authorities for 9107  
the purpose of construction, reconstruction, maintenance, or 9108  
repair. 9109

(G) "Waters within the boundaries of this state" means all 9110  
streams, lakes, ponds, marshes, water courses, and all other 9111  
bodies of surface water, natural or artificial, which are situated 9112  
wholly or partially within this state or within its jurisdiction, 9113  
except private impounded bodies of water. 9114

(H) "Person" includes individuals, partnerships, firms, 9115  
associations, corporations, receivers, trustees in bankruptcy, 9116  
estates, joint-stock companies, joint ventures, the state and its 9117  
political subdivisions, and any combination of persons of any 9118  
form. 9119

(I)(1) "Motor fuel dealer" means any person who satisfies any 9120  
of the following: 9121

(a) The person imports from another state or foreign country 9122  
or acquires motor fuel by any means into a terminal in this state; 9123

(b) The person imports motor fuel from another state or 9124  
foreign country in bulk lot vehicles for subsequent sale and 9125  
distribution in this state from bulk lot vehicles; 9126

(c) The person refines motor fuel in this state; 9127

(d) The person acquires motor fuel from a motor fuel dealer 9128  
for subsequent sale and distribution by that person in this state 9129  
from bulk lot vehicles; 9130

(e) The person possesses an unrevoked permissive motor fuel 9131  
dealer's license. 9132

(2) Any person who obtains dyed diesel fuel for use other 9133  
than the operation of motor vehicles upon the public highways or 9134  
upon waters within the boundaries of this state, but later uses 9135  
that motor fuel for the operation of motor vehicles upon the 9136

public highways or upon waters within the boundaries of this 9137  
state, is deemed a motor fuel dealer as regards any unpaid motor 9138  
fuel taxes levied on the motor fuel so used. 9139

(J) As used in section 5735.05 of the Revised Code only: 9140

(1) With respect to gasoline, "received" or "receipt" shall 9141  
be construed as follows: 9142

(a) Gasoline produced at a refinery in this state or 9143  
delivered to a terminal in this state is deemed received when it 9144  
is disbursed through a loading rack at that refinery or terminal; 9145

(b) Except as provided in division (J)(1)(a) of this section, 9146  
gasoline imported into this state or purchased or otherwise 9147  
acquired in this state by any person is deemed received within 9148  
this state by that person when the gasoline is withdrawn from the 9149  
container in which it was transported; 9150

(c) Gasoline delivered or disbursed by any means from a 9151  
terminal directly to another terminal is not deemed received. 9152

(2) With respect to motor fuel other than gasoline, 9153  
"received" or "receipt" means distributed or sold for use or used 9154  
to generate power for the operation of motor vehicles upon the 9155  
public highways or upon waters within the boundaries of this 9156  
state. All diesel fuel that is not dyed diesel fuel, regardless of 9157  
its use, shall be considered as used to generate power for the 9158  
operation of motor vehicles upon the public highways or upon 9159  
waters within the boundaries of this state when the fuel is sold 9160  
or distributed to a person other than a licensed motor fuel dealer 9161  
or to a person licensed under section 5735.026 of the Revised 9162  
Code. 9163

(K) Motor fuel used for the operation of licensed motor 9164  
vehicles employed in the maintenance, construction, or repair of 9165  
public highways is deemed to be used for the operation of motor 9166  
vehicles upon the public highways. 9167

(L) "Licensed motor fuel dealer" means any dealer possessing 9168  
an unrevoked motor fuel dealer's license issued by the tax 9169  
commissioner as provided in section 5735.02 of the Revised Code. 9170

(M) "Licensed retail dealer" means any retail dealer 9171  
possessing an unrevoked retail dealer's license issued by the tax 9172  
commissioner as provided in section 5735.022 of the Revised Code. 9173

(N) "Refinery" means a facility used to produce motor fuel 9174  
and from which motor fuel may be removed by pipeline, by vessel, 9175  
or at a rack. 9176

(O) "Retail dealer" means any person that sells or 9177  
distributes motor fuel at a retail service station located in this 9178  
state. 9179

(P) "Retail service station" means a location from which 9180  
motor fuel is sold to the general public and is dispensed or 9181  
pumped directly into motor vehicle fuel tanks for consumption. 9182

(Q) "Transit bus" means a motor vehicle that is operated for 9183  
public transit or paratransit service on a regular and continuing 9184  
basis within the state by or for a county, a municipal 9185  
corporation, a county transit board pursuant to sections 306.01 to 9186  
306.13 of the Revised Code, a regional transit authority pursuant 9187  
to sections 306.30 to 306.54 of the Revised Code, or a regional 9188  
transit commission pursuant to sections 306.80 to 306.90 of the 9189  
Revised Code. Public transit or paratransit service may include 9190  
fixed route, demand-responsive, or subscription bus service 9191  
transportation, but does not include shared-ride taxi service, 9192  
carpools, vanpools, jitney service, school bus transportation, or 9193  
charter or sightseeing services. 9194

(R) "Export" means to obtain motor fuel in this state for 9195  
sale or other distribution outside this state. For the purposes of 9196  
this division, motor fuel delivered outside this state by or for 9197  
the seller constitutes an export by the seller, and motor fuel 9198

delivered outside this state by or for the purchaser constitutes 9199  
an export by the purchaser. 9200

(S) "Import" means motor fuel delivered into this state from 9201  
outside this state. Motor fuel delivered into this state from 9202  
outside this state by or for the seller constitutes an import by 9203  
the seller. Motor fuel delivered into this state from outside this 9204  
state by or for the purchaser constitutes an import by the 9205  
purchaser. 9206

(T) "Terminal" means a motor fuel storage or distribution 9207  
facility that is supplied by pipeline or marine vessel. 9208

(U) "Consumer" means a buyer of motor fuel for purposes other 9209  
than resale in any form. 9210

(V) "Bulk lot vehicle" means railroad tank cars, transport 9211  
tank trucks, and tank wagons with a capacity of at least 1,400 9212  
gallons. 9213

(W) "Licensed permissive motor fuel dealer" means any person 9214  
possessing an unrevoked permissive motor fuel dealer's license 9215  
issued by the tax commissioner under section 5735.021 of the 9216  
Revised Code. 9217

(X) "Licensed terminal operator" means any person possessing 9218  
an unrevoked terminal operator's license issued by the tax 9219  
commissioner under section ~~5735.026~~ 5735.027 of the Revised Code. 9220

(Y) "Licensed exporter" means any person possessing an 9221  
unrevoked exporter's license issued by the tax commissioner under 9222  
section 5735.026 of the Revised Code. 9223

(Z) "Dyed diesel fuel" means diesel fuel satisfying the 9224  
requirements of 26 U.S.C. 4082. 9225

(AA) "Gross gallons" means U.S. gallons without temperature 9226  
or barometric adjustments. 9227

(BB) "Bulk plant" means a motor fuel storage and distribution 9228

facility, other than a terminal, from which motor fuel may be 9229  
withdrawn by railroad car, transport trucks, tank wagons, or 9230  
marine vessels. 9231

(CC) "Transporter" means either of the following: 9232

(1) A railroad company, street, suburban, or interurban 9233  
railroad company, a pipeline company, or water transportation 9234  
company that transports motor fuel, either in interstate or 9235  
intrastate commerce, to points in this state; 9236

(2) A person that transports motor fuel by any manner to a 9237  
point in this state. 9238

(DD) "Exporter" means either of the following: 9239

(1) A person that is licensed to collect and remit motor fuel 9240  
taxes in a specified state of destination; 9241

(2) A person that is statutorily prohibited from obtaining a 9242  
license to collect and remit motor fuel taxes in a specified state 9243  
of destination, and is licensed to sell or distribute tax-paid 9244  
motor fuel in the specified state of destination. 9245

(EE) "Report" means a report or return required to be filed 9246  
under this chapter and may be used interchangeably with, and for 9247  
all purposes has the same meaning as, "return." 9248

(FF) "Aviation fuel" means aviation gasoline or aviation 9249  
grade kerosene or any other fuel that is used in aircraft. 9250

(GG) "Aviation gasoline" means fuel specifically compounded 9251  
for use in reciprocating aircraft engines. 9252

(HH) "Aviation grade kerosene" means any kerosene type jet 9253  
fuel covered by ASTM Specification D1655 or meeting specification 9254  
MIL-DTL-5624T (Grade JP-5) or MTL-DTL-83133E (Grade JP-8). 9255

(II) "Aviation fuel dealer" means a person that acquires 9256  
aviation fuel from a supplier or from another aviation fuel dealer 9257  
for subsequent sale to a person other than an end user. 9258

(JJ) "Compressed natural gas" means natural gas compressed to 9259  
a level at or above two thousand nine hundred bar and stored in 9260  
high pressure containers. 9261

**Sec. 5735.011.** For the purposes of this chapter, amounts of 9262  
liquid natural gas and compressed natural gas shall be measured in 9263  
gallon equivalents. The as follows: 9264

(A) The diesel gallon equivalent standard for liquid natural 9265  
gas shall be the equivalent of one gallon of motor fuel; 9266

(B) The compressed natural gas gallon equivalent standard is 9267  
one hundred twenty-six and sixty-seven one-hundredths cubic feet, 9268  
which equals five and sixty-six one-hundredths pounds. 9269

**Sec. 5735.05.** (A) There is hereby levied a motor fuel excise 9270  
tax on each motor fuel dealer, measured by gross gallons, upon the 9271  
receipt of motor fuel within this state. 9272

The tax is levied at the ~~total rate of twenty-eight cents per~~ 9273  
~~gallon to provide revenue for~~ rates prescribed by division (D) of 9274  
this section. The revenue derived from twenty-eight cents per 9275  
gallon of such tax rates shall be distributed under divisions (A), 9276  
(B), (C), and (D) of section 5735.051 of the Revised Code to fund 9277  
the following purposes ~~and~~ in the following amounts: 9278

(1) Seventeen twenty-eighths of the revenue ~~from the tax~~ 9279  
shall be used solely to provide revenue for maintaining the state 9280  
highway system; to widen existing surfaces on such highways; to 9281  
resurface such highways; to pay that portion of the construction 9282  
cost of a highway project which a county, township, or municipal 9283  
corporation normally would be required to pay, but which the 9284  
director of transportation, pursuant to division (B) of section 9285  
5531.08 of the Revised Code, determines instead will be paid from 9286  
moneys in the highway operating fund; to enable the counties of 9287  
the state properly to plan, maintain, and repair their roads and 9288

to pay principal, interest, and charges on bonds and other 9289  
obligations issued pursuant to Chapter 133. of the Revised Code or 9290  
incurred pursuant to section 5531.09 of the Revised Code for 9291  
highway improvements; to enable the municipal corporations to 9292  
plan, construct, reconstruct, repave, widen, maintain, repair, 9293  
clear, and clean public highways, roads, and streets, and to pay 9294  
the principal, interest, and charges on bonds and other 9295  
obligations issued pursuant to Chapter 133. of the Revised Code or 9296  
incurred pursuant to section 5531.09 of the Revised Code for 9297  
highway improvements; to enable the Ohio turnpike and 9298  
infrastructure commission to construct, reconstruct, maintain, and 9299  
repair turnpike projects; to maintain and repair bridges and 9300  
viaducts; to purchase, erect, and maintain street and traffic 9301  
signs and markers; to purchase, erect, and maintain traffic lights 9302  
and signals; to pay the costs apportioned to the public under 9303  
sections 4907.47 and 4907.471 of the Revised Code and to 9304  
supplement revenue already available for such purposes; to pay the 9305  
costs incurred by the public utilities commission in administering 9306  
sections 4907.47 to 4907.476 of the Revised Code; to distribute 9307  
equitably among those persons using the privilege of driving motor 9308  
vehicles upon such highways and streets the cost of maintaining 9309  
and repairing them; to pay the interest, principal, and charges on 9310  
highway capital improvements bonds and other obligations issued 9311  
pursuant to Section 2m of Article VIII, Ohio Constitution, and 9312  
section 151.06 of the Revised Code; to pay the interest, 9313  
principal, and charges on highway obligations issued pursuant to 9314  
Section 2i of Article VIII, Ohio Constitution, and sections 9315  
5528.30 and 5528.31 of the Revised Code; to pay the interest, 9316  
principal, and charges on major new state infrastructure bonds and 9317  
other obligations of the state issued pursuant to Section 13 of 9318  
Article VIII, Ohio Constitution, and section 5531.10 of the 9319  
Revised Code; to provide revenue for the purposes of sections 9320  
1547.71 to 1547.77 of the Revised Code; and to pay the expenses of 9321

the department of taxation incident to the administration of the 9322  
motor fuel laws. 9323

(2) Two twenty-eighths of the revenue ~~from the tax~~ shall be 9324  
used solely to pay the expenses of administering and enforcing the 9325  
state law relating to the registration and operation of motor 9326  
vehicles; to supply the state's share of the cost of planning, 9327  
constructing, widening, and reconstructing the state highways; to 9328  
supply the state's share of the cost of eliminating railway grade 9329  
crossings upon such highways; to pay that portion of the 9330  
construction cost of a highway project that a county, township, or 9331  
municipal corporation normally would be required to pay, but that 9332  
the director of transportation, pursuant to division (B) of 9333  
section 5531.08 of the Revised Code, determines instead will be 9334  
paid from moneys in the highway operating fund; to enable counties 9335  
and townships to properly plan, construct, widen, reconstruct, and 9336  
maintain their public highways, roads, and streets; to enable 9337  
counties to pay principal, interest, and charges on bonds and 9338  
other obligations issued pursuant to Chapter 133. of the Revised 9339  
Code or incurred pursuant to section 5531.09 of the Revised Code 9340  
for highway improvements; to enable municipal corporations to 9341  
plan, construct, reconstruct, repave, widen, maintain, repair, 9342  
clear, and clean public highways, roads, and streets; to enable 9343  
municipal corporations to pay the principal, interest, and charges 9344  
on bonds and other obligations issued pursuant to Chapter 133. of 9345  
the Revised Code or incurred pursuant to section 5531.09 of the 9346  
Revised Code for highway improvements; to maintain and repair 9347  
bridges and viaducts; to purchase, erect, and maintain street and 9348  
traffic signs and markers; to purchase, erect, and maintain 9349  
traffic lights and signals; to pay the costs apportioned to the 9350  
public under section 4907.47 of the Revised Code; to provide 9351  
revenue for the purposes of sections 1547.71 to 1547.77 of the 9352  
Revised Code and to supplement revenue already available for such 9353  
purposes; to pay the expenses of the department of taxation 9354

incident to the administration of the motor fuel laws and to 9355  
supplement revenue already available for such purposes; to pay the 9356  
interest, principal, and charges on bonds and other obligations 9357  
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 9358  
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 9359  
the interest, principal, and charges on highway obligations issued 9360  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9361  
sections 5528.30 and 5528.31 of the Revised Code. 9362

(3) Eight twenty-eighths of the revenue ~~from the tax~~ shall be 9363  
used solely to supply the state's share of the cost of 9364  
constructing, widening, maintaining, and reconstructing the state 9365  
highways; to maintain and repair bridges and viaducts; to 9366  
purchase, erect, and maintain street and traffic signs and 9367  
markers; to purchase, erect, and maintain traffic lights and 9368  
signals; to pay the expense of administering and enforcing the 9369  
state law relative to the registration and operation of motor 9370  
vehicles; to make road improvements associated with retaining or 9371  
attracting business for this state; to pay that portion of the 9372  
construction cost of a highway project that a county, township, or 9373  
municipal corporation normally would be required to pay, but that 9374  
the director of transportation, pursuant to division (B) of 9375  
section 5531.08 of the Revised Code, determines instead will be 9376  
paid from moneys in the highway operating fund; to provide revenue 9377  
for the purposes of sections 1547.71 to 1547.77 of the Revised 9378  
Code and to supplement revenue already available for such 9379  
purposes; to pay the expenses of the department of taxation 9380  
incident to the administration of the motor fuel laws and to 9381  
supplement revenue already available for such purposes; to pay the 9382  
interest, principal, and charges on highway obligations issued 9383  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9384  
sections 5528.30 and 5528.31 of the Revised Code; to enable 9385  
counties and townships to properly plan, construct, widen, 9386  
reconstruct, and maintain their public highways, roads, and 9387

streets; to enable counties to pay principal, interest, and 9388  
charges on bonds and other obligations issued pursuant to Chapter 9389  
133. of the Revised Code or incurred pursuant to section 5531.09 9390  
of the Revised Code for highway improvements; to enable municipal 9391  
corporations to plan, construct, reconstruct, repave, widen, 9392  
maintain, repair, clear, and clean public highways, roads, and 9393  
streets; to enable municipal corporations to pay the principal, 9394  
interest, and charges on bonds and other obligations issued 9395  
pursuant to Chapter 133. of the Revised Code or incurred pursuant 9396  
to section 5531.09 of the Revised Code for highway improvements; 9397  
and to pay the costs apportioned to the public under section 9398  
4907.47 of the Revised Code. 9399

(4) One twenty-eighth of the revenue ~~from the tax~~ shall be 9400  
used solely to pay the state's share of the cost of constructing 9401  
and reconstructing highways and eliminating railway grade 9402  
crossings on the major thoroughfares of the state highway system 9403  
and urban extensions thereof; to pay that portion of the 9404  
construction cost of a highway project that a county, township, or 9405  
municipal corporation normally would be required to pay, but that 9406  
the director of transportation, pursuant to division (B) of 9407  
section 5531.08 of the Revised Code, determines instead will be 9408  
paid from moneys in the highway operating fund; to pay the 9409  
interest, principal, and charges on bonds and other obligations 9410  
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 9411  
and sections 5528.10 and 5528.11 of the Revised Code; to pay the 9412  
interest, principal, and charges on highway obligations issued 9413  
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9414  
sections 5528.30 and 5528.31 of the Revised Code; to provide 9415  
revenues for the purposes of sections 1547.71 to 1547.77 of the 9416  
Revised Code; and to pay the expenses of the department of 9417  
taxation incident to the administration of the motor fuel laws. 9418

(B) The revenue derived from any portion of the tax rates 9419

that exceeds twenty-eight cents per gallon shall be distributed 9420  
under division (E) of section 5735.051 of the Revised Code to fund 9421  
the purposes described in division (A) of this section, as 9422  
provided in divisions (A) and (B) of section 5735.27 of the 9423  
Revised Code. 9424

(C) The tax imposed by this section does not apply to the 9425  
following transactions: 9426

(1) The sale of dyed diesel fuel by a licensed motor fuel 9427  
dealer from a location other than a retail service station 9428  
provided the licensed motor fuel dealer places on the face of the 9429  
delivery document or invoice, or both if both are used, a 9430  
conspicuous notice stating that the fuel is dyed and is not for 9431  
taxable use, and that taxable use of that fuel is subject to a 9432  
penalty. The tax commissioner, by rule, may provide that any 9433  
notice conforming to rules or regulations issued by the United 9434  
States department of the treasury or the Internal Revenue Service 9435  
is sufficient notice for the purposes of division ~~(B)~~(C)(1) of 9436  
this section. 9437

(2) The sale of K-1 kerosene to a retail service station, 9438  
except when placed directly in the fuel supply tank of a motor 9439  
vehicle. Such sale shall be rebuttably presumed to not be 9440  
distributed or sold for use or used to generate power for the 9441  
operation of motor vehicles upon the public highways or upon the 9442  
waters within the boundaries of this state. 9443

(3) The sale of motor fuel by a licensed motor fuel dealer to 9444  
another licensed motor fuel dealer; 9445

(4) The exportation of motor fuel by a licensed motor fuel 9446  
dealer from this state to any other state or foreign country; 9447

(5) The sale of motor fuel to the United States government or 9448  
any of its agencies, except such tax as is permitted by it, where 9449  
such sale is evidenced by an exemption certificate, in a form 9450

approved by the tax commissioner, executed by the United States 9451  
government or an agency thereof certifying that the motor fuel 9452  
therein identified has been purchased for the exclusive use of the 9453  
United States government or its agency; 9454

(6) The sale of motor fuel that is in the process of 9455  
transportation in foreign or interstate commerce, except insofar 9456  
as it may be taxable under the Constitution and statutes of the 9457  
United States, and except as may be agreed upon in writing by the 9458  
dealer and the commissioner; 9459

(7) The sale of motor fuel when sold exclusively for use in 9460  
the operation of aircraft, where such sale is evidenced by an 9461  
exemption certificate prescribed by the commissioner and executed 9462  
by the purchaser certifying that the motor fuel purchased has been 9463  
purchased for exclusive use in the operation of aircraft; 9464

(8) The sale for exportation of motor fuel by a licensed 9465  
motor fuel dealer to a licensed exporter described in division 9466  
(DD)(1) of section 5735.01 of the Revised Code; 9467

(9) The sale for exportation of motor fuel by a licensed 9468  
motor fuel dealer to a licensed exporter described in division 9469  
(DD)(2) of section 5735.01 of the Revised Code, provided that the 9470  
destination state motor fuel tax has been paid or will be accrued 9471  
and paid by the licensed motor fuel dealer. 9472

(10) The sale to a consumer of diesel fuel, by a motor fuel 9473  
dealer for delivery from a bulk lot vehicle, for consumption in 9474  
operating a vessel when the use of such fuel in a vessel would 9475  
otherwise qualify for a refund under section 5735.14 of the 9476  
Revised Code. 9477

Division ~~(B)~~(C)(1) of this section does not apply to the sale 9478  
or distribution of dyed diesel fuel used to operate a motor 9479  
vehicle on the public highways or upon water within the boundaries 9480  
of this state by persons permitted under regulations of the United 9481

States department of the treasury or of the Internal Revenue 9482  
Service to so use dyed diesel fuel. 9483

(C)(D) The rate of the tax imposed by this section before 9484  
October 1, 2019, is twenty-eight cents per gallon of motor fuel. 9485  
The rate of the tax imposed by this section on and after October 9486  
1, 2019, shall be as provided in divisions (D)(1) and (2) of this 9487  
section. 9488

(1) On each gallon of gasoline: 9489

(a) Thirty-five cents on and after October 1, 2019, and 9490  
before October 1, 2020; 9491

(b) Thirty-eight and seven-tenths cents on and after October 9492  
1, 2020. 9493

(2) On each gallon of motor fuel other than gasoline: 9494

(a) Thirty-eight cents on and after October 1, 2019, and 9495  
before October 1, 2020; 9496

(b) Forty-four cents on and after October 1, 2020, and before 9497  
October 1, 2021; 9498

(c) Forty-eight cents on and after October 1, 2021. 9499

(E) The tax commissioner may adopt rules as necessary to 9500  
administer this section. 9501

**Sec. 5735.051.** Out of revenue from the tax levied by section 9502  
5735.05 of the Revised Code, the treasurer of state shall place to 9503  
the credit of the tax refund fund established by section 5703.052 9504  
of the Revised Code amounts equal to the refunds certified by the 9505  
tax commissioner pursuant to sections 5735.13, 5735.14, and 9506  
5735.142 of the Revised Code. The treasurer of state shall then 9507  
transfer seven-eighths per cent of the revenue to the waterways 9508  
safety fund to be used for the purposes of sections 1547.71 to 9509  
1547.77 of the Revised Code, one-eighth per cent to the wildlife 9510

boater angler fund to be used for the purposes specified by 9511  
section 1531.35 of the Revised Code, and the amount ~~required by~~ 9512  
described in section 5735.053 of the Revised Code to the motor 9513  
fuel tax administration fund. Revenue remaining after such 9514  
crediting and transfers shall be distributed each month as 9515  
provided in divisions (A) to ~~(D)~~(E) of this section. 9516

(A) The portion of revenue described in division (A)(1) of 9517  
section 5735.05 of the Revised Code shall be credited as follows: 9518

(1) One hundred thousand dollars to the grade crossing 9519  
protection fund for the purposes specified by section 4907.472 of 9520  
the Revised Code; 9521

(2) Of such revenue remaining after crediting under division 9522  
(A)(1) of this section, five and two thousand nine hundred 9523  
forty-two ten thousandths per cent shall be credited to the 9524  
highway operating fund, which is hereby created in the state 9525  
treasury, and ninety-four and seven thousand fifty-eight ten 9526  
thousandths per cent to the gasoline excise tax fund. 9527

(a) Of the amount credited to the gasoline excise tax fund 9528  
under division (A)(2) of this section, ninety-three and one 9529  
thousand six hundred seventy-seven ten thousandths per cent shall 9530  
be transferred as follows: 9531

(i) Six and seven-tenths per cent of the amount to be 9532  
transferred under division (A)(2)(a) of this section to the local 9533  
transportation improvement program fund created by section 164.14 9534  
of the Revised Code; 9535

(ii) An amount equal to five cents multiplied by the number 9536  
of gallons of motor fuel sold at stations operated by the Ohio 9537  
turnpike and infrastructure commission, such gallonage to be 9538  
certified by the commission to the treasurer of state not later 9539  
than the last day of the month following. Such money shall be 9540

expended for the construction, reconstruction, maintenance, and 9541  
repair of turnpike projects, except that the funds may not be 9542  
expended for the construction of new interchanges. The funds also 9543  
may be expended for the construction, reconstruction, maintenance, 9544  
and repair of those portions of connecting public roads that serve 9545  
existing interchanges and are determined by the commission and the 9546  
director of transportation to be necessary for the safe merging of 9547  
traffic between the turnpike and those public roads. 9548

(iii) The remainder of the amount to be transferred under 9549  
division (A)(2)(a) of this section after the transfers under 9550  
divisions (A)(2)(a)(i) and (ii) of this section shall be 9551  
distributed on the fifteenth day of the following month as 9552  
follows: 9553

(I) Ten and seven-tenths per cent for distribution among 9554  
municipal corporations under division (A)(1) of section 5735.27 of 9555  
the Revised Code, except that the sum of seven hundred forty-five 9556  
thousand eight hundred seventy-five dollars shall be subtracted 9557  
each month from the amount so computed and credited to the highway 9558  
operating fund; 9559

(II) Nine and three-tenths per cent for distribution among 9560  
counties under division (A)(2) of section 5735.27 of the Revised 9561  
Code, except that the sum of seven hundred forty-five thousand 9562  
eight hundred seventy-five dollars shall be subtracted each month 9563  
from the amount so computed and credited to the highway operating 9564  
fund; 9565

(III) Five per cent for distribution among townships under 9566  
division (A)(3)(a) of section 5735.27 of the Revised Code, except 9567  
that the sum of two hundred sixty-three thousand two hundred fifty 9568  
dollars shall be subtracted each month from the amount so computed 9569  
and credited to the highway operating fund; 9570

(IV) Except as provided in division (A)(3) of this section, 9571

the balance shall be transferred to the highway operating fund and 9572  
used for the purposes set forth in division (B) of section 5735.27 9573  
of the Revised Code. 9574

(b) Of the amount credited to the gasoline excise tax fund 9575  
under division (A)(2) of this section, six and eight thousand 9576  
three hundred twenty-three ten thousandths per cent shall be 9577  
distributed on the fifteenth day of the following month as 9578  
follows: 9579

(i) Forty-two and eighty-six hundredths per cent shall be 9580  
distributed among municipal corporations in accordance with 9581  
division (A)(1) of section 5735.27 of the Revised Code; 9582

(ii) Thirty-seven and fourteen hundredths per cent shall be 9583  
distributed among counties in accordance with division (A)(2) of 9584  
section 5735.27 of the Revised Code; 9585

(iii) Twenty per cent shall be combined with twenty per cent 9586  
of any amounts transferred from the highway operating fund to the 9587  
gasoline excise tax fund through biennial appropriations acts of 9588  
the general assembly pursuant to the planned phase-in of a new 9589  
source of funding for the state highway patrol, and shall be 9590  
distributed among townships in accordance with division (A)(3)(b) 9591  
of section 5735.27 of the Revised Code. 9592

(3) Monthly from September to February of each fiscal year, 9593  
an amount equal to one-sixth of the amount certified in July of 9594  
that year by the treasurer of state pursuant to division (Q) of 9595  
section 151.01 of the Revised Code shall, from amounts required to 9596  
be credited or transferred to the highway operating fund pursuant 9597  
to division (A)(2)(a)(iii)(IV) of this section, be credited or 9598  
transferred to the highway capital improvement bond service fund 9599  
created in section 151.06 of the Revised Code. If, in any of those 9600  
months, the amount available to be credited or transferred to the 9601  
bond service fund is less than one-sixth of the amount so 9602

certified, the shortfall shall be added to the amount due the next 9603  
succeeding month. Any amount still due at the end of the six-month 9604  
period shall be credited or transferred as the money becomes 9605  
available, until such time as the office of budget and management 9606  
receives certification from the treasurer of state or the 9607  
treasurer of state's designee that sufficient money has been 9608  
credited or transferred to the bond service fund to meet in full 9609  
all payments of debt service and financing costs due during the 9610  
fiscal year from that fund. 9611

(B) The portion of revenue described in division (A)(2) of 9612  
section 5735.05 of the Revised Code shall be credited each month 9613  
as follows: 9614

(1) Sixty-seven and one-half per cent to the highway 9615  
operating fund for distribution pursuant to division (B) of 9616  
section 5735.27 of the Revised Code; 9617

(2) Thirty-two and one-half per cent to the gasoline excise 9618  
tax fund for distribution under division (A) of section 5735.27 of 9619  
the Revised Code in the same manner as money from that fund is 9620  
distributed under division (A)(2)(b) of this section. 9621

(C)(1) The portion of revenue described in division (A)(3) of 9622  
section 5735.05 of the Revised Code shall be credited each month 9623  
as follows: 9624

(a) Three-sixteenths to the gasoline excise tax fund for 9625  
distribution under division (C)(2) of this section; 9626

(b) Thirteen-sixteenths to the highway operating fund, 9627  
subject to the deduction under division (C)(3) of this section. 9628

(2) The revenue credited to the gasoline excise tax fund 9629  
under division (C)(1)(a) of this section shall be distributed in 9630  
the same manner as in division (A)(2)(b) of this section, subject 9631  
to the deductions under division (C)(3) of this section. Each 9632  
municipal corporation, county, or township shall use at least 9633

ninety per cent of the revenue distributed to it under division 9634  
(C)(2) of this section to supplement, rather than supplant, other 9635  
local funds used for highway-related purposes. 9636

(3)(a) Before the distribution from the gasoline excise tax 9637  
fund to municipal corporations as provided in division (C)(2) of 9638  
this section, the department of taxation shall deduct thirty-three 9639  
and one-third per cent of the amount specified in division 9640  
(A)(3)(c) of section 5735.27 of the Revised Code and use it for 9641  
distribution to townships pursuant to division (A)(3)(b) of that 9642  
section. 9643

(b) Before the distribution from the gasoline excise tax fund 9644  
to counties as provided in division (C)(2) of this section, the 9645  
department of taxation shall deduct thirty-three and one-third per 9646  
cent of the amount specified in division (A)(3)(c) of section 9647  
5735.27 of the Revised Code and use it for distribution to 9648  
townships pursuant to division (A)(3)(b) of that section. 9649

(c) Before crediting the portion of revenue described in 9650  
division (A)(3) of section 5735.05 of the Revised Code to the 9651  
highway operating fund under division (C)(1)(b) of this section, 9652  
the department of taxation shall deduct thirty-three and one-third 9653  
per cent of the amount specified in division (A)(3)(c) of section 9654  
5735.27 of the Revised Code and use it for distribution to 9655  
townships pursuant to division (A)(3)(b) of that section. 9656

(D) The portion of revenue described in division (A)(4) of 9657  
section 5735.05 of the Revised Code shall be credited each month 9658  
to the highway operating fund. 9659

(E) The portion of revenue described in division (B) of 9660  
section 5735.05 of the Revised Code shall be credited each month 9661  
as follows: 9662

(1) Fifty-five per cent of that revenue to the highway 9663  
operating fund for distribution pursuant to division (B) of 9664

section 5735.27 of the Revised Code; 9665

(2) Forty-five per cent of that revenue to the gasoline 9666  
excise tax fund to be divided each month as follows: 9667

(a) Forty-two and eighty-six hundredths per cent for 9668  
distribution among municipal corporations under division (A)(1) of 9669  
section 5735.27 of the Revised Code; 9670

(b) Thirty-seven and fourteen hundredths per cent for 9671  
distribution among counties under division (A)(2) of section 9672  
5735.27 of the Revised Code; 9673

(c) Twenty per cent for distribution among townships under 9674  
division (A)(3)(b) of section 5735.27 of the Revised Code. 9675

**Sec. 5735.053.** There is hereby created in the state treasury 9676  
the motor fuel tax administration fund for the purpose of paying 9677  
the expenses of the department of taxation incident to the 9678  
administration of the motor fuel laws. After the treasurer of 9679  
state credits the tax refund fund out of tax receipts as required 9680  
by section 5735.051 of the Revised Code, the treasurer of state 9681  
shall transfer to the motor fuel tax administration fund ~~two~~ 9682  
~~hundred seventy five one thousandths per cent of the receipts from~~ 9683  
~~the taxes levied by section 5735.05 of the Revised Code~~ each month 9684  
an amount not to exceed one twenty-fourth of the approved 9685  
appropriation assigned to the fund for the biennium. 9686

**Sec. 5735.142.** (A)(1) Any person who uses any motor fuel, on 9687  
which the tax imposed by section 5735.05 of the Revised Code has 9688  
been paid, for the purpose of operating a transit bus shall be 9689  
reimbursed in the amount of ~~twenty seven cents per gallon of the~~ 9690  
total tax paid on motor fuel used by public transportation systems 9691  
providing transit or paratransit service on a regular and 9692  
continuing basis within the state less one cent per gallon of such 9693  
fuel; 9694

(2) A city, exempted village, joint vocational, or local school district or educational service center that purchases any motor fuel for school district or service center operations, on which any tax imposed by section 5735.05 of the Revised Code has been paid, may, if an application is filed under this section, be reimbursed in the amount of ~~six cents per gallon~~ of the total tax imposed by that section and paid on motor fuel less twenty-two cents per gallon of such fuel.

(3) A county board of developmental disabilities that, ~~on or after July 1, 2005,~~ purchases any motor fuel for county board operations, on which any tax imposed by section 5735.05 of the Revised Code has been paid may, if an application is filed under this section, be reimbursed in the amount of ~~of six cents per gallon~~ of the total tax imposed by that section and paid on motor fuel less twenty-two cents per gallon of such fuel.

(4) A person that has its principal business operations in this state and that purchases motor fuel, on which the tax imposed by section 5735.05 of the Revised Code has been paid, for the purpose of operating one or more motor vehicles that are used for transporting persons shall be reimbursed in the amount of the total tax paid on motor fuel used in the person's provision of public transit or paratransit services on a scheduled route driven on a regular and continuing basis within this state pursuant to a contract with the department of transportation or a county, municipal corporation, county transit board, regional transit authority, or regional transit commission.

(B) Such person, school district, educational service center, or county board shall file with the tax commissioner an application for refund within one year from the date of purchase, stating the quantity of fuel used for operating transit buses used by local transit systems in furnishing scheduled common carrier, public passenger land transportation service along regular routes

primarily in one or more municipal corporations or for operating 9727  
vehicles used for school district, service center, or county board 9728  
operations. However, no claim shall be made for the tax on fewer 9729  
than one hundred gallons of motor fuel. A school district, 9730  
educational service center, or county board shall not apply for a 9731  
refund for any tax paid on motor fuel that is sold by the 9732  
district, service center, or county board. The application shall 9733  
be accompanied by the statement described in section 5735.15 of 9734  
the Revised Code showing the purchase, together with evidence of 9735  
payment thereof. 9736

(C) After consideration of the application and statement, the 9737  
commissioner shall determine the amount of refund to which the 9738  
applicant is entitled. If the amount is not less than that 9739  
claimed, the commissioner shall certify the amount to the director 9740  
of budget and management and treasurer of state for payment from 9741  
the tax refund fund created by section 5703.052 of the Revised 9742  
Code. If the amount is less than that claimed, the commissioner 9743  
shall proceed in accordance with section 5703.70 of the Revised 9744  
Code. 9745

The commissioner may require that the application be 9746  
supported by the affidavit of the claimant. No refund shall be 9747  
authorized or ordered for any single claim for the tax on fewer 9748  
than one hundred gallons of motor fuel. No refund shall be 9749  
authorized or ordered on motor fuel that is sold by a school 9750  
district, educational service center, or county board. 9751

(D) The right to receive any refund under this section or 9752  
section 5703.70 of the Revised Code is not assignable. The payment 9753  
of this refund shall not be made to any person or entity other 9754  
than the person or entity originally entitled thereto who used the 9755  
motor fuel upon which the claim for refund is based, except that 9756  
the refund when allowed and certified, as provided in this 9757  
section, may be paid to the executor, the administrator, the 9758

receiver, the trustee in bankruptcy, or the assignee in insolvency 9759  
proceedings of the person. 9760

**Sec. 5735.27.** (A) There is hereby created in the state 9761  
treasury the gasoline excise tax fund. All investment earnings of 9762  
the fund shall be credited to the fund. Revenue credited to the 9763  
fund under section 5735.051 from the tax levied under section 9764  
5735.05 of the Revised Code shall be distributed to municipal 9765  
corporations, counties, and townships as provided in divisions 9766  
(A)(1), (2), and (3) of this section. 9767

(1) The amount distributed to each municipal corporation 9768  
shall be that proportion of the amount to be distributed among 9769  
municipal corporations that the number of motor vehicles 9770  
registered within the municipal corporation bears to the total 9771  
number of motor vehicles registered within all the municipal 9772  
corporations of this state during the preceding motor vehicle 9773  
registration year. When a new village is incorporated, the 9774  
registrar of motor vehicles shall determine from the applications 9775  
on file in the bureau of motor vehicles the number of motor 9776  
vehicles located within the territory comprising the village 9777  
during the entire registration year in which the municipal 9778  
corporation was incorporated. The registrar shall forthwith 9779  
certify the number of motor vehicles so determined to the tax 9780  
commissioner for use in distributing motor vehicle fuel tax funds 9781  
to the village until the village is qualified to participate in 9782  
the distribution of the funds pursuant to this division. The 9783  
number of motor vehicle registrations shall be determined by the 9784  
official records of the bureau of motor vehicles. The amount 9785  
received by each municipal corporation shall be used to plan, 9786  
construct, reconstruct, repave, widen, maintain, repair, clear, 9787  
and clean public highways, roads, and streets; to maintain and 9788  
repair bridges and viaducts; to purchase, erect, and maintain 9789  
street and traffic signs and markers; to pay the costs apportioned 9790

to the municipal corporation under section 4907.47 of the Revised 9791  
Code; to purchase, erect, and maintain traffic lights and signals; 9792  
to pay the principal, interest, and charges on bonds and other 9793  
obligations issued pursuant to Chapter 133. of the Revised Code or 9794  
incurred pursuant to section 5531.09 of the Revised Code for the 9795  
purpose of acquiring or constructing roads, highways, bridges, or 9796  
viaducts or acquiring or making other highway improvements for 9797  
which the municipal corporation may issue bonds; and to supplement 9798  
revenue already available for these purposes. 9799

(2) The amount distributed to counties shall be paid in equal 9800  
proportions to the county treasurer of each county within the 9801  
state and shall be used only for the purposes of planning, 9802  
maintaining, and repairing the county system of public roads and 9803  
highways within the county; the planning, construction, and repair 9804  
of walks or paths along county roads in congested areas; the 9805  
planning, construction, purchase, lease, and maintenance of 9806  
suitable buildings for the housing and repair of county road 9807  
machinery, housing of supplies, and housing of personnel 9808  
associated with the machinery and supplies; the payment of costs 9809  
apportioned to the county under section 4907.47 of the Revised 9810  
Code; the payment of principal, interest, and charges on bonds and 9811  
other obligations issued pursuant to Chapter 133. of the Revised 9812  
Code or incurred pursuant to section 5531.09 of the Revised Code 9813  
for the purpose of acquiring or constructing roads, highways, 9814  
bridges, or viaducts or acquiring or making other highway 9815  
improvements for which the board of county commissioners may issue 9816  
bonds under that chapter; and the purchase, installation, and 9817  
maintenance of traffic signal lights. 9818

(3)(a) The amounts described under divisions 9819  
(A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised 9820  
Code to be distributed among townships shall be divided in equal 9821  
proportions among the townships. 9822

(b) As used in division (A)(3)(b) of this section, the 9823  
"formula amount" for any township is the amount that would be 9824  
allocated to that township if fifty per cent of the total amount 9825  
credited to townships pursuant to ~~division~~ divisions 9826  
(A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the 9827  
Revised Code were allocated among townships in the state 9828  
proportionate to the number of centerline miles within the 9829  
boundaries of the respective townships, as determined annually by 9830  
the department of transportation, and the other fifty per cent of 9831  
that amount were allocated among townships in the state 9832  
proportionate to the number of motor vehicles registered within 9833  
the respective townships, as determined annually by the records of 9834  
the bureau of motor vehicles. The number of centerline miles 9835  
within the boundaries of a township shall not include any 9836  
centerline miles of township roads that have been placed on 9837  
nonmaintained status by a board of township trustees pursuant to 9838  
section 5571.20 of the Revised Code. 9839

The portion of the revenue of the tax levied by section 9840  
5735.05 of the Revised Code that is described under ~~division~~ 9841  
divisions (A)(3) and (B) of that section shall be partially 9842  
allocated to provide funding for townships. Each township shall 9843  
receive the greater of the following two calculations: 9844

(i) The total statewide amount credited to townships under 9845  
~~division~~ divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of 9846  
section 5735.051 of the Revised Code divided by the number of 9847  
townships in the state at the time of the calculation; 9848

(ii) Seventy per cent of the formula amount for that 9849  
township. 9850

(c) The total difference between the amount of money credited 9851  
to townships under ~~division~~ divisions (A)(2)(b)(iii), (C)(2), and 9852  
(E)(2)(c) of section 5735.051 of the Revised Code and the total 9853  
amount of money required to make all the payments specified in 9854

division (A)(3)(b) of this section shall be deducted, in 9855  
accordance with division (C)(3) of section 5735.051 of the Revised 9856  
Code, from the revenues resulting from the portion of the revenue 9857  
described in division (A)(3) of section 5735.05 of the Revised 9858  
Code prior to crediting portions of such revenues to counties, 9859  
municipal corporations, and the highway operating fund. 9860

(d) All amounts credited pursuant to divisions (A)(3)(a) and 9861  
(b) of this section shall be paid to the county treasurer of each 9862  
county for the total amount payable to the townships within each 9863  
of the counties. The county treasurer shall pay to each township 9864  
within the county its proportional share of the funds, which shall 9865  
be expended by each township only for the purposes of planning, 9866  
constructing, maintaining, widening, and reconstructing the public 9867  
roads and highways within the township, paying principal, 9868  
interest, and charges on bonds and other obligations issued 9869  
pursuant to Chapter 133. or 505. of the Revised Code or incurred 9870  
pursuant to section 5531.09 of the Revised Code for the purpose of 9871  
acquiring or constructing roads, highways, bridges, or viaducts or 9872  
acquiring or making other highway improvements for which the board 9873  
of township trustees may issue bonds under those chapters, and 9874  
paying costs apportioned to the township under section 4907.47 of 9875  
the Revised Code. 9876

No part of the funds designated for road and highway purposes 9877  
shall be used for any purpose except to pay in whole or part the 9878  
contract price of any such work done by contract, or to pay the 9879  
cost of labor in planning, constructing, widening, and 9880  
reconstructing such roads and highways, and the cost of materials 9881  
forming a part of the improvement; provided that the funds may be 9882  
used for the purchase of road machinery and equipment, the 9883  
planning, construction, and maintenance of suitable buildings for 9884  
housing road machinery and equipment, and the payment of 9885  
principal, interest, and charges on bonds and other obligations 9886

issued pursuant to Chapter 133. or 505. of the Revised Code for 9887  
the purpose of purchasing road machinery and equipment or 9888  
planning, constructing, and maintaining suitable buildings for 9889  
housing road machinery and equipment; and provided that all such 9890  
improvement of roads shall be under supervision and direction of 9891  
the county engineer as provided in section 5575.07 of the Revised 9892  
Code. No obligation against the funds shall be incurred unless 9893  
plans and specifications for the improvement, approved by the 9894  
county engineer, are on file in the office of the township fiscal 9895  
officer, and all contracts for material and for work done by 9896  
contract shall be approved by the county engineer before being 9897  
signed by the board of township trustees. The board of township 9898  
trustees of any township may pass a resolution permitting the 9899  
board of county commissioners to expend the township's share of 9900  
the funds, or any portion of it, for the improvement of the roads 9901  
within the township as may be designated in the resolution. 9902

(B) Amounts credited to the highway operating fund under 9903  
section 5735.051 and other sections of the Revised Code are 9904  
subject to transfer to the sinking fund upon receipt by the 9905  
treasurer of state of the certification by the commissioners of 9906  
the sinking fund, as required by section 5528.15 of the Revised 9907  
Code, that there are sufficient moneys to the credit of the 9908  
highway improvement bond retirement fund to meet in full all 9909  
payments of principal, interest, and charges for the retirement of 9910  
bonds and other obligations issued pursuant to Section 2g of 9911  
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 9912  
of the Revised Code due and payable during the current calendar 9913  
year. All remaining amounts credited to the highway operating fund 9914  
shall be expended for the purposes of planning, maintaining, 9915  
repairing, and keeping in passable condition for travel the roads 9916  
and highways of the state required by law to be maintained by the 9917  
department; paying the costs apportioned to the state under 9918  
section 4907.47 of the Revised Code; paying that portion of the 9919

construction cost of a highway project which a county, township, 9920  
or municipal corporation normally would be required to pay, but 9921  
which the director of transportation, pursuant to division (B) of 9922  
section 5531.08 of the Revised Code, determines instead will be 9923  
paid from moneys in the highway operating fund; paying the costs 9924  
of the department of public safety in administering and enforcing 9925  
the state law relating to the registration and operation of motor 9926  
vehicles; paying the state's share of the cost of planning, 9927  
constructing, widening, maintaining, and reconstructing the state 9928  
highways; paying that portion of the construction cost of a 9929  
highway project which a county, township, or municipal corporation 9930  
normally would be required to pay, but which the director of 9931  
transportation, pursuant to division (B) of section 5531.08 of the 9932  
Revised Code, determines instead will be paid from moneys in the 9933  
highway operating fund; and also for supplying the state's share 9934  
of the cost of eliminating railway grade crossings upon such 9935  
highways and costs apportioned to the state under section 4907.47 9936  
of the Revised Code. The director of transportation may expend 9937  
portions of such amount upon extensions of state highways within 9938  
municipal corporations or upon portions of state highways within 9939  
municipal corporations, as is provided by law. 9940

All investment earnings of the highway operating fund shall 9941  
be credited to the fund. 9942

**Sec. 5736.01.** As used in this chapter: 9943

(A) "Calendar quarter" and "person" have the same meanings as 9944  
in section 5751.01 of the Revised Code. 9945

(B) "Distribution system" means a bulk transfer or terminal 9946  
system for the distribution of motor fuel consisting of 9947  
refineries, pipelines, marine vessels, and terminals. For the 9948  
purposes of this section, motor fuel that is in a refinery, 9949  
pipeline, terminal, or marine vessel or that is en route to a 9950

refinery, pipeline, or terminal via any method of transportation 9951  
is in a "distribution system." Motor fuel is "outside of a 9952  
distribution system" if the fuel is in a fuel storage facility, 9953  
including, but not limited to, a bulk plant that is not part of a 9954  
refinery or terminal, is in the fuel supply tank of an engine or 9955  
motor vehicle, or is being transported by a marine vessel, tank 9956  
car, rail car, trailer, truck, or other suitable equipment to a 9957  
fuel storage facility that is not in a distribution system. 9958

(C) "Dyed diesel fuel," "import," ~~"motor fuel,"~~ "public 9959  
highways," "gasoline," "diesel fuel," "licensed motor fuel 9960  
dealer," "licensed permissive motor fuel dealer," and "terminal" 9961  
have the same meanings as in section 5735.01 of the Revised Code, 9962  
and "motor fuel" has the same meaning as in that section except 9963  
that the term excludes compressed natural gas for the purposes of 9964  
this chapter. "Gallons" means gross gallons as defined in section 9965  
5735.01 of the Revised Code. 9966

(D) "First sale of motor fuel within this state" means the 9967  
initial sale of motor fuel to a point outside a distribution 9968  
system, wherever the sale occurs, without regard to where title 9969  
transfers or other conditions of sale, when sold for delivery to a 9970  
location in this state as that location is shown on the bill of 9971  
lading or other similar document issued by the terminal, refinery, 9972  
or supplier. "First sale of motor fuel within this state" excludes 9973  
the following: 9974

(1) Motor fuel exchanges; 9975

(2) The sale of motor fuel on which the petroleum activity 9976  
tax imposed by this chapter was paid in a prior quarterly tax 9977  
payment period and on which the supplier may claim a bad debt. As 9978  
used in this division, "bad debt" has the same meaning as in 9979  
section 5751.01 of the Revised Code. 9980

(E)(1) "Calculated gross receipts" means the sum of the 9981

following: 9982

(a) With respect to sales of gasoline, the product obtained 9983  
by multiplying (i) the total number of gallons of gasoline first 9984  
sold within this state by a supplier during the tax period by (ii) 9985  
the average wholesale price of a gallon of unleaded regular 9986  
gasoline for the calendar quarter that begins six months before 9987  
the upcoming calendar quarter, as published by the tax 9988  
commissioner under division (C) of section 5736.02 of the Revised 9989  
Code; 9990

(b) With respect to sales of propane, the product obtained by 9991  
multiplying (i) the total number of gallons of propane first sold 9992  
within this state by a supplier during the tax period by (ii) the 9993  
average wholesale price of a gallon of propane for the calendar 9994  
quarter that begins six months before the upcoming calendar 9995  
quarter, as published by the tax commissioner under division (C) 9996  
of section 5736.02 of the Revised Code; 9997

(c) With respect to sales of motor fuel that is not gasoline 9998  
or propane, the product obtained by multiplying (i) the total 9999  
number of gallons of motor fuel first sold within this state by a 10000  
supplier during the tax period by (ii) the average wholesale price 10001  
of a gallon of diesel fuel for the calendar quarter that begins 10002  
six months before the upcoming calendar quarter, as published by 10003  
the tax commissioner under division (C) of section 5736.02 of the 10004  
Revised Code. 10005

(2) A supplier that has acquired blend stocks or additives 10006  
with respect to which the tax imposed by this chapter has 10007  
previously been paid may exclude the product of the following 10008  
amounts from the calculation of the supplier's "calculated gross 10009  
receipts" under division (E) of this section, provided that the 10010  
supplier uses the blend stocks or additives for blending with 10011  
motor fuel: 10012

(a) The number of gallons of the blend stocks or additives;	10013
(b) The average wholesale price of a gallon of such blend	10014
stocks or additives for the calendar quarter in which the tax was	10015
paid on the blend stocks or additives.	10016
The supplier may rely upon an invoice issued by the seller of	10017
the blend stocks or additives as evidence that the tax imposed by	10018
this section has been remitted with respect to the blend stocks or	10019
additives, provided that the invoice lists the tax as a separate	10020
charge, the seller is included on the list maintained by the tax	10021
commissioner under section 5736.041 of the Revised Code, and the	10022
supplier maintains the invoice in accordance with section 5736.12	10023
of the Revised Code.	10024
(F) "Motor fuel used to propel vehicles on public highways	10025
and waterways" includes motor fuel used for the operation of	10026
licensed motor vehicles employed in the maintenance, construction,	10027
or repair of public highways. "Motor fuel used to propel vehicles	10028
on public highways and waterways" does not include dyed diesel	10029
fuel.	10030
(G) "Rack" means a mechanism capable of delivering motor fuel	10031
from a refinery, terminal, or marine vessel into a railroad tank	10032
car, transport truck, tank wagon, fuel supply tank, marine vessel,	10033
or other means of transport outside of a distribution system.	10034
(H) "Refinery" means a facility used to produce motor fuel	10035
and from which motor fuel may be removed by pipeline, by vessel,	10036
or at a rack.	10037
(I) "Supplier" means any of the following:	10038
(1) A person that sells, exchanges, transfers, or otherwise	10039
distributes motor fuel from a terminal or refinery rack to a point	10040
outside of a distribution system, if the person distributes such	10041
motor fuel at a location in this state;	10042

(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state; 10043  
10044  
10045

(3) A person that knowingly purchases motor fuel from an unlicensed supplier. 10046  
10047

(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 10048  
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(K) "Taxpayer" means a person subject to the tax imposed by this chapter. 10051  
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(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies of water. 10053  
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(M) "Motor fuel exchange" means an exchange of motor fuel between two or more suppliers, licensed motor fuel dealers, or licensed permissive motor fuel dealers if delivery occurs at a refinery, terminal, pipeline, or marine vessel and if the parties agree that neither party requires monetary compensation from the other party for the exchanged fuel other than compensation for differences in product location, grade, or handling. 10058  
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**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the 10065  
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expense of administering this chapter, an excise tax is hereby 10073  
levied on each retail sale made in this state. 10074

(A)(1) The tax shall be collected as provided in section 10075  
5739.025 of the Revised Code. The rate of the tax shall be five 10076  
and three-fourths per cent. The tax applies and is collectible 10077  
when the sale is made, regardless of the time when the price is 10078  
paid or delivered. 10079

(2) In the case of the lease or rental, with a fixed term of 10080  
more than thirty days or an indefinite term with a minimum period 10081  
of more than thirty days, of any motor vehicles designed by the 10082  
manufacturer to carry a load of not more than one ton, watercraft, 10083  
outboard motor, or aircraft, or of any tangible personal property, 10084  
other than motor vehicles designed by the manufacturer to carry a 10085  
load of more than one ton, to be used by the lessee or renter 10086  
primarily for business purposes, the tax shall be collected by the 10087  
vendor at the time the lease or rental is consummated and shall be 10088  
calculated by the vendor on the basis of the total amount to be 10089  
paid by the lessee or renter under the lease agreement. If the 10090  
total amount of the consideration for the lease or rental includes 10091  
amounts that are not calculated at the time the lease or rental is 10092  
executed, the tax shall be calculated and collected by the vendor 10093  
at the time such amounts are billed to the lessee or renter. In 10094  
the case of an open-end lease or rental, the tax shall be 10095  
calculated by the vendor on the basis of the total amount to be 10096  
paid during the initial fixed term of the lease or rental, and for 10097  
each subsequent renewal period as it comes due. As used in this 10098  
division, "motor vehicle" has the same meaning as in section 10099  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 10100  
unit attached to the watercraft. 10101

A lease with a renewal clause and a termination penalty or 10102  
similar provision that applies if the renewal clause is not 10103

exercised is presumed to be a sham transaction. In such a case, 10104  
the tax shall be calculated and paid on the basis of the entire 10105  
length of the lease period, including any renewal periods, until 10106  
the termination penalty or similar provision no longer applies. 10107  
The taxpayer shall bear the burden, by a preponderance of the 10108  
evidence, that the transaction or series of transactions is not a 10109  
sham transaction. 10110

(3) Except as provided in division (A)(2) of this section, in 10111  
the case of a sale, the price of which consists in whole or in 10112  
part of the lease or rental of tangible personal property, the tax 10113  
shall be measured by the installments of that lease or rental. 10114

(4) In the case of a sale of a physical fitness facility 10115  
service or recreation and sports club service, the price of which 10116  
consists in whole or in part of a membership for the receipt of 10117  
the benefit of the service, the tax applicable to the sale shall 10118  
be measured by the installments thereof. 10119

(B) The tax does not apply to the following: 10120

(1) Sales to the state or any of its political subdivisions, 10121  
or to any other state or its political subdivisions if the laws of 10122  
that state exempt from taxation sales made to this state and its 10123  
political subdivisions; 10124

(2) Sales of food for human consumption off the premises 10125  
where sold; 10126

(3) Sales of food sold to students only in a cafeteria, 10127  
dormitory, fraternity, or sorority maintained in a private, 10128  
public, or parochial school, college, or university; 10129

(4) Sales of newspapers and sales or transfers of magazines 10130  
distributed as controlled circulation publications; 10131

(5) The furnishing, preparing, or serving of meals without 10132  
charge by an employer to an employee provided the employer records 10133

the meals as part compensation for services performed or work 10134  
done; 10135

(6)(a) Sales of motor fuel upon receipt, use, distribution, 10136  
or sale of which in this state a tax is imposed by the law of this 10137  
state, but this exemption shall not apply to the sale of motor 10138  
fuel on which a refund of the tax is allowable under division (A) 10139  
of section 5735.14 of the Revised Code; and the tax commissioner 10140  
may deduct the amount of tax levied by this section applicable to 10141  
the price of motor fuel when granting a refund of motor fuel tax 10142  
pursuant to division (A) of section 5735.14 of the Revised Code 10143  
and shall cause the amount deducted to be paid into the general 10144  
revenue fund of this state; 10145

(b) Sales of motor fuel other than that described in division 10146  
(B)(6)(a) of this section and used for a purpose other than 10147  
propelling the vehicle on public highways by any of the following, 10148  
as defined by section 5728.01 of the Revised Code: a commercial 10149  
car with three or more axles, regardless of weight, operated alone 10150  
or as part of a commercial tandem, a commercial car with two axles 10151  
having a gross vehicle weight or registered gross vehicle weight 10152  
exceeding twenty-six thousand pounds operated alone or as part of 10153  
a commercial tandem, or a commercial tractor operated alone or as 10154  
part of a commercial tractor combination or commercial tandem. 10155

(7) Sales of natural gas by a natural gas company or 10156  
municipal gas utility, of water by a water-works company, or of 10157  
steam by a heating company, if in each case the thing sold is 10158  
delivered to consumers through pipes or conduits, and all sales of 10159  
communications services by a telegraph company, all terms as 10160  
defined in section 5727.01 of the Revised Code, and sales of 10161  
electricity delivered through wires; 10162

(8) Casual sales by a person, or auctioneer employed directly 10163  
by the person to conduct such sales, except as to such sales of 10164  
motor vehicles, watercraft or outboard motors required to be 10165

titled under section 1548.06 of the Revised Code, watercraft 10166  
documented with the United States coast guard, snowmobiles, and 10167  
all-purpose vehicles as defined in section 4519.01 of the Revised 10168  
Code; 10169

(9)(a) Sales of services or tangible personal property, other 10170  
than motor vehicles, mobile homes, and manufactured homes, by 10171  
churches, organizations exempt from taxation under section 10172  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 10173  
organizations operated exclusively for charitable purposes as 10174  
defined in division (B)(12) of this section, provided that the 10175  
number of days on which such tangible personal property or 10176  
services, other than items never subject to the tax, are sold does 10177  
not exceed six in any calendar year, except as otherwise provided 10178  
in division (B)(9)(b) of this section. If the number of days on 10179  
which such sales are made exceeds six in any calendar year, the 10180  
church or organization shall be considered to be engaged in 10181  
business and all subsequent sales by it shall be subject to the 10182  
tax. In counting the number of days, all sales by groups within a 10183  
church or within an organization shall be considered to be sales 10184  
of that church or organization. 10185

(b) The limitation on the number of days on which tax-exempt 10186  
sales may be made by a church or organization under division 10187  
(B)(9)(a) of this section does not apply to sales made by student 10188  
clubs and other groups of students of a primary or secondary 10189  
school, or a parent-teacher association, booster group, or similar 10190  
organization that raises money to support or fund curricular or 10191  
extracurricular activities of a primary or secondary school. 10192

(c) Divisions (B)(9)(a) and (b) of this section do not apply 10193  
to sales by a noncommercial educational radio or television 10194  
broadcasting station. 10195

(10) Sales not within the taxing power of this state under 10196  
the Constitution or laws of the United States or the Constitution 10197

of this state; 10198

(11) Except for transactions that are sales under division 10199  
(B)(3)(r) of section 5739.01 of the Revised Code, the 10200  
transportation of persons or property, unless the transportation 10201  
is by a private investigation and security service; 10202

(12) Sales of tangible personal property or services to 10203  
churches, to organizations exempt from taxation under section 10204  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 10205  
nonprofit organizations operated exclusively for charitable 10206  
purposes in this state, no part of the net income of which inures 10207  
to the benefit of any private shareholder or individual, and no 10208  
substantial part of the activities of which consists of carrying 10209  
on propaganda or otherwise attempting to influence legislation; 10210  
sales to offices administering one or more homes for the aged or 10211  
one or more hospital facilities exempt under section 140.08 of the 10212  
Revised Code; and sales to organizations described in division (D) 10213  
of section 5709.12 of the Revised Code. 10214

"Charitable purposes" means the relief of poverty; the 10215  
improvement of health through the alleviation of illness, disease, 10216  
or injury; the operation of an organization exclusively for the 10217  
provision of professional, laundry, printing, and purchasing 10218  
services to hospitals or charitable institutions; the operation of 10219  
a home for the aged, as defined in section 5701.13 of the Revised 10220  
Code; the operation of a radio or television broadcasting station 10221  
that is licensed by the federal communications commission as a 10222  
noncommercial educational radio or television station; the 10223  
operation of a nonprofit animal adoption service or a county 10224  
humane society; the promotion of education by an institution of 10225  
learning that maintains a faculty of qualified instructors, 10226  
teaches regular continuous courses of study, and confers a 10227  
recognized diploma upon completion of a specific curriculum; the 10228  
operation of a parent-teacher association, booster group, or 10229

similar organization primarily engaged in the promotion and 10230  
support of the curricular or extracurricular activities of a 10231  
primary or secondary school; the operation of a community or area 10232  
center in which presentations in music, dramatics, the arts, and 10233  
related fields are made in order to foster public interest and 10234  
education therein; the production of performances in music, 10235  
dramatics, and the arts; or the promotion of education by an 10236  
organization engaged in carrying on research in, or the 10237  
dissemination of, scientific and technological knowledge and 10238  
information primarily for the public. 10239

Nothing in this division shall be deemed to exempt sales to 10240  
any organization for use in the operation or carrying on of a 10241  
trade or business, or sales to a home for the aged for use in the 10242  
operation of independent living facilities as defined in division 10243  
(A) of section 5709.12 of the Revised Code. 10244

(13) Building and construction materials and services sold to 10245  
construction contractors for incorporation into a structure or 10246  
improvement to real property under a construction contract with 10247  
this state or a political subdivision of this state, or with the 10248  
United States government or any of its agencies; building and 10249  
construction materials and services sold to construction 10250  
contractors for incorporation into a structure or improvement to 10251  
real property that are accepted for ownership by this state or any 10252  
of its political subdivisions, or by the United States government 10253  
or any of its agencies at the time of completion of the structures 10254  
or improvements; building and construction materials sold to 10255  
construction contractors for incorporation into a horticulture 10256  
structure or livestock structure for a person engaged in the 10257  
business of horticulture or producing livestock; building 10258  
materials and services sold to a construction contractor for 10259  
incorporation into a house of public worship or religious 10260  
education, or a building used exclusively for charitable purposes 10261

under a construction contract with an organization whose purpose 10262  
is as described in division (B)(12) of this section; building 10263  
materials and services sold to a construction contractor for 10264  
incorporation into a building under a construction contract with 10265  
an organization exempt from taxation under section 501(c)(3) of 10266  
the Internal Revenue Code of 1986 when the building is to be used 10267  
exclusively for the organization's exempt purposes; building and 10268  
construction materials sold for incorporation into the original 10269  
construction of a sports facility under section 307.696 of the 10270  
Revised Code; building and construction materials and services 10271  
sold to a construction contractor for incorporation into real 10272  
property outside this state if such materials and services, when 10273  
sold to a construction contractor in the state in which the real 10274  
property is located for incorporation into real property in that 10275  
state, would be exempt from a tax on sales levied by that state; 10276  
building and construction materials for incorporation into a 10277  
transportation facility pursuant to a public-private agreement 10278  
entered into under sections 5501.70 to 5501.83 of the Revised 10279  
Code; and, until one calendar year after the construction of a 10280  
convention center that qualifies for property tax exemption under 10281  
section 5709.084 of the Revised Code is completed, building and 10282  
construction materials and services sold to a construction 10283  
contractor for incorporation into the real property comprising 10284  
that convention center; 10285

(14) Sales of ships or vessels or rail rolling stock used or 10286  
to be used principally in interstate or foreign commerce, and 10287  
repairs, alterations, fuel, and lubricants for such ships or 10288  
vessels or rail rolling stock; 10289

(15) Sales to persons primarily engaged in any of the 10290  
activities mentioned in division (B)(42)(a), (g), or (h) of this 10291  
section, to persons engaged in making retail sales, or to persons 10292  
who purchase for sale from a manufacturer tangible personal 10293

property that was produced by the manufacturer in accordance with 10294  
specific designs provided by the purchaser, of packages, including 10295  
material, labels, and parts for packages, and of machinery, 10296  
equipment, and material for use primarily in packaging tangible 10297  
personal property produced for sale, including any machinery, 10298  
equipment, and supplies used to make labels or packages, to 10299  
prepare packages or products for labeling, or to label packages or 10300  
products, by or on the order of the person doing the packaging, or 10301  
sold at retail. "Packages" includes bags, baskets, cartons, 10302  
crates, boxes, cans, bottles, bindings, wrappings, and other 10303  
similar devices and containers, but does not include motor 10304  
vehicles or bulk tanks, trailers, or similar devices attached to 10305  
motor vehicles. "Packaging" means placing in a package. Division 10306  
(B)(15) of this section does not apply to persons engaged in 10307  
highway transportation for hire. 10308

(16) Sales of food to persons using supplemental nutrition 10309  
assistance program benefits to purchase the food. As used in this 10310  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 10311  
federal regulations adopted pursuant to the Food and Nutrition Act 10312  
of 2008. 10313

(17) Sales to persons engaged in farming, agriculture, 10314  
horticulture, or floriculture, of tangible personal property for 10315  
use or consumption primarily in the production by farming, 10316  
agriculture, horticulture, or floriculture of other tangible 10317  
personal property for use or consumption primarily in the 10318  
production of tangible personal property for sale by farming, 10319  
agriculture, horticulture, or floriculture; or material and parts 10320  
for incorporation into any such tangible personal property for use 10321  
or consumption in production; and of tangible personal property 10322  
for such use or consumption in the conditioning or holding of 10323  
products produced by and for such use, consumption, or sale by 10324  
persons engaged in farming, agriculture, horticulture, or 10325

floriculture, except where such property is incorporated into real 10326  
property; 10327

(18) Sales of drugs for a human being that may be dispensed 10328  
only pursuant to a prescription; insulin as recognized in the 10329  
official United States pharmacopoeia; urine and blood testing 10330  
materials when used by diabetics or persons with hypoglycemia to 10331  
test for glucose or acetone; hypodermic syringes and needles when 10332  
used by diabetics for insulin injections; epoetin alfa when 10333  
purchased for use in the treatment of persons with medical 10334  
disease; hospital beds when purchased by hospitals, nursing homes, 10335  
or other medical facilities; and medical oxygen and medical 10336  
oxygen-dispensing equipment when purchased by hospitals, nursing 10337  
homes, or other medical facilities; 10338

(19) Sales of prosthetic devices, durable medical equipment 10339  
for home use, or mobility enhancing equipment, when made pursuant 10340  
to a prescription and when such devices or equipment are for use 10341  
by a human being. 10342

(20) Sales of emergency and fire protection vehicles and 10343  
equipment to nonprofit organizations for use solely in providing 10344  
fire protection and emergency services, including trauma care and 10345  
emergency medical services, for political subdivisions of the 10346  
state; 10347

(21) Sales of tangible personal property manufactured in this 10348  
state, if sold by the manufacturer in this state to a retailer for 10349  
use in the retail business of the retailer outside of this state 10350  
and if possession is taken from the manufacturer by the purchaser 10351  
within this state for the sole purpose of immediately removing the 10352  
same from this state in a vehicle owned by the purchaser; 10353

(22) Sales of services provided by the state or any of its 10354  
political subdivisions, agencies, instrumentalities, institutions, 10355  
or authorities, or by governmental entities of the state or any of 10356

its political subdivisions, agencies, instrumentalities,	10357
institutions, or authorities;	10358
(23) Sales of motor vehicles to nonresidents of this state	10359
under the circumstances described in division (B) of section	10360
5739.029 of the Revised Code;	10361
(24) Sales to persons engaged in the preparation of eggs for	10362
sale of tangible personal property used or consumed directly in	10363
such preparation, including such tangible personal property used	10364
for cleaning, sanitizing, preserving, grading, sorting, and	10365
classifying by size; packages, including material and parts for	10366
packages, and machinery, equipment, and material for use in	10367
packaging eggs for sale; and handling and transportation equipment	10368
and parts therefor, except motor vehicles licensed to operate on	10369
public highways, used in intraplant or interplant transfers or	10370
shipment of eggs in the process of preparation for sale, when the	10371
plant or plants within or between which such transfers or	10372
shipments occur are operated by the same person. "Packages"	10373
includes containers, cases, baskets, flats, fillers, filler flats,	10374
cartons, closure materials, labels, and labeling materials, and	10375
"packaging" means placing therein.	10376
(25)(a) Sales of water to a consumer for residential use;	10377
(b) Sales of water by a nonprofit corporation engaged	10378
exclusively in the treatment, distribution, and sale of water to	10379
consumers, if such water is delivered to consumers through pipes	10380
or tubing.	10381
(26) Fees charged for inspection or reinspection of motor	10382
vehicles under section 3704.14 of the Revised Code;	10383
(27) Sales to persons licensed to conduct a food service	10384
operation pursuant to section 3717.43 of the Revised Code, of	10385
tangible personal property primarily used directly for the	10386
following:	10387

(a) To prepare food for human consumption for sale;	10388
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	10389 10390 10391 10392
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	10393 10394
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	10395 10396
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	10397 10398 10399 10400
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	10401 10402 10403
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	10404 10405 10406
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	10407 10408 10409 10410 10411 10412
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	10413 10414 10415 10416 10417

(34) Sales to a telecommunications service vendor, mobile 10418  
telecommunications service vendor, or satellite broadcasting 10419  
service vendor of tangible personal property and services used 10420  
directly and primarily in transmitting, receiving, switching, or 10421  
recording any interactive, one- or two-way electromagnetic 10422  
communications, including voice, image, data, and information, 10423  
through the use of any medium, including, but not limited to, 10424  
poles, wires, cables, switching equipment, computers, and record 10425  
storage devices and media, and component parts for the tangible 10426  
personal property. The exemption provided in this division shall 10427  
be in lieu of all other exemptions under division (B)(42)(a) or 10428  
(n) of this section to which the vendor may otherwise be entitled, 10429  
based upon the use of the thing purchased in providing the 10430  
telecommunications, mobile telecommunications, or satellite 10431  
broadcasting service. 10432

(35)(a) Sales where the purpose of the consumer is to use or 10433  
consume the things transferred in making retail sales and 10434  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 10435  
certificates, or other advertising material that prices and 10436  
describes tangible personal property offered for retail sale. 10437

(b) Sales to direct marketing vendors of preliminary 10438  
materials such as photographs, artwork, and typesetting that will 10439  
be used in printing advertising material; and of printed matter 10440  
that offers free merchandise or chances to win sweepstake prizes 10441  
and that is mailed to potential customers with advertising 10442  
material described in division (B)(35)(a) of this section; 10443

(c) Sales of equipment such as telephones, computers, 10444  
facsimile machines, and similar tangible personal property 10445  
primarily used to accept orders for direct marketing retail sales. 10446

(d) Sales of automatic food vending machines that preserve 10447  
food with a shelf life of forty-five days or less by refrigeration 10448  
and dispense it to the consumer. 10449

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(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.

(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;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by

this section shall be collected upon all meals, drinks, and food 10513  
for human consumption sold when transporting persons. This 10514  
paragraph does not exempt from "retail sale" or "sales at retail" 10515  
the sale of tangible personal property that is to be incorporated 10516  
into a structure or improvement to real property. 10517

(b) To hold the thing transferred as security for the 10518  
performance of an obligation of the vendor; 10519

(c) To resell, hold, use, or consume the thing transferred as 10520  
evidence of a contract of insurance; 10521

(d) To use or consume the thing directly in commercial 10522  
fishing; 10523

(e) To incorporate the thing transferred as a material or a 10524  
part into, or to use or consume the thing transferred directly in 10525  
the production of, magazines distributed as controlled circulation 10526  
publications; 10527

(f) To use or consume the thing transferred in the production 10528  
and preparation in suitable condition for market and sale of 10529  
printed, imprinted, overprinted, lithographic, multilithic, 10530  
blueprinted, photostatic, or other productions or reproductions of 10531  
written or graphic matter; 10532

(g) To use the thing transferred, as described in section 10533  
5739.011 of the Revised Code, primarily in a manufacturing 10534  
operation to produce tangible personal property for sale; 10535

(h) To use the benefit of a warranty, maintenance or service 10536  
contract, or similar agreement, as described in division (B)(7) of 10537  
section 5739.01 of the Revised Code, to repair or maintain 10538  
tangible personal property, if all of the property that is the 10539  
subject of the warranty, contract, or agreement would not be 10540  
subject to the tax imposed by this section; 10541

(i) To use the thing transferred as qualified research and 10542

development equipment; 10543

(j) To use or consume the thing transferred primarily in 10544  
storing, transporting, mailing, or otherwise handling purchased 10545  
sales inventory in a warehouse, distribution center, or similar 10546  
facility when the inventory is primarily distributed outside this 10547  
state to retail stores of the person who owns or controls the 10548  
warehouse, distribution center, or similar facility, to retail 10549  
stores of an affiliated group of which that person is a member, or 10550  
by means of direct marketing. This division does not apply to 10551  
motor vehicles registered for operation on the public highways. As 10552  
used in this division, "affiliated group" has the same meaning as 10553  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 10554  
"direct marketing" has the same meaning as in division (B)(35) of 10555  
this section. 10556

(k) To use or consume the thing transferred to fulfill a 10557  
contractual obligation incurred by a warrantor pursuant to a 10558  
warranty provided as a part of the price of the tangible personal 10559  
property sold or by a vendor of a warranty, maintenance or service 10560  
contract, or similar agreement the provision of which is defined 10561  
as a sale under division (B)(7) of section 5739.01 of the Revised 10562  
Code; 10563

(l) To use or consume the thing transferred in the production 10564  
of a newspaper for distribution to the public; 10565

(m) To use tangible personal property to perform a service 10566  
listed in division (B)(3) of section 5739.01 of the Revised Code, 10567  
if the property is or is to be permanently transferred to the 10568  
consumer of the service as an integral part of the performance of 10569  
the service; 10570

(n) To use or consume the thing transferred primarily in 10571  
producing tangible personal property for sale by farming, 10572  
agriculture, horticulture, or floriculture. Persons engaged in 10573

rendering farming, agriculture, horticulture, or floriculture 10574  
services for others are deemed engaged primarily in farming, 10575  
agriculture, horticulture, or floriculture. This paragraph does 10576  
not exempt from "retail sale" or "sales at retail" the sale of 10577  
tangible personal property that is to be incorporated into a 10578  
structure or improvement to real property. 10579

(o) To use or consume the thing transferred in acquiring, 10580  
formatting, editing, storing, and disseminating data or 10581  
information by electronic publishing; 10582

(p) To provide the thing transferred to the owner or lessee 10583  
of a motor vehicle that is being repaired or serviced, if the 10584  
thing transferred is a rented motor vehicle and the purchaser is 10585  
reimbursed for the cost of the rented motor vehicle by a 10586  
manufacturer, warrantor, or provider of a maintenance, service, or 10587  
other similar contract or agreement, with respect to the motor 10588  
vehicle that is being repaired or serviced; 10589

(q) To use or consume the thing transferred directly in 10590  
production of crude oil and natural gas for sale. Persons engaged 10591  
in rendering production services for others are deemed engaged in 10592  
production. 10593

As used in division (B)(42)(q) of this section, "production" 10594  
means operations and tangible personal property directly used to 10595  
expose and evaluate an underground reservoir that may contain 10596  
hydrocarbon resources, prepare the wellbore for production, and 10597  
lift and control all substances yielded by the reservoir to the 10598  
surface of the earth. 10599

(i) For the purposes of division (B)(42)(q) of this section, 10600  
the "thing transferred" includes, but is not limited to, any of 10601  
the following: 10602

(I) Services provided in the construction of permanent access 10603  
roads, services provided in the construction of the well site, and 10604

services provided in the construction of temporary impoundments;	10605
(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;	10606 10607 10608
(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;	10609 10610 10611
(IV) Casing, tubulars, and float and centralizing equipment;	10612
(V) Trailers to which production equipment is attached;	10613
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	10614 10615 10616
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	10617 10618 10619
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	10620 10621 10622 10623
(IX) Pressure pumping equipment;	10624
(X) Artificial lift systems equipment;	10625
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control <del>hydrocarbon</del> <u>hydrocarbon</u> phases and produced water;	10626 10627 10628
(XII) Tangible personal property directly used to control production equipment.	10629 10630
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	10631 10632
(I) Tangible personal property used primarily in the	10633

exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	10634 10635
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	10636 10637 10638
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	10639 10640 10641
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	10642 10643 10644 10645
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	10646 10647 10648 10649
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	10650 10651
(VII) Well site fencing, lighting, or security systems;	10652
(VIII) Communication devices or services;	10653
(IX) Office supplies;	10654
(X) Trailers used as offices or lodging;	10655
(XI) Motor vehicles of any kind;	10656
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	10657 10658
(XIII) Tangible personal property used primarily as a safety device;	10659 10660
(XIV) Data collection or monitoring devices;	10661
(XV) Access ladders, stairs, or platforms attached to storage	10662

tanks. 10663

The enumeration of tangible personal property in division 10664  
(B)(42)(q)(ii) of this section is not intended to be exhaustive, 10665  
and any tangible personal property not so enumerated shall not 10666  
necessarily be construed to be a "thing transferred" for the 10667  
purposes of division (B)(42)(q) of this section. 10668

The commissioner shall adopt and promulgate rules under 10669  
sections 119.01 to 119.13 of the Revised Code that the 10670  
commissioner deems necessary to administer division (B)(42)(q) of 10671  
this section. 10672

As used in division (B)(42) of this section, "thing" includes 10673  
all transactions included in divisions (B)(3)(a), (b), and (e) of 10674  
section 5739.01 of the Revised Code. 10675

(43) Sales conducted through a coin operated device that 10676  
activates vacuum equipment or equipment that dispenses water, 10677  
whether or not in combination with soap or other cleaning agents 10678  
or wax, to the consumer for the consumer's use on the premises in 10679  
washing, cleaning, or waxing a motor vehicle, provided no other 10680  
personal property or personal service is provided as part of the 10681  
transaction. 10682

(44) Sales of replacement and modification parts for engines, 10683  
airframes, instruments, and interiors in, and paint for, aircraft 10684  
used primarily in a fractional aircraft ownership program, and 10685  
sales of services for the repair, modification, and maintenance of 10686  
such aircraft, and machinery, equipment, and supplies primarily 10687  
used to provide those services. 10688

(45) Sales of telecommunications service that is used 10689  
directly and primarily to perform the functions of a call center. 10690  
As used in this division, "call center" means any physical 10691  
location where telephone calls are placed or received in high 10692  
volume for the purpose of making sales, marketing, customer 10693

service, technical support, or other specialized business 10694  
activity, and that employs at least fifty individuals that engage 10695  
in call center activities on a full-time basis, or sufficient 10696  
individuals to fill fifty full-time equivalent positions. 10697

(46) Sales by a telecommunications service vendor of 900 10698  
service to a subscriber. This division does not apply to 10699  
information services, as defined in division (FF) of section 10700  
5739.01 of the Revised Code. 10701

(47) Sales of value-added non-voice data service. This 10702  
division does not apply to any similar service that is not 10703  
otherwise a telecommunications service. 10704

(48)(a) Sales of machinery, equipment, and software to a 10705  
qualified direct selling entity for use in a warehouse or 10706  
distribution center primarily for storing, transporting, or 10707  
otherwise handling inventory that is held for sale to independent 10708  
salespersons who operate as direct sellers and that is held 10709  
primarily for distribution outside this state; 10710

(b) As used in division (B)(48)(a) of this section: 10711

(i) "Direct seller" means a person selling consumer products 10712  
to individuals for personal or household use and not from a fixed 10713  
retail location, including selling such product at in-home product 10714  
demonstrations, parties, and other one-on-one selling. 10715

(ii) "Qualified direct selling entity" means an entity 10716  
selling to direct sellers at the time the entity enters into a tax 10717  
credit agreement with the tax credit authority pursuant to section 10718  
122.17 of the Revised Code, provided that the agreement was 10719  
entered into on or after January 1, 2007. Neither contingencies 10720  
relevant to the granting of, nor later developments with respect 10721  
to, the tax credit shall impair the status of the qualified direct 10722  
selling entity under division (B)(48) of this section after 10723  
execution of the tax credit agreement by the tax credit authority. 10724

(c) Division (B)(48) of this section is limited to machinery, 10725  
equipment, and software first stored, used, or consumed in this 10726  
state within the period commencing June 24, 2008, and ending on 10727  
the date that is five years after that date. 10728

(49) Sales of materials, parts, equipment, or engines used in 10729  
the repair or maintenance of aircraft or avionics systems of such 10730  
aircraft, and sales of repair, remodeling, replacement, or 10731  
maintenance services in this state performed on aircraft or on an 10732  
aircraft's avionics, engine, or component materials or parts. As 10733  
used in division (B)(49) of this section, "aircraft" means 10734  
aircraft of more than six thousand pounds maximum certified 10735  
takeoff weight or used exclusively in general aviation. 10736

(50) Sales of full flight simulators that are used for pilot 10737  
or flight-crew training, sales of repair or replacement parts or 10738  
components, and sales of repair or maintenance services for such 10739  
full flight simulators. "Full flight simulator" means a replica of 10740  
a specific type, or make, model, and series of aircraft cockpit. 10741  
It includes the assemblage of equipment and computer programs 10742  
necessary to represent aircraft operations in ground and flight 10743  
conditions, a visual system providing an out-of-the-cockpit view, 10744  
and a system that provides cues at least equivalent to those of a 10745  
three-degree-of-freedom motion system, and has the full range of 10746  
capabilities of the systems installed in the device as described 10747  
in appendices A and B of part 60 of chapter 1 of title 14 of the 10748  
Code of Federal Regulations. 10749

(51) Any transfer or lease of tangible personal property 10750  
between the state and JobsOhio in accordance with section 4313.02 10751  
of the Revised Code. 10752

(52)(a) Sales to a qualifying corporation. 10753

(b) As used in division (B)(52) of this section: 10754

(i) "Qualifying corporation" means a nonprofit corporation 10755

organized in this state that leases from an eligible county land, 10756  
buildings, structures, fixtures, and improvements to the land that 10757  
are part of or used in a public recreational facility used by a 10758  
major league professional athletic team or a class A to class AAA 10759  
minor league affiliate of a major league professional athletic 10760  
team for a significant portion of the team's home schedule, 10761  
provided the following apply: 10762

(I) The facility is leased from the eligible county pursuant 10763  
to a lease that requires substantially all of the revenue from the 10764  
operation of the business or activity conducted by the nonprofit 10765  
corporation at the facility in excess of operating costs, capital 10766  
expenditures, and reserves to be paid to the eligible county at 10767  
least once per calendar year. 10768

(II) Upon dissolution and liquidation of the nonprofit 10769  
corporation, all of its net assets are distributable to the board 10770  
of commissioners of the eligible county from which the corporation 10771  
leases the facility. 10772

(ii) "Eligible county" has the same meaning as in section 10773  
307.695 of the Revised Code. 10774

(53) Sales to or by a cable service provider, video service 10775  
provider, or radio or television broadcast station regulated by 10776  
the federal government of cable service or programming, video 10777  
service or programming, audio service or programming, or 10778  
electronically transferred digital audiovisual or audio work. As 10779  
used in division (B)(53) of this section, "cable service" and 10780  
"cable service provider" have the same meanings as in section 10781  
1332.01 of the Revised Code, and "video service," "video service 10782  
provider," and "video programming" have the same meanings as in 10783  
section 1332.21 of the Revised Code. 10784

(54) Sales of investment metal bullion and investment coins. 10785  
"Investment metal bullion" means any bullion described in section 10786

408(m)(3)(B) of the Internal Revenue Code, regardless of whether 10787  
that bullion is in the physical possession of a trustee. 10788  
"Investment coin" means any coin composed primarily of gold, 10789  
silver, platinum, or palladium. 10790

(55) Sales of a digital audio work electronically transferred 10791  
for delivery through use of a machine, such as a juke box, that 10792  
does all of the following: 10793

(a) Accepts direct payments to operate; 10794

(b) Automatically plays a selected digital audio work for a 10795  
single play upon receipt of a payment described in division 10796  
(B)(55)(a) of this section; 10797

(c) Operates exclusively for the purpose of playing digital 10798  
audio works in a commercial establishment. 10799

(56)(a) Sales of the following occurring on the first Friday 10800  
of August and the following Saturday and Sunday of each year, 10801  
beginning in 2018: 10802

(i) An item of clothing, the price of which is seventy-five 10803  
dollars or less; 10804

(ii) An item of school supplies, the price of which is twenty 10805  
dollars or less; 10806

(iii) An item of school instructional material, the price of 10807  
which is twenty dollars or less. 10808

(b) As used in division (B)(56) of this section: 10809

(i) "Clothing" means all human wearing apparel suitable for 10810  
general use. "Clothing" includes, but is not limited to, aprons, 10811  
household and shop; athletic supporters; baby receiving blankets; 10812  
bathing suits and caps; beach capes and coats; belts and 10813  
suspenders; boots; coats and jackets; costumes; diapers, children 10814  
and adult, including disposable diapers; earmuffs; footlets; 10815  
formal wear; garters and garter belts; girdles; gloves and mittens 10816

for general use; hats and caps; hosiery; insoles for shoes; lab 10817  
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 10818  
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 10819  
and stockings; steel-toed shoes; underwear; uniforms, athletic and 10820  
nonathletic; and wedding apparel. "Clothing" does not include 10821  
items purchased for use in a trade or business; clothing 10822  
accessories or equipment; protective equipment; sports or 10823  
recreational equipment; belt buckles sold separately; costume 10824  
masks sold separately; patches and emblems sold separately; sewing 10825  
equipment and supplies including, but not limited to, knitting 10826  
needles, patterns, pins, scissors, sewing machines, sewing 10827  
needles, tape measures, and thimbles; and sewing materials that 10828  
become part of "clothing" including, but not limited to, buttons, 10829  
fabric, lace, thread, yarn, and zippers. 10830

(ii) "School supplies" means items commonly used by a student 10831  
in a course of study. "School supplies" includes only the 10832  
following items: binders; book bags; calculators; cellophane tape; 10833  
blackboard chalk; compasses; composition books; crayons; erasers; 10834  
folders, expandable, pocket, plastic, and manila; glue, paste, and 10835  
paste sticks; highlighters; index cards; index card boxes; legal 10836  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 10837  
notebook paper, copy paper, graph paper, tracing paper, manila 10838  
paper, colored paper, poster board, and construction paper; pencil 10839  
boxes and other school supply boxes; pencil sharpeners; pencils; 10840  
pens; protractors; rulers; scissors; and writing tablets. "School 10841  
supplies" does not include any item purchased for use in a trade 10842  
or business. 10843

(iii) "School instructional material" means written material 10844  
commonly used by a student in a course of study as a reference and 10845  
to learn the subject being taught. "School instructional material" 10846  
includes only the following items: reference books, reference maps 10847  
and globes, textbooks, and workbooks. "School instructional 10848

material" does not include any material purchased for use in a trade or business.

(57) Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in this state that is not a related member of the purchaser, is physically present in this state for the sole purpose of temporary storage and package consolidation, and is subsequently delivered to the purchaser at a delivery address in a foreign nation. As used in division (B)(56) of this section, "related member" has the same meaning as in section 5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or

payment of the tax levied by this section or section 5739.021, 10881  
5739.023, or 5739.026 of the Revised Code. 10882

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 10883  
general revenues for a transit authority ~~or~~, funding a regional 10884  
transportation improvement project under section 5595.06 of the 10885  
Revised Code, or ~~both~~ funding public infrastructure projects as 10886  
described in division (DD) of section 306.35 of the Revised Code, 10887  
and to pay the expenses of administering such levy, any transit 10888  
authority ~~as defined in division (U) of section 5739.01 of the~~ 10889  
~~Revised Code~~ may levy a tax upon every retail sale made in the 10890  
territory of the transit authority, except sales of watercraft and 10891  
outboard motors required to be titled pursuant to Chapter 1548. of 10892  
the Revised Code and sales of motor vehicles, at a rate of not 10893  
more than one and one-half per cent and may increase the rate of 10894  
an existing tax to not more than one and one-half per cent. The 10895  
rate of any tax levied pursuant to this section shall be a 10896  
multiple of one-fourth or one-tenth of one per cent. The tax shall 10897  
be levied and the rate increased pursuant to a resolution of the 10898  
legislative authority of the transit authority and a certified 10899  
copy of the resolution shall be delivered by the fiscal officer to 10900  
the board of elections as provided in section 3505.071 of the 10901  
Revised Code and to the tax commissioner. The resolution shall 10902  
specify the number of years for which the tax is to be in effect 10903  
or that the tax is for a continuing period of time, the purpose or 10904  
purposes of the levy, and the date of the election on the question 10905  
of the tax pursuant to section 306.70 of the Revised Code. The 10906  
board of elections shall certify the results of the election to 10907  
the transit authority and tax commissioner. 10908

A resolution adopted under this section may not specify that 10909  
the sole purpose of the tax is to fund infrastructure projects as 10910  
described in division (DD) of section 306.35 of the Revised Code; 10911  
that purpose must be combined with the purpose of providing 10912

additional general revenues for the transit authority, funding a 10913  
regional transportation improvement project under section 5595.06 10914  
of the Revised Code, or both. The resolution may specify the 10915  
percentage of the proceeds of the tax that will be allocated among 10916  
each of the purposes for which the tax is to be levied. If one of 10917  
the purposes of the tax is to provide general revenue for the 10918  
transit authority, the resolution may identify specific projects, 10919  
functions, or other uses to which that general revenue will be 10920  
allocated and the percentage of the tax proceeds to be allocated 10921  
to each of those projects, functions, or other uses. 10922

(2) Except as provided in division (C) of this section, the 10923  
tax levied by the resolution shall become effective on the first 10924  
day of a calendar quarter next following the sixty-fifth day 10925  
following the date the tax commissioner receives from the board of 10926  
elections the certification of the results of the election on the 10927  
question of the tax. 10928

(B) The legislative authority may, at any time while the tax 10929  
is in effect, by resolution fix the rate of the tax at any rate 10930  
authorized by this section and not in excess of that approved by 10931  
the voters pursuant to section 306.70 of the Revised Code. Except 10932  
as provided in division (C) of this section, any change in the 10933  
rate of the tax shall be made effective on the first day of a 10934  
calendar quarter next following the sixty-fifth day following the 10935  
date the tax commissioner receives the certification of the 10936  
resolution; provided, that in any case where bonds, or notes in 10937  
anticipation of bonds, of a regional transit authority have been 10938  
issued under section 306.40 of the Revised Code without a vote of 10939  
the electors while the tax proposed to be reduced was in effect, 10940  
the board of trustees of the regional transit authority shall 10941  
continue to levy and collect under authority of the original 10942  
election authorizing the tax a rate of tax that the board of 10943  
trustees reasonably estimates will produce an amount in that year 10944

equal to the amount of principal of and interest on those bonds as 10945  
is payable in that year. 10946

(C) Upon receipt from the board of elections of the 10947  
certification of the results of the election required by division 10948  
(A) of this section, or from the legislative authority of the 10949  
certification of a resolution under division (B) of this section, 10950  
the tax commissioner shall provide notice of a tax rate change in 10951  
a manner that is reasonably accessible to all affected vendors. 10952  
The commissioner shall provide this notice at least sixty days 10953  
prior to the effective date of the rate change. The commissioner, 10954  
by rule, may establish the method by which notice will be 10955  
provided. 10956

(D) If a vendor makes a sale in this state by printed catalog 10957  
and the consumer computed the tax on the sale based on local rates 10958  
published in the catalog, any tax levied or rate changed under 10959  
this section shall not apply to such a sale until the first day of 10960  
a calendar quarter following the expiration of one hundred twenty 10961  
days from the date of notice by the tax commissioner pursuant to 10962  
division (C) of this section. 10963

(E) The tax on every retail sale subject to a tax levied 10964  
pursuant to this section is in addition to the tax levied by 10965  
section 5739.02 of the Revised Code and any tax levied pursuant to 10966  
section 5739.021 or 5739.026 of the Revised Code. 10967

(F) The additional tax levied by the transit authority shall 10968  
be collected pursuant to section 5739.025 of the Revised Code. 10969

(G) Any tax levied pursuant to this section is subject to the 10970  
exemptions provided in section 5739.02 of the Revised Code and in 10971  
addition shall not be applicable to sales not within the taxing 10972  
power of a transit authority under the constitution of the United 10973  
States or the constitution of this state. 10974

(H) The rate of a tax levied under this section is subject to 10975

reduction under section 5739.028 of the Revised Code, if a ballot question is approved by voters pursuant to that section. 10976  
10977

Sec. 5747.502. (A) As used in this section: 10978

(1) "Local authority" and "traffic law photo-monitoring device" have the same meanings as in section 4511.092 of the Revised Code. 10979  
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10981

(2) "School zone" has the same meaning as in section 4511.21 of the Revised Code. 10982  
10983

(3) "Transportation district" means a territorial district established by the director of transportation under section 5501.14 of the Revised Code. 10984  
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(4) "District deputy director" means the person appointed and assigned by the director of transportation under section 5501.14 of the Revised Code to administer the activities of a transportation district. 10987  
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(B) Annually, on or before the thirty-first day of July, any local authority that operated, directly or indirectly, a traffic law photo-monitoring device during the preceding fiscal year shall file a report with the tax commissioner that includes a detailed statement of the civil fines the local authority has collected from drivers for any violation of any local ordinance or resolution during that period that are based upon evidence recorded by a traffic law photo-monitoring device. The report shall enumerate the gross amount of all such fines that have been collected and the gross amount of such fines that have been collected for violations that occurred within a school zone. For the purposes of divisions (B) and (C) of this section, the gross amount of such fines includes the entire amount paid by the driver. 10991  
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(C) Upon receipt of a report filed pursuant to division (B) 11005

of this section, the commissioner shall do the following, as 11006  
applicable: 11007

(1) If the local authority is a municipal corporation, reduce 11008  
the amount of each of the next twelve payments to the municipal 11009  
corporation under division (C) of section 5747.50 of the Revised 11010  
Code by an amount equal to one-twelfth of the gross amount of all 11011  
finest indicated on the report. If the fines exceed the amount of 11012  
money the municipal corporation would otherwise receive under 11013  
division (C) of section 5747.50 of the Revised Code, the 11014  
commissioner also shall reduce each of the next twelve payments to 11015  
the appropriate county undivided local government fund under 11016  
division (B) of section 5747.50 of the Revised Code by an amount 11017  
equal to one-twelfth of the excess and notify the county auditor 11018  
and county treasurer of that county that each of the next twelve 11019  
payments the municipal corporation receives under section 5747.51 11020  
or 5747.53 of the Revised Code shall be reduced by one-twelfth of 11021  
the excess. 11022

(2) If the local authority is not a municipal corporation, 11023  
reduce payments to the appropriate county undivided local 11024  
government fund under division (B) of section 5747.50 of the 11025  
Revised Code by an amount equal to one-twelfth of the gross amount 11026  
of all fines indicated on the report and immediately notify the 11027  
county auditor and county treasurer of that county that each of 11028  
the next twelve payments the local authority receives under 11029  
section 5747.51 or 5747.53 of the Revised Code shall be reduced by 11030  
one-twelfth of the gross amount of all fines indicated on the 11031  
report; 11032

(3) If one or more payments to the local authority has been 11033  
withheld under division (D) of this section because of failure to 11034  
timely file the report, notify the county auditor and county 11035  
treasurer of the appropriate county that the report has been 11036  
received and that, subject to divisions (C)(1) and (2) of this 11037

section, payments to the local authority from the undivided local government fund are to resume. Subject to divisions (C)(1) and (2) of this section, a county treasurer receiving notice under this section shall provide for payments to the local authority from the county undivided local government fund beginning with the next required payment.

(4) On or before the tenth day of each of the next twelve months, make a payment to the local authority in an amount equal to one-twelfth of the gross amount of civil fines collected from drivers for violations of local ordinances or resolutions that occurred within a school zone and are based upon evidence recorded by a traffic law photo-monitoring device, as indicated on the report. Payments received by a local authority under this division shall be used by the local authority for school safety purposes.

(D) Upon discovery, based on information in the commissioner's possession, that a local authority required to file a report under division (B) of this section has failed to do so, the commissioner shall do the following, as applicable:

(1) If the local authority is a municipal corporation, cease providing for payments to the municipal corporation under section 5747.50 of the Revised Code beginning with the next required payment and until such time as the report is received by the commissioner;

(2) For any local authority, reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code by an amount equal to the amount of such payments the local authority would otherwise receive under section 5747.51 or 5747.53 of the Revised Code, beginning with the next required payment and until such time as the report is received by the commissioner;

(3) For any local authority, notify the county auditor and

county treasurer that such payments are to cease until the 11069  
commissioner notifies the auditor and treasurer under division 11070  
(C)(3) of this section that the payments are to resume. 11071

(E) A county treasurer that receives a notice from the 11072  
commissioner under division (C)(1), (2), (3), or (D)(3) of this 11073  
section shall reduce, cease, or resume payments from the undivided 11074  
local government fund to the local authority that is the subject 11075  
of the notice as specified by the commissioner in the notice. 11076  
Unless otherwise specified in the notice, the payments shall be 11077  
reduced, ceased, or resumed beginning with the next required 11078  
payment. 11079

(F) There is hereby created in the state treasury the Ohio 11080  
highway and transportation safety fund. On or before the tenth day 11081  
of each month, the commissioner shall deposit in the fund an 11082  
amount equal to the total amount by which payments to local 11083  
authorities were reduced or ceased under division (C) or (D) of 11084  
this section minus the total amount of payments made under 11085  
division (C)(4) of this section. The amount deposited with respect 11086  
to a local authority shall be credited to an account to be created 11087  
in the fund for the transportation district in which that local 11088  
authority is located. If the local authority is located within 11089  
more than one transportation district, the amount credited to the 11090  
account of each such transportation district shall be prorated on 11091  
the basis of the number of centerline miles of public roads and 11092  
highways in both the local authority and the respective districts. 11093  
Amounts credited to a transportation district's account shall be 11094  
used by the department of transportation and the district deputy 11095  
director exclusively to enhance public safety on public roads and 11096  
highways within that transportation district. 11097

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July 11098  
of each year, the tax commissioner shall make and certify to the 11099

county auditor of each county an estimate of the amount of the 11100  
local government fund to be allocated to the undivided local 11101  
government fund of each county for the ensuing calendar year, 11102  
adjusting the total as required to account for subdivisions 11103  
receiving local government funds under section 5747.502 of the 11104  
Revised Code. 11105

(B) At each annual regular session of the county budget 11106  
commission convened pursuant to section 5705.27 of the Revised 11107  
Code, each auditor shall present to the commission the certificate 11108  
of the commissioner, the annual tax budget and estimates, and the 11109  
records showing the action of the commission in its last preceding 11110  
regular session. The commission, after extending to the 11111  
representatives of each subdivision an opportunity to be heard, 11112  
under oath administered by any member of the commission, and 11113  
considering all the facts and information presented to it by the 11114  
auditor, shall determine the amount of the undivided local 11115  
government fund needed by and to be apportioned to each 11116  
subdivision for current operating expenses, as shown in the tax 11117  
budget of the subdivision. This determination shall be made 11118  
pursuant to divisions (C) to (I) of this section, unless the 11119  
commission has provided for a formula pursuant to section 5747.53 11120  
of the Revised Code. The commissioner shall reduce ~~or increase~~ the 11121  
amount of funds from the undivided local government fund to a 11122  
subdivision required to receive reduced ~~or increased~~ funds under 11123  
section 5747.502 of the Revised Code. 11124

Nothing in this section prevents the budget commission, for 11125  
the purpose of apportioning the undivided local government fund, 11126  
from inquiring into the claimed needs of any subdivision as stated 11127  
in its tax budget, or from adjusting claimed needs to reflect 11128  
actual needs. For the purposes of this section, "current operating 11129  
expenses" means the lawful expenditures of a subdivision, except 11130  
those for permanent improvements and except payments for interest, 11131

sinking fund, and retirement of bonds, notes, and certificates of 11132  
indebtedness of the subdivision. 11133

(C) The commission shall determine the combined total of the 11134  
estimated expenditures, including transfers, from the general fund 11135  
and any special funds other than special funds established for 11136  
road and bridge; street construction, maintenance, and repair; 11137  
state highway improvement; and gas, water, sewer, and electric 11138  
public utilities operated by a subdivision, as shown in the 11139  
subdivision's tax budget for the ensuing calendar year. 11140

(D) From the combined total of expenditures calculated 11141  
pursuant to division (C) of this section, the commission shall 11142  
deduct the following expenditures, if included in these funds in 11143  
the tax budget: 11144

(1) Expenditures for permanent improvements as defined in 11145  
division (E) of section 5705.01 of the Revised Code; 11146

(2) In the case of counties and townships, transfers to the 11147  
road and bridge fund, and in the case of municipalities, transfers 11148  
to the street construction, maintenance, and repair fund and the 11149  
state highway improvement fund; 11150

(3) Expenditures for the payment of debt charges; 11151

(4) Expenditures for the payment of judgments. 11152

(E) In addition to the deductions made pursuant to division 11153  
(D) of this section, revenues accruing to the general fund and any 11154  
special fund considered under division (C) of this section from 11155  
the following sources shall be deducted from the combined total of 11156  
expenditures calculated pursuant to division (C) of this section: 11157

(1) Taxes levied within the ten-mill limitation, as defined 11158  
in section 5705.02 of the Revised Code; 11159

(2) The budget commission allocation of estimated county 11160  
public library fund revenues to be distributed pursuant to section 11161

5747.48 of the Revised Code; 11162

(3) Estimated unencumbered balances as shown on the tax 11163  
budget as of the thirty-first day of December of the current year 11164  
in the general fund, but not any estimated balance in any special 11165  
fund considered in division (C) of this section; 11166

(4) Revenue, including transfers, shown in the general fund 11167  
and any special funds other than special funds established for 11168  
road and bridge; street construction, maintenance, and repair; 11169  
state highway improvement; and gas, water, sewer, and electric 11170  
public utilities, from all other sources except those that a 11171  
subdivision receives from an additional tax or service charge 11172  
voted by its electorate or receives from special assessment or 11173  
revenue bond collection. For the purposes of this division, where 11174  
the charter of a municipal corporation prohibits the levy of an 11175  
income tax, an income tax levied by the legislative authority of 11176  
such municipal corporation pursuant to an amendment of the charter 11177  
of that municipal corporation to authorize such a levy represents 11178  
an additional tax voted by the electorate of that municipal 11179  
corporation. For the purposes of this division, any measure 11180  
adopted by a board of county commissioners pursuant to section 11181  
322.02, 4504.02, or 5739.021 of the Revised Code, including those 11182  
measures upheld by the electorate in a referendum conducted 11183  
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 11184  
Code, shall not be considered an additional tax voted by the 11185  
electorate. 11186

Subject to division (G) of section 5705.29 of the Revised 11187  
Code, money in a reserve balance account established by a county, 11188  
township, or municipal corporation under section 5705.13 of the 11189  
Revised Code shall not be considered an unencumbered balance or 11190  
revenue under division (E)(3) or (4) of this section. Money in a 11191  
reserve balance account established by a township under section 11192  
5705.132 of the Revised Code shall not be considered an 11193

unencumbered balance or revenue under division (E)(3) or (4) of 11194  
this section. 11195

If a county, township, or municipal corporation has created 11196  
and maintains a nonexpendable trust fund under section 5705.131 of 11197  
the Revised Code, the principal of the fund, and any additions to 11198  
the principal arising from sources other than the reinvestment of 11199  
investment earnings arising from such a fund, shall not be 11200  
considered an unencumbered balance or revenue under division 11201  
(E)(3) or (4) of this section. Only investment earnings arising 11202  
from investment of the principal or investment of such additions 11203  
to principal may be considered an unencumbered balance or revenue 11204  
under those divisions. 11205

(F) The total expenditures calculated pursuant to division 11206  
(C) of this section, less the deductions authorized in divisions 11207  
(D) and (E) of this section, shall be known as the "relative need" 11208  
of the subdivision, for the purposes of this section. 11209

(G) The budget commission shall total the relative need of 11210  
all participating subdivisions in the county, and shall compute a 11211  
relative need factor by dividing the total estimate of the 11212  
undivided local government fund by the total relative need of all 11213  
participating subdivisions. 11214

(H) The relative need of each subdivision shall be multiplied 11215  
by the relative need factor to determine the proportionate share 11216  
of the subdivision in the undivided local government fund of the 11217  
county; provided, that the maximum proportionate share of a county 11218  
shall not exceed the following maximum percentages of the total 11219  
estimate of the undivided local government fund governed by the 11220  
relationship of the percentage of the population of the county 11221  
that resides within municipal corporations within the county to 11222  
the total population of the county as reported in the reports on 11223  
population in Ohio by the department of development as of the 11224  
twentieth day of July of the year in which the tax budget is filed 11225

with the budget commission:		11226
Percentage of municipal population within the county:	Percentage share of the county shall not exceed:	11227
		11228
Less than forty-one per cent	Sixty per cent	11229
Forty-one per cent or more but less than eighty-one per cent	Fifty per cent	11230
Eighty-one per cent or more	Thirty per cent	11231
Where the proportionate share of the county exceeds the limitations established in this division, the budget commission shall adjust the proportionate shares determined pursuant to this division so that the proportionate share of the county does not exceed these limitations, and it shall increase the proportionate shares of all other subdivisions on a pro rata basis. In counties having a population of less than one hundred thousand, not less than ten per cent shall be distributed to the townships therein.		11232 11233 11234 11235 11236 11237 11238 11239
(I) The proportionate share of each subdivision in the undivided local government fund determined pursuant to division (H) of this section for any calendar year shall not be less than the product of the average of the percentages of the undivided local government fund of the county as apportioned to that subdivision for the calendar years 1968, 1969, and 1970, multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5735.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B)(1) of former section 5739.21 of the Revised Code, and distributed		11240 11241 11242 11243 11244 11245 11246 11247 11248 11249 11250 11251 11252 11253 11254 11255

pursuant to former section 5739.22 of the Revised Code. If the 11256  
total amount of the undivided local government fund for any 11257  
calendar year is less than the amount of the undivided local 11258  
government fund apportioned pursuant to former section 5739.23 of 11259  
the Revised Code for the calendar year 1970, the minimum amount 11260  
guaranteed to each subdivision for that calendar year pursuant to 11261  
this division shall be reduced on a basis proportionate to the 11262  
amount by which the amount of the undivided local government fund 11263  
for that calendar year is less than the amount of the undivided 11264  
local government fund apportioned for the calendar year 1970. 11265

(J) On the basis of such apportionment, the county auditor 11266  
shall compute the percentage share of each such subdivision in the 11267  
undivided local government fund and shall at the same time certify 11268  
to the tax commissioner the percentage share of the county as a 11269  
subdivision. No payment shall be made from the undivided local 11270  
government fund, except in accordance with such percentage shares. 11271

Within ten days after the budget commission has made its 11272  
apportionment, whether conducted pursuant to section 5747.51 or 11273  
5747.53 of the Revised Code, the auditor shall publish a list of 11274  
the subdivisions and the amount each is to receive from the 11275  
undivided local government fund and the percentage share of each 11276  
subdivision, in a newspaper or newspapers of countywide 11277  
circulation, and send a copy of such allocation to the tax 11278  
commissioner. 11279

The county auditor shall also send a copy of such allocation 11280  
by ordinary or electronic mail to the fiscal officer of each 11281  
subdivision entitled to participate in the allocation of the 11282  
undivided local government fund of the county. This copy shall 11283  
constitute the official notice of the commission action referred 11284  
to in section 5705.37 of the Revised Code. 11285

All money received into the treasury of a subdivision from 11286  
the undivided local government fund in a county treasury shall be 11287

paid into the general fund and used for the current operating 11288  
expenses of the subdivision. 11289

If a municipal corporation maintains a municipal university, 11290  
such municipal university, when the board of trustees so requests 11291  
the legislative authority of the municipal corporation, shall 11292  
participate in the money apportioned to such municipal corporation 11293  
from the total local government fund, however created and 11294  
constituted, in such amount as requested by the board of trustees, 11295  
provided such sum does not exceed nine per cent of the total 11296  
amount paid to the municipal corporation. 11297

If any public official fails to maintain the records required 11298  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 11299  
issued by the tax commissioner, the auditor of state, or the 11300  
treasurer of state pursuant to such sections, or fails to comply 11301  
with any law relating to the enforcement of such sections, the 11302  
local government fund money allocated to the county may be 11303  
withheld until such time as the public official has complied with 11304  
such sections or such law or the rules issued pursuant thereto. 11305

**Sec. 5747.53.** (A) As used in this section: 11306

(1) "City, located wholly or partially in the county, with 11307  
the greatest population" means the city, located wholly or 11308  
partially in the county, with the greatest population residing in 11309  
the county; however, if the county budget commission on or before 11310  
January 1, 1998, adopted an alternative method of apportionment 11311  
that was approved by the legislative authority of the city, 11312  
located partially in the county, with the greatest population but 11313  
not the greatest population residing in the county, "city, located 11314  
wholly or partially in the county, with the greatest population" 11315  
means the city, located wholly or partially in the county, with 11316  
the greatest population whether residing in the county or not, if 11317  
this alternative meaning is adopted by action of the board of 11318

county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county. 11319  
11320  
11321

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following: 11322  
11323

(a) It is located wholly or partially in the county. 11324

(b) It is not the city, located wholly or partially in the county, with the greatest population. 11325  
11326

(c) Undivided local government fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year. 11327  
11328  
11329

(B) In lieu of the method of apportionment of the undivided local government fund of the county provided by section 5747.51 of the Revised Code, the county budget commission may provide for the apportionment of the fund under an alternative method or on a formula basis as authorized by this section. The commissioner shall reduce ~~or increase~~ the amount of funds from the undivided local government fund to a subdivision required to receive reduced ~~or increased~~ funds under section 5747.502 of the Revised Code. 11330  
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Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative 11338  
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authorities of municipal corporations shall act by motion. A 11350  
motion to approve shall be passed upon a majority vote of the 11351  
members of a board of county commissioners, board of township 11352  
trustees, or legislative authority of a municipal corporation, 11353  
shall take effect immediately, and need not be published. 11354

Any alternative method of apportionment adopted and approved 11355  
under this division may be revised, amended, or repealed in the 11356  
same manner as it may be adopted and approved. If an alternative 11357  
method of apportionment adopted and approved under this division 11358  
is repealed, the undivided local government fund of the county 11359  
shall be apportioned among the subdivisions eligible to 11360  
participate in the fund, commencing in the ensuing calendar year, 11361  
under the apportionment provided in section 5747.52 of the Revised 11362  
Code, unless the repeal occurs by operation of division (C) of 11363  
this section or a new method for apportionment of the fund is 11364  
provided in the action of repeal. 11365

(C) This division applies only in counties in which the city, 11366  
located wholly or partially in the county, with the greatest 11367  
population has a population of twenty thousand or less and a 11368  
population that is less than fifteen per cent of the total 11369  
population of the county. In such a county, the legislative 11370  
authorities or boards of township trustees of two or more 11371  
participating political subdivisions, which together have a 11372  
population residing in the county that is a majority of the total 11373  
population of the county, each may adopt a resolution to exclude 11374  
the approval otherwise required of the legislative authority of 11375  
the city, located wholly or partially in the county, with the 11376  
greatest population. All of the resolutions to exclude that 11377  
approval shall be adopted not later than the first Monday of 11378  
August of the year preceding the calendar year in which 11379  
distributions are to be made under an alternative method of 11380  
apportionment. 11381

A motion granting or denying approval of an alternative 11382  
method of apportionment under this division shall be adopted by a 11383  
majority vote of the members of the board of county commissioners 11384  
and by a majority vote of a majority of the boards of township 11385  
trustees and legislative authorities of the municipal corporations 11386  
located wholly or partially in the county, other than the city, 11387  
located wholly or partially in the county, with the greatest 11388  
population, shall take effect immediately, and need not be 11389  
published. The alternative method of apportionment under this 11390  
division shall be adopted and approved annually, not later than 11391  
the first Monday of August of the year preceding the calendar year 11392  
in which distributions are to be made under it. A motion granting 11393  
approval of an alternative method of apportionment under this 11394  
division repeals any existing alternative method of apportionment, 11395  
effective with distributions to be made from the fund in the 11396  
ensuing calendar year. An alternative method of apportionment 11397  
under this division shall not be revised or amended after the 11398  
first Monday of August of the year preceding the calendar year in 11399  
which distributions are to be made under it. 11400

(D) In determining an alternative method of apportionment 11401  
authorized by this section, the county budget commission may 11402  
include in the method any factor considered to be appropriate and 11403  
reliable, in the sole discretion of the county budget commission. 11404

(E) The limitations set forth in section 5747.51 of the 11405  
Revised Code, stating the maximum amount that the county may 11406  
receive from the undivided local government fund and the minimum 11407  
amount the townships in counties having a population of less than 11408  
one hundred thousand may receive from the fund, are applicable to 11409  
any alternative method of apportionment authorized under this 11410  
section. 11411

(F) On the basis of any alternative method of apportionment 11412  
adopted and approved as authorized by this section, as certified 11413

by the auditor to the county treasurer, the county treasurer shall 11414  
make distribution of the money in the undivided local government 11415  
fund to each subdivision eligible to participate in the fund, and 11416  
the auditor, when the amount of those shares is in the custody of 11417  
the treasurer in the amounts so computed to be due the respective 11418  
subdivisions, shall at the same time certify to the tax 11419  
commissioner the percentage share of the county as a subdivision. 11420  
All money received into the treasury of a subdivision from the 11421  
undivided local government fund in a county treasury shall be paid 11422  
into the general fund and used for the current operating expenses 11423  
of the subdivision. If a municipal corporation maintains a 11424  
municipal university, the university, when the board of trustees 11425  
so requests the legislative authority of the municipal 11426  
corporation, shall participate in the money apportioned to the 11427  
municipal corporation from the total local government fund, 11428  
however created and constituted, in the amount requested by the 11429  
board of trustees, provided that amount does not exceed nine per 11430  
cent of the total amount paid to the municipal corporation. 11431

(G) The actions of the county budget commission taken 11432  
pursuant to this section are final and may not be appealed to the 11433  
board of tax appeals, except on the issues of abuse of discretion 11434  
and failure to comply with the formula. 11435

**Sec. 5749.02.** (A) For the purpose of providing revenue to 11436  
administer the state's coal mining and reclamation regulatory 11437  
program and oil and gas regulatory program, to meet the 11438  
environmental and resource management needs of this state, and to 11439  
reclaim land affected by mining, an excise tax is hereby levied on 11440  
the privilege of engaging in the severance of natural resources 11441  
from the soil or water of this state. The tax shall be imposed 11442  
upon the severer at the rates prescribed by this section: 11443

(1) Ten cents per ton of coal; 11444

(2) Four cents per ton of salt;	11445
(3) Two cents per ton of limestone or dolomite;	11446
(4) Two cents per ton of sand and gravel;	11447
(5) Ten cents per barrel of oil;	11448
(6) Two and one-half cents per thousand cubic feet of natural gas;	11449 11450
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite;	11451 11452
(8) Except as otherwise provided in this division or in rules adopted by the reclamation forfeiture fund advisory board under section 1513.182 of the Revised Code, an additional fourteen cents per ton of coal produced from an area under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code for which the performance security is provided under division (C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the reclamation forfeiture fund created in section 1513.18 of the Revised Code is equal to or greater than ten million dollars, the rate levied shall be twelve cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is at least five million dollars, but less than ten million dollars, the rate levied shall be fourteen cents per ton. Beginning July 1, 2007, if at the end of a fiscal biennium the balance of the fund is less than five million dollars, the rate levied shall be sixteen cents per ton. Beginning July 1, 2009, not later than thirty days after the close of a fiscal biennium, the chief of the division of mineral resources management shall certify to the tax commissioner the amount of the balance of the reclamation forfeiture fund as of the close of the fiscal biennium. Any necessary adjustment of the rate levied shall take effect on the first day of the following January and shall remain in effect	11453 11454 11455 11456 11457 11458 11459 11460 11461 11462 11463 11464 11465 11466 11467 11468 11469 11470 11471 11472 11473 11474 11475

during the calendar biennium that begins on that date. 11476

(9) An additional one and two-tenths cents per ton of coal 11477  
mined by surface mining methods. 11478

(B) After the director of budget and management transfers 11479  
money from the severance tax receipts fund as required in division 11480  
(H) of section 5749.06 of the Revised Code, money remaining in the 11481  
severance tax receipts fund, except for money in the fund from the 11482  
amounts due under section 1509.50 of the Revised Code, shall be 11483  
credited as follows: 11484

(1) All of the moneys in the fund from the tax levied in 11485  
division (A)(1) of this section shall be credited to the mining 11486  
regulation and safety fund created in section 1513.30 of the 11487  
Revised Code. 11488

(2) The money in the fund from the tax levied in division 11489  
(A)(2) of this section shall be credited to the mining regulation 11490  
and safety fund. 11491

(3) Of the moneys in the fund from the tax levied in 11492  
divisions (A)(3) and (4) of this section, seven and five-tenths 11493  
per cent shall be credited to the geological mapping fund and the 11494  
remainder shall be credited to the mining regulation and safety 11495  
fund created in section 1513.30 of the Revised Code. 11496

(4) Of the moneys in the fund from the tax levied in 11497  
divisions (A)(5) and (6) of this section, ninety per cent shall be 11498  
credited to the oil and gas well fund and ten per cent shall be 11499  
credited to the geological mapping fund. 11500

(5) All of the moneys in the fund from the tax levied in 11501  
division (A)(7) of this section shall be credited to the mining 11502  
regulation and safety fund. 11503

(6) All of the moneys in the fund from the tax levied in 11504  
division (A)(8) of this section shall be credited to the 11505

reclamation forfeiture fund. 11506

(7) All of the moneys in the fund from the tax levied in 11507  
division (A)(9) of this section shall be credited to the mining 11508  
regulation and safety fund. 11509

(C) When, at the close of any fiscal year, the chief finds 11510  
that the balance of the reclamation forfeiture fund, plus the 11511  
estimated revenues from the tax levied by division (A)(8) of this 11512  
section for the remainder of the calendar year that includes the 11513  
close of the fiscal year, are sufficient to complete the 11514  
reclamation of all lands for which the performance security has 11515  
been provided under division (C)(2) of section 1513.08 of the 11516  
Revised Code, the purposes for which the tax under division (A)(8) 11517  
of this section is levied shall be deemed accomplished at the end 11518  
of that calendar year. The chief, within thirty days after the 11519  
close of the fiscal year, shall certify those findings to the tax 11520  
commissioner, and the tax levied under division (A)(8) of this 11521  
section shall cease to be imposed for the subsequent calendar year 11522  
after the last day of that calendar year on coal produced under a 11523  
coal mining and reclamation permit issued under Chapter 1513. of 11524  
the Revised Code if the permittee has made tax payments under 11525  
division (A)(8) of this section during each of the preceding five 11526  
full calendar years. Not later than thirty days after the close of 11527  
a fiscal year, the chief shall certify to the tax commissioner the 11528  
identity of any permittees who accordingly no longer are required 11529  
to pay the tax levied under division (A)(8) of this section for 11530  
the subsequent calendar year. 11531

**Section 101.02.** That existing sections 119.14, 122.14, 11532  
164.04, 164.08, 306.32, 306.321, 306.35, 306.54, 306.70, 505.267, 11533  
505.71, 1349.61, 1509.02, 1509.11, 1901.18, 1901.20, 1907.02, 11534  
1907.031, 3327.012, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 11535  
4301.62, 4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 11536

4503.103, 4503.19, 4503.21, 4503.23, 4504.10, 4504.201, 4505.101, 11537  
4506.17, 4509.01, 4511.01, 4511.092, 4511.093, 4511.096, 4511.097, 11538  
4511.098, 4511.0910, 4511.204, 4511.205, 4511.21, 4511.54, 11539  
4511.68, 4511.84, 4511.991, 4513.34, 4513.60, 4513.601, 4513.61, 11540  
4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4549.10, 11541  
4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 5577.15, 5735.01, 11542  
5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 5736.01, 11543  
5739.02, 5739.023, 5747.51, 5747.53, and 5749.02 of the Revised 11544  
Code are hereby repealed. 11545

**Section 105.01.** That sections 4511.099, 4511.0915, and 11546  
5747.502 of the Revised Code are hereby repealed. 11547

**Section 201.10.** Except as otherwise provided in this act, all 11548  
appropriation items in this act are appropriated out of any moneys 11549  
in the state treasury to the credit of the designated fund that 11550  
are not otherwise appropriated. For all appropriations made in 11551  
this act, the amounts in the first column are for fiscal year 2020 11552  
and the amounts in the second column are for fiscal year 2021. 11553

**Section 203.10.** DOT DEPARTMENT OF TRANSPORTATION 11554  
Highway Operating Fund Group 11555  
2120 772426 Highway \$ 5,000,000 \$ 5,000,000 11556  
Infrastructure Bank -  
Federal  
2120 772427 Highway \$ 15,250,000 \$ 15,250,000 11557  
Infrastructure Bank -  
State  
2120 772430 Infrastructure Debt \$ 600,000 \$ 600,000 11558  
Reserve Title 23-49  
2130 772431 Roadway \$ 3,500,000 \$ 3,500,000 11559  
Infrastructure Bank -

		State				
2130	772433	Infrastructure Debt	\$	650,000	\$	650,000 11560
		Reserve - State				
2130	777477	Aviation	\$	2,000,000	\$	2,000,000 11561
		Infrastructure Bank -				
		State				
7002	770003	Transportation	\$	17,658,600	\$	20,798,000 11562
		Facilities Lease				
		Rental Bond Payments				
7002	771411	Planning and Research	\$	27,591,086	\$	28,089,039 11563
		- State				
7002	771412	Planning and Research	\$	41,742,250	\$	41,742,251 11564
		- Federal				
7002	772421	Highway Construction	\$	674,734,023	\$	850,604,799 11565
		- State				
7002	772422	Highway Construction	\$	1,217,078,291	\$	1,232,839,103 11566
		- Federal				
7002	772424	Highway Construction	\$	80,000,000	\$	80,000,000 11567
		- Other				
7002	772437	Major New State	\$	27,462,900	\$	24,972,600 11568
		Infrastructure Bond				
		Debt Service - State				
7002	772438	Major New State	\$	162,741,000	\$	151,352,500 11569
		Infrastructure Bond				
		Debt Service -				
		Federal				
7002	773431	Highway Maintenance -	\$	603,832,334	\$	595,209,104 11570
		State				
7002	775452	Public Transportation	\$	35,143,571	\$	35,846,442 11571
		- Federal				
7002	775454	Public Transportation	\$	1,500,000	\$	1,500,000 11572
		- Other				
7002	776462	Grade Crossings -	\$	14,172,000	\$	14,172,000 11573

	Federal				
7002 777472	Airport Improvements	\$	405,000	\$	405,000
	- Federal				
7002 777475	Aviation	\$	7,110,974	\$	7,304,945
	Administration				
7002 779491	Administration -	\$	107,815,669	\$	112,116,608
	State				
TOTAL HOF Highway Operating					11577
Fund Group		\$	3,045,987,698	\$	3,223,952,391
Dedicated Purpose Fund Group					11579
4N40 776664	Rail Transportation -	\$	2,875,800	\$	2,875,800
	Other				
5W90 777615	County Airport	\$	620,000	\$	620,000
	Maintenance				
TOTAL DPF Dedicated Purpose					11582
Fund Group		\$	3,495,800	\$	3,495,800
Capital Projects Fund Group					11584
7042 772723	Highway Construction	\$	65,000,000	\$	65,000,000
	- Bonds				
7045 772428	Highway	\$	40,652,556	\$	56,101,265
	Infrastructure Bank -				
	Bonds				
TOTAL CPF Capital Projects					11587
Fund Group		\$	105,652,556	\$	121,101,265
TOTAL ALL BUDGET FUND GROUPS		\$	3,155,136,054	\$	3,348,549,456

**Section 203.20.** TRANSPORTATION FACILITIES LEASE RENTAL BOND 11590  
PAYMENTS 11591

The foregoing appropriation item 770003, Transportation 11592  
Facilities Lease Rental Bond Payments, shall be used to meet all 11593  
payments during the period from July 1, 2019, through June 30, 11594  
2021, by the Department of Transportation pursuant to the leases 11595

and agreements for facilities made under Chapter 154. of the 11596  
Revised Code. These appropriations are the source of funds pledged 11597  
for bond service charges on related obligations issued under 11598  
Chapter 154. of the Revised Code. 11599

Should the appropriation in appropriation item 770003, 11600  
Transportation Facilities Lease Rental Bond Payments, exceed the 11601  
associated debt service payments in either fiscal year of the 11602  
biennium ending June 30, 2021, then the balance may be transferred 11603  
to appropriation item 772421, Highway Construction - State, 11604  
773431, Highway Maintenance - State, or 779491, Administration - 11605  
State, upon the written request of the Director of Transportation 11606  
and with the approval of the Director of Budget and Management. 11607  
The transfers are hereby appropriated and shall be reported to the 11608  
Controlling Board. 11609

**Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 11610**  
**COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 11611**

(A) Notwithstanding section 5511.06 of the Revised Code, the 11612  
Director of Transportation shall, in each fiscal year of the 11613  
biennium ending June 30, 2021, determine portions of the foregoing 11614  
appropriation item 772421, Highway Construction - State, which 11615  
shall be used for the construction, reconstruction, or maintenance 11616  
of public access roads, including support features, to and within 11617  
state facilities owned or operated by the Department of Natural 11618  
Resources. 11619

(B) Notwithstanding section 5511.06 of the Revised Code, of 11620  
the foregoing appropriation item 772421, Highway Construction - 11621  
State, \$2,562,000 in each fiscal year shall be used for the 11622  
construction, reconstruction, or maintenance of park drives or 11623  
park roads within the boundaries of metropolitan parks. 11624

(C) The Department of Transportation may use the foregoing 11625  
appropriation item 772421, Highway Construction - State, to 11626

perform: 11627

(1) Related road work on behalf of the Ohio Expositions 11628  
Commission at the state fairgrounds, including reconstruction or 11629  
maintenance of public access roads and support features to and 11630  
within fairgrounds facilities, as requested by the Commission and 11631  
approved by the Director of Transportation; and 11632

(2) Related road work on behalf of the Ohio History 11633  
Connection, including reconstruction or maintenance of public 11634  
access roads and support features to and within Ohio History 11635  
Connection facilities, as requested by the Ohio History Connection 11636  
and approved by the Director of Transportation. 11637

**Section 203.40.** TRANSPORTATION IMPROVEMENT DISTRICTS 11638

(A) Of the foregoing appropriation item 772421, Highway 11639  
Construction - State, \$4,500,000 in each fiscal year shall be made 11640  
available for distribution by the Director of Transportation to 11641  
Transportation Improvement Districts that have facilitated funding 11642  
for the cost of a project or projects in conjunction with and 11643  
through other governmental agencies. 11644

(B) A Transportation Improvement District shall submit 11645  
requests for project funding to the Ohio Department of 11646  
Transportation not later than the first day of September in each 11647  
fiscal year. The Ohio Department of Transportation shall notify 11648  
the Transportation Improvement District whether the Department has 11649  
approved or disapproved the project funding request within 90 days 11650  
after the day the request was submitted by the Transportation 11651  
Improvement District. 11652

(C) Any funding provided to a Transportation Improvement 11653  
District specified in this section shall not be used for the 11654  
purposes of administrative costs or administrative staffing and 11655  
must be used to fund a specific project or projects within that 11656

District's area. The total amount of a specific project's cost shall not be fully funded by the amount of funds provided under this section. The total amount of funding provided for each project is limited to 25% of total project costs not to exceed \$250,000 per fiscal year. Transportation Improvement Districts that are co-sponsoring a specific project may individually apply for up to \$250,000 for that project. However, not more than 25% of a project's total costs per biennium shall be funded through moneys provided under this section.

(D) Funding provided under this section may be used for preliminary engineering, detailed design, right-of-way acquisition, and construction of the specific project and such other project costs that are defined in section 5540.01 of the Revised Code and approved by the Director of Transportation. Upon receipt of a copy of an invoice for work performed on the specific project, the Director of Transportation shall reimburse a Transportation Improvement District for the expenditures described above, subject to the requirements of this section.

(E) Any Transportation Improvement District that is requesting funds under this section shall register with the Director of Transportation. The Director of Transportation shall register a Transportation Improvement District only if the district has a specific, eligible project and may cancel the registration of a Transportation Improvement District that is not eligible to receive funds under this section. The Director shall not provide funds to any Transportation Improvement District under this section if the district is not registered. The Director of Transportation shall not register a Transportation Improvement District and shall cancel the registration of a currently registered Transportation Improvement District unless at least one of the following applies:

(1) The Transportation Improvement District, by a resolution

or resolutions, designated a project or program of projects and 11689  
facilitated, including in conjunction with and through other 11690  
governmental agencies, funding for costs of a project or program 11691  
of projects in an aggregate amount of not less than \$10,000,000 11692  
within the eight-year period commencing January 1, 2005. 11693

(2) The Transportation Improvement District, by a resolution 11694  
or resolutions, designated a project or program of projects and 11695  
facilitated, including in conjunction with and through other 11696  
governmental agencies, funding for costs of a project or program 11697  
of projects in an aggregate amount of not less than \$15,000,000 11698  
from the commencement date of the project or program of projects. 11699

(3) The Transportation Improvement District has designated, 11700  
by a resolution or resolutions, a project or program of projects 11701  
that has estimated aggregate costs in excess of \$10,000,000 and 11702  
the County Engineer of the county in which the Transportation 11703  
Improvement District is located has attested by a sworn affidavit 11704  
that the costs of the project or program of projects exceeds 11705  
\$10,000,000 and that the Transportation Improvement District is 11706  
facilitating a portion of funding for that project or program of 11707  
projects. 11708

(F) For purposes of this section: 11709

(1) "Project" shall have the same meaning as in division (D) 11710  
of section 5540.01 of the Revised Code. 11711

(2) "Governmental agency" shall have the same meaning as in 11712  
division (B) of section 5540.01 of the Revised Code. 11713

(3) "Cost" shall have the same meaning as in division (C) of 11714  
section 5540.01 of the Revised Code. 11715

**Section 203.43. FLEXIBLE FHWA FUNDING FOR PUBLIC** 11716  
**TRANSPORTATION** 11717

(A) Of the foregoing appropriation item 772422, Highway 11718

Construction - Federal, \$100,000,000 in each fiscal year shall be 11719  
used to support public transportation through the Federal Highway 11720  
Administration (FHWA) flexible funding program. 11721

(B) Of the amount allocated under division (A) of this 11722  
section from the foregoing appropriation item 772422, Highway 11723  
Construction - Federal, \$18,500,000 in each fiscal year shall be 11724  
allocated to the five transit systems with the highest level of 11725  
elderly and disabled ridership, provided that the amount allocated 11726  
to each transit system is proportional to the elderly and disabled 11727  
ridership in the system divided by the aggregate total of elderly 11728  
and disabled ridership among those five transit systems. 11729

**Section 203.50. BOND ISSUANCE AUTHORIZATION** 11730

The Treasurer of State, upon the request of the Director of 11731  
Transportation, is authorized to issue and sell, in accordance 11732  
with Section 2m of Article VIII, Ohio Constitution, and Chapter 11733  
151. and particularly sections 151.01 and 151.06 of the Revised 11734  
Code, obligations, including bonds and notes, in the aggregate 11735  
amount of \$57,000,000 in addition to the original issuance of 11736  
obligations authorized by prior acts of the General Assembly. 11737

The obligations shall be issued and sold from time to time in 11738  
amounts necessary to provide sufficient moneys to the credit of 11739  
the Highway Capital Improvement Fund (Fund 7042) created by 11740  
section 5528.53 of the Revised Code to pay costs charged to the 11741  
fund when due as estimated by the Director of Transportation, 11742  
provided, however, that not more than \$220,000,000 original 11743  
principal amount of obligations, plus the principal amount of 11744  
obligations that in prior fiscal years could have been, but were 11745  
not, issued within the \$220,000,000 limit, may be issued in any 11746  
fiscal year, and not more than \$1,200,000,000 original principal 11747  
amount of such obligations are outstanding at any one time. 11748

Section 203.60. AUTHORIZATION FOR APPROPRIATION TRANSFERS, 11749  
APPROPRIATION INCREASES, REAPPROPRIATIONS, AND CASH TRANSFERS 11750

TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002) 11751  
APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 11752  
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 11753  
ADMINISTRATION 11754

The Director of Transportation may request the Controlling 11755  
Board to approve of the transfer of Highway Operating Fund (Fund 11756  
7002) appropriations for planning and research (appropriation 11757  
items 771411 and 771412), highway construction and debt service 11758  
(appropriation items 772421, 772422, 772424, 772425, 772437, 11759  
772438, and 770003), highway maintenance (appropriation item 11760  
773431), public transportation - federal (appropriation item 11761  
775452), elderly and disabled special equipment (appropriation 11762  
item 775459), rail grade crossings (appropriation item 776462), 11763  
aviation (appropriation item 777475), and administration 11764  
(appropriation item 779491). The Director of Transportation may 11765  
not seek requests of transfers out of debt service appropriation 11766  
items unless the Director determines that the appropriated amounts 11767  
exceed the actual and projected debt service requirements. 11768

This transfer request authorization is intended to provide 11769  
for emergency situations and flexibility to meet unforeseen 11770  
conditions that could arise during the biennium ending June 30, 11771  
2021. It also is intended to allow the department to optimize the 11772  
use of available resources and adjust to circumstances affecting 11773  
the obligation and expenditure of federal funds. 11774

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 11775  
AVIATION, AND RAIL AND LOCAL TRANSIT 11776

The Director of Transportation may request the Controlling 11777  
Board to approve of the transfer of appropriations between 11778  
appropriation items 772422, Highway Construction - Federal, 11779

775452, Public Transportation - Federal, 775454, Public 11780  
Transportation - Other, 775459, Elderly and Disabled Special 11781  
Equipment, 776475, Federal Rail Administration, and 777472, 11782  
Airport Improvements - Federal. 11783

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 11784  
BANK 11785

The Director of Transportation may request the Controlling 11786  
Board to approve of the transfer of appropriations and cash of the 11787  
Infrastructure Bank funds created in section 5531.09 of the 11788  
Revised Code, including transfers between fiscal years 2020 and 11789  
2021. 11790

The Director of Transportation may request the Controlling 11791  
Board to approve of the transfer of appropriations and cash from 11792  
the Highway Operating Fund (Fund 7002) to the Infrastructure Bank 11793  
funds created in section 5531.09 of the Revised Code. The Director 11794  
of Budget and Management may transfer from the Infrastructure Bank 11795  
funds to the Highway Operating Fund up to the amounts originally 11796  
transferred to the Infrastructure Bank funds under this section. 11797  
However, the Director may not make transfers between modes or 11798  
transfers between different funding sources. 11799

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 11800

The Director of Transportation may request the Controlling 11801  
Board to approve of the transfer of appropriations and cash of the 11802  
Ohio Toll Fund and any subaccounts created in section 5531.14 of 11803  
the Revised Code, including transfers between fiscal years 2020 11804  
and 2021. 11805

INCREASING APPROPRIATIONS: STATE FUNDS 11806

In the event that receipts or unexpended balances credited to 11807  
the Highway Operating Fund (Fund 7002) exceed the estimates upon 11808  
which the appropriations have been made in this act, upon the 11809  
request of the Director of Transportation, the Controlling Board 11810

may increase those appropriations in the manner prescribed in 11811  
section 131.35 of the Revised Code. 11812

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 11813

In the event that receipts or unexpended balances credited to 11814  
the Highway Operating Fund (Fund 7002) or apportionments or 11815  
allocations made available from the federal and local government 11816  
exceed the estimates upon which the appropriations have been made 11817  
in this act, upon the request of the Director of Transportation, 11818  
the Controlling Board may increase those appropriations in the 11819  
manner prescribed in section 131.35 of the Revised Code. 11820

TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE 11821  
HIGHWAY CAPITAL IMPROVEMENT FUND 11822

Upon the request of the Director of Transportation, the 11823  
Director of Budget and Management may transfer cash from the 11824  
Highway Operating Fund (Fund 7002) to the Highway Capital 11825  
Improvement Fund (Fund 7042) created in section 5528.53 of the 11826  
Revised Code. The Director of Budget and Management may transfer 11827  
cash from Fund 7042 to Fund 7002 up to the amount of cash 11828  
previously transferred to Fund 7042 under this section. 11829

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 11830

On July 1, 2019, and on January 1, 2020, or as soon as 11831  
possible thereafter, respectively, the Director of Budget and 11832  
Management shall transfer \$200,000 in cash, for each period, from 11833  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 11834  
General for ODOT Fund (Fund 5FA0). 11835

On July 1, 2020, and on January 1, 2021, or as soon as 11836  
possible thereafter, respectively, the Director of Budget and 11837  
Management shall transfer \$200,000 in cash, for each period, from 11838  
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 11839  
General for ODOT Fund (Fund 5FA0). Should additional amounts be 11840  
necessary, the Inspector General, with the consent of the Director 11841

of Budget and Management, may seek Controlling Board approval for 11842  
additional transfers of cash and to increase the amount 11843  
appropriated from appropriation item 965603, Deputy Inspector 11844  
General for ODOT, in the amount of the additional cash transfers. 11845

REAPPROPRIATIONS 11846

In each fiscal year of the biennium ending June 30, 2021, the 11847  
Director of Transportation may request that the Director of Budget 11848  
and Management transfer any remaining unencumbered balances of 11849  
prior years' appropriations to the Highway Operating Fund (Fund 11850  
7002), the Highway Capital Improvement Fund (Fund 7042), and the 11851  
Infrastructure Bank funds created in section 5531.09 of the 11852  
Revised Code for the same purpose in the following fiscal year. In 11853  
the request, the Director of Transportation shall identify the 11854  
appropriate fund and appropriation item of the transfer, and the 11855  
requested transfer amount. The Director of Budget and Management 11856  
may request additional information necessary for evaluating the 11857  
transfer request, and the Director of Transportation shall provide 11858  
the requested information to the Director of Budget and 11859  
Management. Based on the information provided by the Director of 11860  
Transportation, the Director of Budget and Management shall 11861  
determine the amount to be transferred by fund and appropriation 11862  
item, and those amounts are hereby reappropriated. The Director of 11863  
Transportation shall report the reappropriations to the 11864  
Controlling Board. 11865

Any balances of prior years' unencumbered appropriations to 11866  
the Highway Operating Fund (Fund 7002), the Highway Capital 11867  
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 11868  
created in section 5531.09 of the Revised Code for which the 11869  
Director of Transportation requests reappropriations, and for 11870  
which reappropriations are approved by the Director of Budget and 11871  
Management, are subject to the availability of revenue as 11872  
determined by the Director of Transportation. 11873

LIQUIDATION OF UNFORESEEN LIABILITIES 11874

Any appropriation made from the Highway Operating Fund (Fund 11875  
7002) not otherwise restricted by law is available to liquidate 11876  
unforeseen liabilities arising from contractual agreements of 11877  
prior years when the prior year encumbrance is insufficient. 11878

**Section 203.70.** MAINTENANCE OF INTERSTATE HIGHWAYS 11879

The Director of Transportation may remove snow and ice and 11880  
maintain, repair, improve, or provide lighting upon interstate 11881  
highways that are located within the boundaries of municipal 11882  
corporations, in a manner adequate to meet the requirements of 11883  
federal law. When agreed in writing by the Director of 11884  
Transportation and the legislative authority of a municipal 11885  
corporation and notwithstanding sections 125.01 and 125.11 of the 11886  
Revised Code, the Department of Transportation may reimburse a 11887  
municipal corporation for all or any part of the costs, as 11888  
provided by such agreement, incurred by the municipal corporation 11889  
in maintaining, repairing, lighting, and removing snow and ice 11890  
from the interstate system. 11891

**Section 203.80.** PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 11892

The Director of Transportation may use revenues from the 11893  
state motor vehicle fuel tax to match approved federal grants 11894  
awarded to the Department of Transportation, regional transit 11895  
authorities, or eligible public transportation systems, for public 11896  
transportation highway purposes, or to support local or state 11897  
funded projects for public transportation highway purposes. Public 11898  
transportation highway purposes include: the construction or 11899  
repair of high-occupancy vehicle traffic lanes, the acquisition or 11900  
construction of park-and-ride facilities, the acquisition or 11901  
construction of public transportation vehicle loops, the 11902  
construction or repair of bridges used by public transportation 11903

vehicles or that are the responsibility of a regional transit 11904  
authority or other public transportation system, or other similar 11905  
construction that is designated as an eligible public 11906  
transportation highway purpose. Motor vehicle fuel tax revenues 11907  
may not be used for operating assistance or for the purchase of 11908  
vehicles, equipment, or maintenance facilities. 11909

**Section 203.90.** AGREEMENTS WITH FEDERAL AGENCIES FOR 11910  
ENVIRONMENTAL REVIEW PURPOSES 11911

The Director of Transportation may enter into agreements as 11912  
provided in this section with the United States or any department 11913  
or agency of the United States, including, but not limited to, the 11914  
United States Army Corps of Engineers, the United States Forest 11915  
Service, the United States Environmental Protection Agency, and 11916  
the United States Fish and Wildlife Service. An agreement entered 11917  
into pursuant to this section shall be solely for the purpose of 11918  
dedicating staff to the expeditious and timely review of 11919  
environmentally related documents submitted by the Director of 11920  
Transportation, as necessary for the approval of federal permits. 11921  
The agreements may include provisions for advance payment by the 11922  
Director of Transportation for labor and all other identifiable 11923  
costs of the United States or any department or agency of the 11924  
United States providing the services, as may be estimated by the 11925  
United States, or the department or agency of the United States. 11926  
The Director shall submit a request to the Controlling Board 11927  
indicating the amount of the agreement, the services to be 11928  
performed by the United States or the department or agency of the 11929  
United States, and the circumstances giving rise to the agreement. 11930

**Section 203.100.** INDEFINITE DELIVERY INDEFINITE QUANTITY 11931  
CONTRACTS 11932

(A) As used in this section, "indefinite delivery indefinite 11933

quantity contract" means a contract for an indefinite quantity, 11934  
within stated limits, of supplies or services that will be 11935  
delivered by the awarded bidder over a defined contract period. 11936

(B) The Director of Transportation shall advertise and seek 11937  
bids for, and shall award, indefinite delivery indefinite quantity 11938  
contracts for not more than two projects in fiscal year 2020 and 11939  
for not more than two projects in fiscal year 2021. For purposes 11940  
of entering into indefinite delivery indefinite quantity 11941  
contracts, the Director shall do all of the following: 11942

(1) Prepare bidding documents; 11943

(2) Establish contract forms; 11944

(3) Determine contract terms and conditions, including the 11945  
following: 11946

(a) The maximum overall value of the contract, which may 11947  
include an allowable increase of one hundred thousand dollars or 11948  
five per cent of the advertised contract value, whichever is less; 11949

(b) The duration of the contract, including a time extension 11950  
of up to one year if determined appropriate by the Director; 11951

(c) The defined geographical area to which the contract 11952  
applies, which shall be not greater than the size of one district 11953  
of the Department of Transportation. 11954

(4) Develop and implement a work order process in order to 11955  
provide the awarded bidder adequate notice of requested supplies 11956  
or services, the anticipated quantities of supplies, and work 11957  
location information for each work order. 11958

(5) Take any other action necessary to fulfill the duties and 11959  
obligations of the Director under this section. 11960

(C) Section 5525.01 of the Revised Code applies to indefinite 11961  
delivery indefinite quantity contracts. 11962

**Section 203.110. CATASTROPHIC SNOWFALL FUND** 11963

In each year of the biennium ending June 30, 2021, the 11964  
 Director of Transportation shall certify to the Director of Budget 11965  
 and Management \$250,000 in available funding from the Highway 11966  
 Operating Fund (Fund 7002) to be used for the purposes as 11967  
 described in Section 755.40 of H.B. 62 of the 133rd General 11968  
 Assembly. Upon certification, the Director of Budget and 11969  
 Management shall transfer \$250,000 cash in each of fiscal year 11970  
 2020 and fiscal year 2021 from the Highway Operating Fund (Fund 11971  
 7002) to the Catastrophic Snowfall Fund and upon completion of the 11972  
 transfer, those amounts are hereby appropriated from the 11973  
 Catastrophic Snowfall Fund. 11974

**Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY** 11975

Highway Safety Fund Group 11976

5TM0 761401	Public Safety	\$	1,595,800	\$	1,598,300	11977
	Facilities Lease					
	Rental Bond Payments					
5TM0 762321	Operating Expense -	\$	108,178,738	\$	111,822,673	11978
	BMV					
5TM0 762636	Financial	\$	5,463,977	\$	5,540,059	11979
	Responsibility					
	Compliance					
5TM0 762637	Local Immobilization	\$	200,000	\$	200,000	11980
	Reimbursement					
5TM0 764321	Operating Expense -	\$	345,534,531	\$	349,339,662	11981
	Highway Patrol					
5TM0 764605	Motor Carrier	\$	4,283,940	\$	4,308,088	11982
	Enforcement Expenses					
5TM0 769636	Administrative	\$	48,326,950	\$	49,020,261	11983
	Expenses - Highway					

		Purposes				
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263 11984
83C0	764630	Contraband, Forfeiture, and Other	\$	1,210,917	\$	1,213,407 11985
83F0	764657	Law Enforcement Automated Data System	\$	6,903,824	\$	6,441,735 11986
83G0	764633	OMVI Enforcement/Education	\$	593,518	\$	596,799 11987
83M0	765624	Operating - EMS	\$	5,281,688	\$	5,521,843 11988
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000 11989
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094 11990
8400	764617	Security and Investigations	\$	15,333,469	\$	15,469,782 11991
8400	764626	State Fairgrounds Police Force	\$	1,263,762	\$	1,276,143 11992
8460	761625	Motorcycle Safety Education	\$	3,823,000	\$	3,823,000 11993
8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027 11994
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000 11995
TOTAL HSF Highway Safety Fund Group			\$	584,493,868	\$	592,807,136 11996
Dedicated Purpose Fund Group						11997
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000 11998
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000 11999
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000 12000
TOTAL DPF Dedicated Purpose Fund Group			\$	2,274,000	\$	2,274,000 12001

Fiduciary Fund Group					12002	
5J90 761678	Federal Salvage/GSA	\$	750,000	\$	750,000	12003
5V10 762682	License Plate	\$	2,700,000	\$	2,700,000	12004
	Contributions					
TOTAL FID	Fiduciary Fund Group	\$	3,450,000	\$	3,450,000	12005
Holding Account Fund Group					12006	
R024 762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	12007
	Vehicle Receipts					
R052 762623	Security Deposits	\$	50,000	\$	50,000	12008
TOTAL HLD	Holding Account Fund	\$	1,935,000	\$	1,935,000	12009
Group						
Federal Fund Group					12010	
3DU0 762628	BMV Grants	\$	1,150,000	\$	1,150,000	12011
3GR0 764693	Highway Patrol	\$	1,230,549	\$	1,234,258	12012
	Justice Contraband					
3GS0 764694	Highway Patrol	\$	21,000	\$	21,000	12013
	Treasury Contraband					
3GU0 761610	Information and	\$	300,000	\$	300,000	12014
	Education Grant					
3GU0 764608	Fatality Analysis	\$	175,000	\$	175,000	12015
	Report System Grant					
3GU0 764610	Highway Safety	\$	4,036,721	\$	4,071,387	12016
	Programs Grant					
3GU0 764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	12017
	Assistance Program					
	Grant					
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	12018
3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	12019
	Plan Grants					
TOTAL FED	Federal Fund Group	\$	43,094,170	\$	43,192,761	12020
TOTAL ALL BUDGET FUND GROUPS		\$	635,247,038	\$	643,658,897	12021

**Section 205.20. MOTOR VEHICLE REGISTRATION** 12023

The Director of Public Safety may deposit revenues to meet 12024  
the cash needs of the Public Safety - Highway Purposes Fund (Fund 12025  
5TM0) established in section 4501.06 of the Revised Code, obtained 12026  
under section 4503.02 of the Revised Code, less all other 12027  
available cash. Revenue deposited pursuant to this paragraph shall 12028  
support in part appropriations for the administration and 12029  
enforcement of laws relative to the operation and registration of 12030  
motor vehicles, for payment of highway obligations and other 12031  
statutory highway purposes. Notwithstanding section 4501.03 of the 12032  
Revised Code, the revenues shall be paid into Fund 5TM0 before any 12033  
revenues obtained pursuant to section 4503.02 of the Revised Code 12034  
are paid into any other fund. The deposit of revenues to meet the 12035  
aforementioned cash needs shall be in approximately equal amounts 12036  
on a monthly basis or as otherwise approved by the Director of 12037  
Budget and Management. Prior to July 1 of each fiscal year, the 12038  
Director of Public Safety shall submit a plan to the Director of 12039  
Budget and Management requesting approval of the anticipated 12040  
revenue amounts to be deposited into Fund 5TM0 pursuant to this 12041  
paragraph. If during the fiscal year changes to the plan as 12042  
approved by the Director of Budget and Management are necessary, 12043  
the Director of Public Safety shall submit a revised plan to the 12044  
Director of Budget and Management for approval prior to any change 12045  
in the deposit of revenues. 12046

**PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS** 12047

The foregoing appropriation item 761401, Public Safety 12048  
Facilities Lease Rental Bond Payments, shall be used to meet all 12049  
payments during the period July 1, 2019, through June 30, 2021, by 12050  
the Department of Public Safety under the leases and agreements 12051  
for facilities under Chapters 152. and 154. of the Revised Code. 12052  
The appropriations are the source of funds pledged for bond 12053

service charges on related obligations issued under Chapters 152. 12054  
and 154. of the Revised Code. 12055

CASH TRANSFERS FROM THE STATE FIRE MARSHAL FUND TO THE 12056  
EMERGENCY MEDICAL SERVICES FUND 12057

On July 1 of each fiscal year, or as soon as possible 12058  
thereafter, the Director of Budget and Management shall transfer 12059  
\$500,000 cash from the State Fire Marshal Fund (Fund 5460), used 12060  
by the Department of Commerce, to the Emergency Medical Services 12061  
Fund (Fund 83M0), used by the Department of Public Safety. The 12062  
transferred cash shall be used by the Department of Public Safety 12063  
to pay the costs of performing background checks and administering 12064  
a continuous record monitoring service pursuant to section 12065  
4765.302 of the Revised Code. 12066

CASH TRANSFERS - HIGHWAY PATROL 12067

Upon written request of the Director of Public Safety, the 12068  
Director of Budget and Management may transfer cash from the State 12069  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 12070  
to the Security, Investigations and Policing Fund (Fund 8400). 12071

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 12072  
SHIPLEY UPGRADES 12073

Pursuant to a plan submitted by the Director of Public 12074  
Safety, or as otherwise determined by the Director of Budget and 12075  
Management, the Director of Budget and Management may make 12076  
appropriate cash transfers on a pro-rata basis as approved by the 12077  
Director of Budget and Management from other funds used by the 12078  
Department of Public Safety, excluding the Public Safety Building 12079  
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 12080  
(Fund 5TM0) in order to reimburse expenditures for capital 12081  
upgrades to the Shipley Building. 12082

COLLECTIVE BARGAINING INCREASES 12083

Notwithstanding division (D) of section 127.14 and division 12084  
(B) of section 131.35 of the Revised Code, except for the General 12085  
Revenue Fund, the Controlling Board may, upon the request of 12086  
either the Director of Budget and Management, or the Department of 12087  
Public Safety with the approval of the Director of Budget and 12088  
Management, authorize expenditures in excess of appropriations and 12089  
transfer appropriations, as necessary, for any fund used by the 12090  
Department of Public Safety, to assist in paying the costs of 12091  
increases in employee compensation that have occurred pursuant to 12092  
collective bargaining agreements under Chapter 4117. of the 12093  
Revised Code and, for exempt employees, under section 124.152 of 12094  
the Revised Code. Any money approved for expenditure under this 12095  
paragraph is hereby appropriated. 12096

CASH BALANCE FUND REVIEW 12097

The Director of Public Safety shall review the cash balances 12098  
for each fund in the State Highway Safety Fund Group, and may 12099  
submit a request in writing to the Director of Budget and 12100  
Management to transfer amounts from any fund in the State Highway 12101  
Safety Fund Group to the credit of the Public Safety - Highway 12102  
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 12103  
request, the Director of Budget and Management may make 12104  
appropriate transfers as requested by the Director of Public 12105  
Safety or as otherwise determined by the Director of Budget and 12106  
Management. 12107

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE PUBLIC 12108  
SAFETY - HIGHWAY PURPOSES FUND 12109

During the biennium ending June 30, 2021, the Director of 12110  
Budget and Management may transfer up to \$35,000,000 cash from the 12111  
General Revenue Fund to the Public Safety - Highway Purposes Fund 12112  
(Fund 5TM0). 12113

**Section 207.10.** DEV DEVELOPMENT SERVICES AGENCY 12114

Dedicated Purpose Fund Group				12115	
4W00 195629 Roadwork Development	\$	17,342,060	\$	17,342,060	12116
TOTAL DPF Dedicated Purpose				12117	
Fund Group	\$	17,342,060	\$	17,342,060	12118
TOTAL ALL BUDGET FUND GROUPS	\$	17,342,060	\$	17,342,060	12119

**Section 207.20. ROADWORK DEVELOPMENT FUND** 12121

The Roadwork Development Fund shall be used for road 12122  
improvements associated with economic development opportunities 12123  
that will retain or attract businesses for Ohio, including the 12124  
construction, reconstruction, maintenance, or repair of public 12125  
roads that provide access to a public airport or are located 12126  
within a public airport. "Road improvements" are improvements to 12127  
public roadway facilities located on, or serving or capable of 12128  
serving, a project site. 12129

The Department of Transportation, under the direction of the 12130  
Development Services Agency, shall provide these funds in 12131  
accordance with all guidelines and requirements established for 12132  
other Development Services Agency programs, including Controlling 12133  
Board review and approval as well as the requirements for usage of 12134  
motor vehicle fuel tax revenue prescribed in Section 5a of Article 12135  
XII, Ohio Constitution. Should the Development Services Agency 12136  
require the assistance of the Department of Transportation to 12137  
bring a project to completion, the Department of Transportation 12138  
shall use its authority under Title 55 of the Revised Code to 12139  
provide such assistance and may enter into contracts on behalf of 12140  
the Development Services Agency. These funds may be used in 12141  
conjunction with any other state funds appropriated for 12142  
infrastructure improvements. 12143

The Director of Budget and Management, pursuant to a plan 12144  
submitted by the Director of Development Services or as otherwise 12145  
determined by the Director of Budget and Management, shall set a 12146

cash transfer schedule to meet the cash needs of the Roadwork 12147  
Development Fund (Fund 4W00) used by the Development Services 12148  
Agency, less any other available cash. The Director of Budget and 12149  
Management shall transfer such cash amounts from the Highway 12150  
Operating Fund (Fund 7002) established in section 5735.051 of the 12151  
Revised Code to Fund 4W00 at such times as determined by the 12152  
transfer schedule. 12153

**Section 209.10. PWC PUBLIC WORKS COMMISSION** 12154

Dedicated Purpose Fund Group 12155

7052 150402 Local Transportation \$ 374,938 \$ 303,311 12156  
Improvement Program -  
Operating

7052 150701 Local Transportation \$ 63,000,000 \$ 63,000,000 12157  
Improvement Program

TOTAL DPF Dedicated Purpose 12158

Fund Group \$ 63,374,938 \$ 63,303,311 12159

TOTAL ALL BUDGET FUND GROUPS \$ 63,374,938 \$ 63,303,311 12160

**Section 209.20. REAPPROPRIATIONS** 12161

All capital appropriations from the Local Transportation 12162  
Improvement Program Fund (Fund 7052) in Sub. H.B. 26 of the 132nd 12163  
General Assembly remaining unencumbered as of June 30, 2019, are 12164  
reappropriated for use during the period July 1, 2019, through 12165  
June 30, 2020, for the same purpose. 12166

Notwithstanding division (B) of section 127.14 of the Revised 12167  
Code, all capital appropriations and reappropriations from the 12168  
Local Transportation Improvement Program Fund (Fund 7052) in this 12169  
act remaining unencumbered as of June 30, 2020, are reappropriated 12170  
for use during the period July 1, 2020, through June 30, 2021, for 12171  
the same purposes, subject to the availability of revenue as 12172  
determined by the Director of the Public Works Commission. 12173

TEMPORARY TRANSFERS 12174

Notwithstanding section 127.14 of the Revised Code, the 12175  
Director of the Public Works Commission may request that the 12176  
Director of Budget and Management transfer cash from the Local 12177  
Transportation Improvement Fund (Fund 7052) to the State Capital 12178  
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 12179  
(Fund 7056). The Director of Budget and Management may approve 12180  
temporary cash transfers if such transfers are needed for capital 12181  
outlays for which notes or bonds will be issued. When there is a 12182  
sufficient cash balance in the fund that receives a cash transfer 12183  
under this section, the Director of Budget and Management shall 12184  
transfer cash from the fund to Fund 7052 in order to repay Fund 12185  
7052 for the amount of the temporary cash transfers made under 12186  
this section. Any transfers executed under this section shall be 12187  
reported to the Controlling Board by June 30 of the fiscal year in 12188  
which the transfer occurred. 12189

**Section 501.10.** LIMITATION ON USE OF CAPITAL APPROPRIATIONS 12190

The capital appropriations made in this act for buildings or 12191  
structures, including remodeling and renovations, are limited to: 12192

(A) Acquisition of real property or interests in real 12193  
property; 12194

(B) Buildings and structures, which includes construction, 12195  
demolition, complete heating and cooling, lighting and lighting 12196  
fixtures, and all necessary utilities, ventilating, plumbing, 12197  
sprinkling, water, and sewer systems, when such systems are 12198  
authorized or necessary; 12199

(C) Architectural, engineering, and professional services 12200  
expenses directly related to the projects; 12201

(D) Machinery that is a part of structures at the time of 12202  
initial acquisition or construction; 12203

(E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;

(F) Furniture, fixtures, or equipment that meets all the following criteria:

(1) Is essential in bringing the facility up to its intended use or is necessary for the functioning of the particular facility or project;

(2) Has a unit cost, and not the individual parts of a unit, of about \$100 or more; and

(3) Has a useful life of five years or more.

Furniture, fixtures, or equipment that is not an integral part of or directly related to the basic purpose or function of a project for which moneys are appropriated shall not be paid from these appropriations.

**Section 503.10. STATE ARBITRAGE REBATE AUTHORIZATION**

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by the Office of Budget and Management.

**Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM**

TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 12233

The Office of Budget and Management shall process payments 12234  
from lease rental payment appropriation items during the period 12235  
from July 1, 2019, to June 30, 2021, pursuant to the lease and 12236  
other agreements relating to bonds or notes issued under Section 12237  
2i of Article VIII of the Ohio Constitution and Chapters 152. and 12238  
154. of the Revised Code, and acts of the General Assembly. 12239  
Payments shall be made upon certification by the Treasurer of 12240  
State of the dates and amounts due on those dates. 12241

**Section 509.20.** LEASE AND DEBT SERVICE PAYMENTS 12242

Certain appropriations are in this act for the purpose of 12243  
paying debt service and financing costs on general obligation 12244  
bonds or notes of the state and for the purpose of making lease 12245  
rental and other payments under leases and agreements relating to 12246  
bonds or notes issued under the Ohio Constitution, Revised Code, 12247  
and acts of the General Assembly. If it is determined that 12248  
additional appropriations are necessary for this purpose, such 12249  
amounts are hereby appropriated. 12250

**Section 509.30.** FLEXIBILITY TO PROCESS TWENTY-SEVENTH 12251  
PAYCHECK IN FISCAL YEAR 2019 12252

Notwithstanding any provision of law to the contrary, if the 12253  
Director of Budget and Management determines that cash is 12254  
available, the Director may authorize additional expenditures as 12255  
necessary in fiscal year 2019 from various General Revenue Fund 12256  
and non-General Revenue Fund appropriation items in order to pay 12257  
agency payroll costs for employees who are paid on a biweekly 12258  
current or biweekly delayed pay cycle for the pay period ending 12259  
June 22, 2019, which was not included in appropriations to 12260  
agencies for fiscal year 2019. The Director of Budget and 12261  
Management also may authorize additional expenditures as necessary 12262

in fiscal year 2019 from various General Revenue Fund and 12263  
non-General Revenue Fund appropriation items in order to pay 12264  
agency payroll costs for employees who are not paid on a biweekly 12265  
current or biweekly delayed pay cycle for similar pay periods that 12266  
were not included in appropriations to agencies for fiscal year 12267  
2019. Any expenditures authorized by the Director of Budget and 12268  
Management under this section are hereby appropriated. The 12269  
Director of Budget and Management may transfer cash between funds 12270  
if necessary to make these expenditures and to reimburse funds 12271  
from which cash was transferred for this purpose. 12272

**Section 512.10.** TRANSFER OF CAPITAL APPROPRIATION ITEMS FROM 12273  
THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND TO THE ADMINISTRATIVE 12274  
BUILDING FUND 12275

On July 1, 2019, or as soon as possible thereafter, the 12276  
Director of Budget and Management shall transfer the unencumbered 12277  
and unallotted balance, as of June 30, 2019, of all capital 12278  
appropriation items from the Public Safety - Highway Purposes Fund 12279  
(Fund 5TM0) to the Administrative Building Fund (Fund 7026). On 12280  
July 1, 2019, or as soon as possible thereafter, the Director of 12281  
Budget and Management shall cancel any existing encumbrances 12282  
against capital appropriation items in Fund 5TM0 and reestablish 12283  
them in Fund 7026. The reestablished encumbrance amounts are 12284  
hereby appropriated. 12285

The Director of Budget and Management shall establish 12286  
accounts indicating the source and amount of funds for each 12287  
appropriation made in this section, and shall determine the form 12288  
and manner in which appropriation accounts shall be maintained. 12289  
Expenditures from appropriations contained in this section shall 12290  
be accounted for as though made in H.B. 529 of the 132nd General 12291  
Assembly. 12292

The appropriations made in this section are subject to all 12293

provisions of H.B. 529 of the 132nd General Assembly that are 12294  
generally applicable to such appropriations. 12295

**Section 610.03.** That Section 213.20 of H.B. 529 of the 132nd 12296  
General Assembly, as amended by Am. Sub. S.B. 51 of the 132nd 12297  
General Assembly, be amended to read as follows: 12298

**Sec. 213.20.** The Treasurer of State is hereby authorized to 12299  
issue and sell, in accordance with Section 2i of Article VIII, 12300  
Ohio Constitution, Chapter 154. of the Revised Code, and other 12301  
applicable sections of the Revised Code, original obligations in 12302  
an aggregate principal amount not to exceed ~~\$112,800,000~~ 12303  
122,800,000 in addition to the original issuance of obligations 12304  
heretofore authorized by prior acts of the General Assembly. These 12305  
authorized obligations shall be issued, subject to applicable 12306  
constitutional and statutory limitations, as needed to provide 12307  
sufficient moneys to the credit of the Administrative Building 12308  
Fund (Fund 7026) to pay costs associated with previously 12309  
authorized capital facilities for the housing of branches and 12310  
agencies of state government or their functions. 12311

**Section 610.04.** That existing Section 213.20 of H.B. 529 of 12312  
the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of the 12313  
132nd General Assembly, is hereby repealed. 12314

**Section 703.10.** The amendment by this act of sections 164.04, 12315  
306.35, 306.70, and 5739.023 of the Revised Code is not intended 12316  
to prohibit a regional transit authority that has not levied a tax 12317  
specifically for the purpose of funding public infrastructure 12318  
projects as described in division (DD) of section 306.35 of the 12319  
Revised Code, as amended by this act, from funding such projects 12320  
as otherwise permitted by law. The amendment of those sections 12321  
shall not be construed to imply that, before the effective date of 12322

that amendment, transit authorities lacked authority to expend the 12323  
proceeds from a previously authorized tax levy for construction 12324  
and maintenance of roads and bridges over which buses travel, or 12325  
to levy a new tax without specifically authorizing a portion of 12326  
the proceeds to be spent on such purposes. 12327  
12328

**Section 741.10.** The amendments made to sections 4111.03, 12329  
4111.14, 4121.01, 4123.01, and 4141.01 of the Revised Code under 12330  
Section 101.01 of this act do not apply to any claim or cause of 12331  
action pending under Chapter 4111., 4121., 4123., or 4141. of the 12332  
Revised Code on the effective date of this section. 12333

**Section 755.20.** (A) There is hereby created the Ohio's Road 12334  
to Our Future Joint Legislative Study Committee, composed of the 12335  
following members: 12336

(1) Five members of the Senate appointed by the President of 12337  
the Senate, three of whom are members of the majority party and 12338  
two of whom are members of the minority party; 12339

(2) Five members of the House of Representatives appointed by 12340  
the Speaker of the House of Representatives, three of whom are 12341  
members of the majority party and two of whom are members of the 12342  
minority party. 12343

From the members appointed, the Speaker shall appoint one 12344  
member of the House of Representatives as co-chairperson and the 12345  
President shall appoint one member of the Senate as 12346  
co-chairperson. 12347

(B) The Department of Transportation shall provide the Study 12348  
Committee any administrative assistance the Study Committee 12349  
requests. 12350

(C) The purpose of the Study Committee is to review all of 12351  
the following as they pertain to the Department: 12352

(1) Alternative sources of revenue;	12353
(2) Expense mitigation;	12354
(3) Evolving technology;	12355
(4) Exploration of innovative finance techniques;	12356
(5) Asset leverage and conditions;	12357
(6) The demographics of employees within the Department.	12358
(D) To accomplish the purpose of the Study Committee, the Study Committee shall conduct all of the following:	12359 12360
(1) An analysis of the future needs of the Department and the state's infrastructure, including local infrastructure;	12361 12362
(2) An analysis of all Department personnel, with an emphasis on future retirements and possible attrition. The analysis shall include a list of technology that will provide greater efficiency for the Department.	12363 12364 12365 12366
(3) A cost-benefit analysis of leasing vehicles versus purchasing vehicles weighing more than 12,000 pounds gross vehicle weight;	12367 12368 12369
(4) A cost-benefit analysis of leasing versus purchasing construction equipment that has a lifespan of five years or more;	12370 12371
(5) A review of evolving technology and its incorporation into traditional engineering and infrastructure solutions, as applied to planning, capacity enhancement, risk management, system operations, safety, and system reliability;	12372 12373 12374 12375
(6) An analysis of the Department's debt policies, structures, and practices;	12376 12377
(7) An analysis of methods for leveraging state assets, including cell towers, light poles, rights-of-way, rest areas, buildings, and garages. The analysis shall include the methods the Department is currently using to leverage its assets and whether	12378 12379 12380 12381

there are any impediments to leveraging assets, such as 12382  
restrictions in advertising, constraints in renting spaces, or 12383  
other impediments. 12384

(8) An analysis of all Department-maintained transportation 12385  
systems. The analysis shall include an inventory of the structure 12386  
ratings versus the Department's target ratings; the urban, rural, 12387  
general, and priority pavement condition ratings versus the 12388  
Department's target ratings; and a cost analysis of the funds that 12389  
are necessary to maintain, improve, and expand the current 12390  
transportation system under the Department's jurisdiction; 12391

(9) An analysis of using a vehicle-miles-traveled approach to 12392  
transportation funding in Ohio and the feasibility of either 12393  
starting a pilot program or fully using the vehicle-miles-traveled 12394  
approach in this state; 12395

(10) A review of all Department functions and whether such 12396  
functions accomplish and further the Department's mission. 12397

(E) Not later than October 1, 2019, the Study Committee shall 12398  
complete a report of its findings. At the completion of the 12399  
report, the Study Committee shall present it to the Speaker of the 12400  
House of Representatives and the President of the Senate. 12401

(F) The presentation shall occur at the call of the Speaker 12402  
and President. 12403

(G) Upon presentation of the report, the Study Committee 12404  
shall cease to exist. 12405

**Section 755.30.** Beginning July 1, 2019, and extending until 12406  
June 30, 2021, the Department of Transportation shall not close 12407  
any rest area that is under the Department's control and 12408  
jurisdiction as established under section 5515.07 of the Revised 12409  
Code. 12410

**Section 755.40.** (A) There is hereby created in the state 12411  
treasury the Catastrophic Snowfall Fund consisting of money 12412  
appropriated to it in fiscal years 2020 and 2021. The purpose of 12413  
the Fund is to provide monetary aid for street maintenance costs 12414  
to municipal corporations that receive eighteen or more inches of 12415  
snow in one event. The Director of Transportation shall establish 12416  
procedures to implement the aid program and distribute money from 12417  
the Fund, including procedures governing the following: 12418

(1) An application process; 12419

(2) A system for verifying the amount of snow an applicant 12420  
receives each year; 12421

(3) A process to determine how much money an applicant has 12422  
spent on street maintenance costs in that year. 12423

(B) The Director shall distribute money from the Fund to pay 12424  
for one half of the street maintenance costs accrued by an 12425  
applicant approved for funding within one fiscal year. The 12426  
Director may not distribute more than one hundred thousand dollars 12427  
per applicant. 12428

**Section 755.50.** Any agency or entity, including a local 12429  
government entity, that receives funding under this act shall 12430  
include on that agency or entity's web site regular status updates 12431  
on how the funds are being used. Such information may include how 12432  
much money is spent, when the money is spent, on what projects the 12433  
money is spent, and similar information demonstrating to the 12434  
public the use of funds received. 12435

**Section 755.60.** (A) Not later than December 31, 2019, the 12436  
Director of Transportation shall submit to the President of the 12437  
Senate and the Speaker of House of Representatives a report 12438  
regarding the Eastern Bypass of southwest Ohio and greater 12439

Cincinnati.	12440
(B) The report must cover all of the following:	12441
(1) Commentary on the study conducted by the State of Kentucky's Department of Transportation pertaining to the Eastern Bypass.	12442 12443 12444
(2) Details on the extent the Ohio Department of Transportation assisted and coordinated with the Kentucky Department of Transportation in conducting the study, including information that was provided by the Ohio Department of Transportation.	12445 12446 12447 12448 12449
(3) Details on the next steps the Ohio Department of Transportation is taking or needs to take to coordinate with the Kentucky Department of Transportation to plan and construct the Eastern Bypass.	12450 12451 12452 12453
<b>Section 757.10. MOTOR FUEL TAX DISTRIBUTIONS TO THE HIGHWAY OPERATING FUND</b>	12454 12455
(A) Except as provided in division (B) of this section, on the last day of each month in the biennium ending June 30, 2021, before making any of the distributions specified in section 5735.051 of the Revised Code but after any transfers to the tax refund fund as required by that section and section 5703.052 of the Revised Code, the Treasurer of State shall deposit the first two per cent of the amount of motor fuel tax received for the preceding calendar month to the credit of the Highway Operating Fund (Fund 7002).	12456 12457 12458 12459 12460 12461 12462 12463 12464
(B) Beginning October 2019, the deposit required under division (A) of this section shall be computed based only on the portion of motor fuel tax receipts for the preceding calendar month that are attributable to the first twenty-eight cents per gallon of the rates prescribed by section 5735.05 of the Revised	12465 12466 12467 12468 12469

Code.	12470
<b>Section 757.20. MOTOR FUEL DEALER REFUNDS</b>	12471
Notwithstanding Chapter 5735. of the Revised Code, the	12472
following apply for the period of July 1, 2019, through June 30,	12473
2021:	12474
(A) For the discount under section 5735.06 of the Revised	12475
Code, if the monthly report is timely filed and the tax is timely	12476
paid, one per cent of the total number of gallons of motor fuel	12477
received by the motor fuel dealer within the state during the	12478
preceding calendar month, less the total number of gallons	12479
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of	12480
the Revised Code, less one-half of one per cent of the total	12481
number of gallons of motor fuel that were sold to a retail dealer	12482
during the preceding calendar month.	12483
(B) For the semiannual periods ending December 31, 2019, June	12484
30, 2020, December 31, 2020, and June 30, 2021, the refund	12485
provided to retail dealers under section 5735.141 of the Revised	12486
Code shall be one-half of one per cent of the Ohio motor fuel	12487
taxes paid on fuel purchased during those semiannual periods.	12488
<b>Section 757.30. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND</b>	12489
The Director of Budget and Management shall transfer cash in	12490
equal monthly increments totaling \$170,437,584 in fiscal year 2020	12491
and in equal monthly increments totaling \$172,360,236 in fiscal	12492
year 2021 from the Highway Operating Fund (Fund 7002) to the	12493
Gasoline Excise Tax Fund (Fund 7060). The monthly amounts	12494
transferred under this section shall be distributed as follows:	12495
(A) 42.86 per cent shall be distributed among the municipal	12496
corporations within the state under division (A)(2)(b)(i) of	12497
section 5735.051 of the Revised Code;	12498

(B) 37.14 per cent shall be distributed among the counties 12499  
within the state under division (A)(2)(b)(ii) of section 5735.051 12500  
of the Revised Code; and 12501

(C) 20 per cent shall be distributed among the townships 12502  
within the state under division (A)(2)(b)(iii) of section 5735.051 12503  
of the Revised Code. 12504

**Section 757.40.** The amendment by this act of section 5735.053 12505  
of the Revised Code applies on and after July 1, 2019. 12506

**Section 757.50.** The amendment by this act of sections 12507  
5735.01, 5735.011, and 5736.01 of the Revised Code applies on and 12508  
after October 1, 2019. 12509

**Section 757.60.** The enactment by this act of section 4516.06 12510  
of the Revised Code, designating peer-to-peer car sharing programs 12511  
as vendors for the purposes of Chapter 5739. of the Revised Code, 12512  
is intended to clarify the status of such programs under that 12513  
chapter and is not intended to change the existing application of 12514  
that chapter to such programs. 12515

**Section 757.80.** The amendment by this act of section 5739.02 12516  
of the Revised Code applies to sales of motor fuel occurring on or 12517  
after the first day of the first month that begins at least thirty 12518  
days after the effective date of the amendment of that section by 12519  
this act. 12520

**Section 801.10.** PROVISIONS OF LAW GENERALLY APPLICABLE TO 12521  
APPROPRIATIONS 12522

Law contained in the main operating appropriations act of the 12523  
133rd General Assembly that is generally applicable to the 12524  
appropriations made in the main operating appropriations act also 12525  
is generally applicable to the appropriations made in this act. 12526

**Section 806.10. SEVERABILITY** 12527

The items of law contained in this act, and their 12528  
applications, are severable. If any item of law contained in this 12529  
act, or if any application of any item of law contained in this 12530  
act, is held invalid, the invalidity does not affect other items 12531  
of law contained in this act and their applications that can be 12532  
given effect without the invalid item or application. 12533

**Section 812.10. LAWS AND REFERENDUM** 12534

Except as otherwise provided in this act, the amendment, 12535  
enactment, or repeal by this act of a section of law is subject to 12536  
the referendum under Ohio Constitution, Article II, Section 1c and 12537  
therefore takes effect on the ninety-first day after this act is 12538  
filed with the Secretary of State or, if a later effective date is 12539  
specified below, on that date. 12540

**Section 812.20. APPROPRIATIONS AND REFERENDUM** 12541

In this section, an "appropriation" includes another 12542  
provision of law in this act that relates to the subject of the 12543  
appropriation. 12544

An appropriation of money made in this act is not subject to 12545  
the referendum insofar as a contemplated expenditure authorized 12546  
thereby is wholly to meet a current expense within the meaning of 12547  
Ohio Constitution, Article II, Section 1d. To that extent, the 12548  
appropriation takes effect immediately when this act becomes law. 12549  
Conversely, the appropriation is subject to the referendum insofar 12550  
as a contemplated expenditure authorized thereby is wholly or 12551  
partly not to meet a current expense within the meaning of Ohio 12552  
Constitution, Article II, Section 1d. To that extent, the 12553  
appropriation takes effect on the ninety-first day after this act 12554  
is filed with the Secretary of State. 12555

**Section 812.30.** Sections 5735.01, 5735.011, 5735.05, and 12556  
5736.01 of the Revised Code are exempt from the referendum under 12557  
Ohio Constitution, Article II, Section 1d and therefore take 12558  
effect immediately when this act becomes law. 12559

**Section 815.10.** The General Assembly, applying the principle 12560  
stated in division (B) of section 1.52 of the Revised Code that 12561  
amendments are to be harmonized if reasonably capable of 12562  
simultaneous operation, finds that the following sections, 12563  
presented in this act as composites of the sections as amended by 12564  
the acts indicated, are the resulting versions of the sections in 12565  
effect prior to the effective date of the sections as presented in 12566  
this act: 12567

Section 4511.01 of the Revised Code as amended by Am. Sub. 12568  
H.B. 49, Am. Sub. H.B. 250, and Am. S.B. 127, all of the 132nd 12569  
General Assembly. 12570

Section 4511.21 of the Revised Code as amended by both Sub. 12571  
H.B. 26 and Sub. H.B. 95 of the 132nd General Assembly. 12572

Section 4511.54 of the Revised Code as amended by both Sub. 12573  
H.B. 95 and Am. Sub. H.B. 250 of the 132nd General Assembly. 12574

Section 5747.51 of the Revised Code as amended by both Sub. 12575  
H.B. 166 and Sub. H.B. 390 of the 131st General Assembly. 12576