

As Passed by the Senate

133rd General Assembly

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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

Senators Uecker, Antonio

A B I L L

To amend sections 9.54, 107.03, 119.14, 122.14, 1
164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 2
1349.61, 3327.07, 4111.03, 4111.14, 4121.01, 3
4123.01, 4141.01, 4301.62, 4501.01, 4501.031, 4
4501.042, 4501.043, 4503.038, 4503.10, 4503.103, 5
4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 6
4506.11, 4506.17, 4507.01, 4507.13, 4507.23, 7
4507.50, 4507.52, 4509.101, 4510.04, 4511.21, 8
4511.521, 4511.76, 4513.263, 4513.34, 4513.60, 9
4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 10
4513.65, 4513.66, 4513.69, 4582.12, 4582.31, 11
5501.21, 5501.41, 5577.15, 5735.01, 5735.011, 12
5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 13
5739.023, and 5747.71; to enact sections 3.112, 14
306.353, 4504.173, 4504.181, 4507.18, 4926.01, 15
4926.02, 4926.03, 4926.04, 4926.05, 4926.06, 16
4926.07, 4926.08, 4926.09, 5517.07, 5534.014, 17
5534.407, 5534.807, and 5735.50; and to repeal 18
section 9.57 of the Revised Code and to amend 19
Sections 213.20, 223.10, 223.15, and 223.50 of 20
H.B. 529 of the 132nd General Assembly, as 21

subsequently amended, and to repeal Section 3 of 22
Am. Sub. S.B. 20 of the 120th General Assembly, as 23
subsequently amended, to increase the rate of and 24
modify the distribution of revenue from motor fuel 25
excise taxes, to make appropriations for programs 26
related to transportation and public safety for 27
the biennium beginning July 1, 2019, and ending 28
June 30, 2021, and to provide authorization and 29
conditions for the operation of those programs. 30

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

Section 101.01. That sections 9.54, 107.03, 119.14, 122.14, 31
164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 1349.61, 32
3327.07, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 33
4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 34
4503.103, 4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 4506.11, 35
4506.17, 4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 36
4510.04, 4511.21, 4511.521, 4511.76, 4513.263, 4513.34, 4513.60, 37
4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 38
4513.69, 4582.12, 4582.31, 5501.21, 5501.41, 5577.15, 5735.01, 39
5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 40
5739.023, and 5747.71 be amended and sections 3.112, 306.353, 41
4504.173, 4504.181, 4507.18, 4926.01, 4926.02, 4926.03, 4926.04, 42
4926.05, 4926.06, 4926.07, 4926.08, 4926.09, 5517.07, 5534.014, 43
5534.407, 5534.807, and 5735.50 of the Revised Code be enacted to 44
read as follows: 45

Sec. 3.112. An elected officer or an employee of a county, 46
township, or municipal corporation may simultaneously serve as a 47
member or officer of the board of trustees of a transportation 48
improvement district created under Chapter 5540. of the Revised 49
Code. Neither the simultaneous holding of the two positions nor 50

the financial or contractual relationship between a county, 51
township, or municipal corporation and the transportation 52
improvement district shall constitute the holding of incompatible 53
offices or employment and are permissible, notwithstanding Ohio 54
common law or any contrary provision of the Revised Code. An 55
elected officer or an employee of a county, township, or municipal 56
corporation who serves simultaneously as a member or officer of 57
the board of trustees of a transportation improvement district 58
does not have an unlawful interest in a public contract under 59
section 2921.42 of the Revised Code by virtue of a financial or 60
contractual relationship between the county, township, or 61
municipal corporation and the transportation improvement district. 62

Sec. 9.54. Whoever erects or replaces a sign containing the 63
international symbol of access shall ~~use~~ do both of the following: 64

(A) Use forms of the word "accessible" rather than forms of 65
the words "handicapped" or "disabled" whenever words are included 66
on the sign; 67

(B) For the international symbol of access, use a logo that 68
depicts a dynamic character leaning forward with a sense of 69
movement. 70

Sec. 107.03. (A) As used in this section, "transportation 71
budget" means the biennial budget that primarily includes the 72
following: 73

(1) Motor fuel excise tax-related appropriations for the 74
department of transportation, public works commission, and 75
development services agency; 76

(2) Other appropriations that pertain to transportation and 77
infrastructure related to transportation. 78

(B) The governor shall submit a transportation budget to the 79

general assembly not later than four weeks after the general 80
assembly's organization. 81

(C) The governor shall submit to the general assembly, not 82
later than four weeks after its organization, a state budget 83
containing a complete financial plan for the ensuing fiscal 84
biennium, excluding items of revenue and expenditure described in 85
section 126.022 of the Revised Code. However, in years of a new 86
governor's inauguration, ~~the~~ this budget shall be submitted not 87
later than the fifteenth day of March. ~~In~~ 88

(D) In years of a new governor's inauguration, only the new 89
governor shall submit a budget to the general assembly. In 90
addition to other things required by law, each of the governor's 91
~~budget~~ budgets shall contain: 92

~~(A)~~(1) A general budget summary by function and agency 93
setting forth the proposed total expenses from each and all funds 94
and the anticipated resources for meeting such expenses; such 95
resources to include any available balances in the several funds 96
at the beginning of the biennium and a classification by totals of 97
all revenue receipts estimated to accrue during the biennium under 98
existing law and proposed legislation. 99

~~(B)~~(2) A detailed statement showing the amounts recommended 100
to be appropriated from each fund for each fiscal year of the 101
biennium for current expenses, including, but not limited to, 102
personal services, supplies and materials, equipment, subsidies 103
and revenue distribution, merchandise for resale, transfers, and 104
nonexpense disbursements, obligations, interest on debt, and 105
retirement of debt, and for the biennium for capital outlay, to 106
the respective departments, offices, institutions, as defined in 107
section 121.01 of the Revised Code, and all other public purposes; 108
and, in comparative form, the actual expenses by source of funds 109
during each fiscal year of the previous two bienniums for each 110
such purpose. No alterations shall be made in the requests for the 111

legislative and judicial branches of the state filed with the 112
director of budget and management under section 126.02 of the 113
Revised Code. If any amount of federal money is recommended to be 114
appropriated or has been expended for a purpose for which state 115
money also is recommended to be appropriated or has been expended, 116
the amounts of federal money and state money involved shall be 117
separately identified. 118

~~(C)~~(3) A detailed estimate of the revenue receipts in each 119
fund from each source under existing laws during each year of the 120
biennium; and, in comparative form, actual revenue receipts in 121
each fund from each source for each year of the two previous 122
bienniums; 123

~~(D)~~(4) The estimated cash balance in each fund at the 124
beginning of the biennium covered by the budget; the estimated 125
liabilities outstanding against each such balance; and the 126
estimated net balance remaining and available for new 127
appropriations; 128

~~(E)~~(5) A detailed estimate of the additional revenue receipts 129
in each fund from each source under proposed legislation, if 130
enacted, during each year of the biennium; 131

~~(F)~~(6) A description of each tax expenditure; a detailed 132
estimate of the amount of revenues not available to the general 133
revenue fund under existing laws during each fiscal year of the 134
biennium covered by the budget due to the operation of each tax 135
expenditure; and, in comparative form, the amount of revenue not 136
available to the general revenue fund during each fiscal year of 137
the immediately preceding biennium due to the operation of each 138
tax expenditure. The report prepared by the department of taxation 139
pursuant to section 5703.48 of the Revised Code shall be submitted 140
to the general assembly as an appendix to the governor's budget. 141
As used in this division, "tax expenditure" has the same meaning 142
as in section 5703.48 of the Revised Code. 143

~~(G)(7)~~ The most recent report prepared by the tax expenditure review committee under division (F) of section 5703.95 of the Revised Code, which shall be submitted to the general assembly as an appendix to the governor's budget.

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

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

(C) Notwithstanding this section, a state agency or regulatory authority may impose administrative fines or civil penalties on a small business for a paperwork violation that is a first-time offense for any of the following reasons:

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

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

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

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

(5) The violation presents a direct danger to the public

health or safety, results in a financial loss to an employee ~~as~~ 174
~~defined in section 4111.03 of the Revised Code~~, or presents the 175
risk of severe environmental harm, as determined by the head of 176
the agency or regulatory authority; 177

(6) The violation is a failure to comply with a federal 178
requirement for a program that has been delegated from the federal 179
government to a state agency or regulatory authority and where the 180
federal requirement includes a requirement to impose a fine. 181

(D)(1) Nothing in this section shall prohibit a state agency 182
or regulatory authority from waiving administrative fines or civil 183
penalties incurred by a small business for a paperwork violation 184
that is not a first-time offense. 185

(2) Any administrative fine or civil penalty that is waived 186
under this section⁷ may be reinstated and imposed in addition to 187
any additional fines or penalties associated with a subsequent 188
violation for noncompliance with the same paperwork requirement. 189

(E) This section shall not apply to any violation by a small 190
business of a statutory or regulatory requirement mandating the 191
collection of information by a state agency or regulatory body if 192
that small business previously violated any such requirement 193
mandating the collection of information. 194

(F) Nothing in this section shall be construed to diminish 195
the responsibility for any citizen or business to apply for and 196
obtain a permit, license, or authorizing document that is required 197
to engage in a regulated activity, or otherwise comply with state 198
or federal law. 199

(G) As used in this section: 200

(1) "Small business" has the same meaning as defined by the 201
Code of Federal Regulations, Title 13, Chapter 1, Part 121. 202

(2) "Paperwork violation" means the violation of any 203

statutory or regulatory requirement in the Revised Code mandating 204
the collection of information by a state agency or regulatory 205
body. 206

(3) "First-time offense" means the first instance of a 207
violation of the particular statutory or regulatory requirement 208
mandating the collection of information by a state agency or 209
regulatory body. 210

(4) "Employee" means any individual employed by an employer 211
but does not include: 212

(a) Any individual employed by the United States; 213

(b) Any individual employed as a baby-sitter in the 214
employer's home, or a live-in companion to a sick, convalescing, 215
or elderly person whose principal duties do not include 216
housekeeping; 217

(c) Any individual engaged in the delivery of newspapers to 218
the consumer; 219

(d) Any individual employed as an outside salesperson 220
compensated by commissions or employed in a bona fide executive, 221
administrative, or professional capacity as such terms are defined 222
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 223
U.S.C. 201, as amended; 224

(e) Any individual who works or provides personal services of 225
a charitable nature in a hospital or health institution for which 226
compensation is not sought or contemplated; 227

(f) A member of a police or fire protection agency or student 228
employed on a part-time or seasonal basis by a political 229
subdivision of this state; 230

(g) Any individual in the employ of a camp or recreational 231
area for children under eighteen years of age and owned and 232
operated by a nonprofit organization or group of organizations 233

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; 234
235
236

(h) Any individual employed directly by the house of representatives or directly by the senate. 237
238

Sec. 122.14. (A) There is hereby created in the state 239
treasury the roadwork development fund. The fund shall consist of 240
the investment earnings of the security deposit fund created by 241
section 4509.27 of the Revised Code and revenue transferred to it 242
by the director of budget and management from the highway 243
operating fund created in section 5735.051 of the Revised Code. 244
The fund shall be used by the development services agency in 245
accordance with Section 5a of Article XII, Ohio Constitution, to 246
make road improvements associated with retaining or attracting 247
business for this state, including both of the construction 248
following: 249

(1) Construction, reconstruction, maintenance, or repair of 250
public roads that provide access to a public airport or are 251
located within a public airport; 252

(2) Construction, reconstruction, maintenance, or repair of 253
public roads that provide or improve access to tourism 254
attractions. All 255

(B) All investment earnings of the fund shall be credited to 256
the fund. 257

Sec. 164.08. (A) Except as provided in sections 151.01 and 258
151.08 or section 164.09 of the Revised Code, the net proceeds of 259
obligations issued and sold by the treasurer of state pursuant to 260
section 164.09 of the Revised Code before September 30, 2000, or 261
pursuant to sections 151.01 and 151.08 of the Revised Code, for 262
the purpose of financing or assisting in the financing of the cost 263

of public infrastructure capital improvement projects of local 264
subdivisions, as provided for in Section 2k, 2m, 2p, or 2s of 265
Article VIII, Ohio Constitution, and this chapter, shall be paid 266
into the state capital improvements fund, which is hereby created 267
in the state treasury. Investment earnings on moneys in the fund 268
shall be credited to the fund. 269

(B) Beginning July 1, 2016, each program year the amount of 270
obligations authorized by the general assembly in accordance with 271
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 272
excluding the proceeds of refunding or renewal obligations, shall 273
be allocated by the director of the Ohio public works commission 274
as follows: 275

(1) First, ten per cent of the amount of obligations 276
authorized shall be allocated to provide financial assistance to 277
villages and to townships with populations in the unincorporated 278
areas of the township of less than five thousand persons, for 279
capital improvements in accordance with section 164.051 and 280
division (D) of section 164.06 of the Revised Code. As used in 281
division (B)(1) of this section, "capital improvements" includes 282
resurfacing and improving roads. 283

(2) Following the allocation required by division (B)(1) of 284
this section, the director may allocate two per cent of the 285
authorized obligations to provide financial assistance to local 286
subdivisions for capital improvement projects which in the 287
judgment of the director of the Ohio public works commission are 288
necessary for the immediate preservation of the health, safety, 289
and welfare of the citizens of the local subdivision requesting 290
assistance. Starting July 1, 2021, the director may allocate up to 291
six per cent of authorized obligations as provided in this 292
division. 293

(3) For program years twelve and fourteen that obligations 294
are authorized and available for allocation under this chapter, 295

two million dollars each program year shall be allocated to the 296
small county capital improvement program for use in providing 297
financial assistance under division (F) of section 164.02 of the 298
Revised Code. 299

(4) The director shall determine the amount of the remaining 300
obligations authorized to be issued and sold that each county 301
would receive if such amounts were allocated on a per capita basis 302
each year. If a county's per capita share for the year would be 303
less than three hundred thousand dollars, the director shall 304
allocate to the district in which that county is located an amount 305
equal to the difference between three hundred thousand dollars and 306
the county's per capita share. 307

(5) After making the allocation required by division (B)(4) 308
of this section, the director shall allocate the remaining amount 309
to each district on a per capita basis. 310

(C)(1) There is hereby created in the state treasury the 311
state capital improvements revolving loan fund, into which shall 312
be deposited all repayments of loans made to local subdivisions 313
for capital improvements pursuant to this chapter. Investment 314
earnings on moneys in the fund shall be credited to the fund. 315

(2) There may also be deposited in the state capital 316
improvements revolving loan fund moneys obtained from federal or 317
private grants, or from other sources, which are to be used for 318
any of the purposes authorized by this chapter. Such moneys shall 319
be allocated each year in accordance with division (B)(5) of this 320
section. 321

(3) Moneys deposited into the state capital improvements 322
revolving loan fund shall be used to make loans for the purpose of 323
financing or assisting in the financing of the cost of capital 324
improvement projects of local subdivisions. 325

(4) Investment earnings credited to the state capital 326

improvements revolving loan fund that exceed the amounts required 327
to meet estimated federal arbitrage rebate requirements shall be 328
used to pay costs incurred by the public works commission in 329
administering this section. Investment earnings credited to the 330
state capital improvements revolving loan fund that exceed the 331
amounts required to pay for the administrative costs and estimated 332
rebate requirements shall be allocated to each district on a per 333
capita basis. 334

(5) Each program year, loan repayments received and on 335
deposit in the state capital improvements revolving loan fund 336
shall be allocated as follows: 337

(a) Each district public works integrating committee shall be 338
allocated an amount equal to the sum of all loan repayments made 339
to the state capital improvements revolving loan fund by local 340
subdivisions that are part of the district. Moneys not used in a 341
program year may be used in the next program year in the same 342
manner and for the same purpose as originally allocated. 343

(b) Loan repayments made pursuant to projects approved under 344
division (B)(1) of this section shall be used to make loans in 345
accordance with section 164.051 and division (D) of section 164.06 346
of the Revised Code. Allocations for this purpose made pursuant to 347
division (C)(5) of this section shall be in addition to the 348
allocation provided in division (B)(1) of this section. 349

(c) Loan repayments made pursuant to projects approved under 350
division (B)(2) of this section shall be used to make loans in 351
accordance with division (B)(2) of this section. Allocations for 352
this purpose made pursuant to division (C)(5) of this section 353
shall be in addition to the allocation provided in division (B)(2) 354
of this section. 355

(d) Loans made from the state capital improvements revolving 356
loan fund shall not be limited in their usage by divisions (E), 357

| | |
|---|---|
| (F), (G), (H), and (I) of section 164.05 of the Revised Code. | 358 |
| (D) Investment earnings credited to the state capital improvements fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements shall be used to pay costs incurred by the public works commission in administering sections 164.01 to 164.12 of the Revised Code. | 359 360 361 362 363 |
| (E) The director of the Ohio public works commission shall notify the director of budget and management of the amounts allocated pursuant to this section and such information shall be entered into the state accounting system. The director of budget and management shall establish appropriation line items as needed to track these allocations. | 364 365 366 367 368 369 |
| (F) If the amount of a district's allocation in a program year exceeds the amount of financial assistance approved for the district by the commission for that year, the remaining portion of the district's allocation shall be added to the district's allocation pursuant to division (B) of this section for the next succeeding year for use in the same manner and for the same purposes as it was originally allocated, except that any portion of a district's allocation which was available for use on new or expanded infrastructure pursuant to division (H) of section 164.05 of the Revised Code shall be available in succeeding years only for the repair and replacement of existing infrastructure. | 370 371 372 373 374 375 376 377 378 379 380 |
| (G) When an allocation based on population is made by the director pursuant to division (B) of this section, the director shall use the most recent decennial census statistics, and shall not make any reallocations based upon a change in a district's population. | 381 382 383 384 385 |
| <u>Sec. 306.353. This section applies only to a regional transit authority whose territory includes a county having a population of more than seven hundred fifty thousand but less than nine hundred</u> | 386 387 388 |

thousand as of the most recent federal decennial census. 389

390

A regional transit authority to which this section applies 391

may levy a tax, in accordance with section 5739.023 of the Revised 392

Code, in part for the specific purpose of funding the general 393

construction or maintenance of roads or bridges related to the 394

provision of service by the regional transit authority. If a 395

regional transit authority levies such a tax, the authority shall 396

enter into agreements with counties, municipal corporations, and 397

townships located within the authority's territorial boundaries to 398

fund such projects. Such agreements shall be entered into before 399

the authority may spend any portion of the revenue from such a tax 400

for general construction or maintenance of any roads or bridges. 401

Such agreements are subject to all of the following: 402

(A) The regional transit authority shall submit each such 403

agreement for approval to the appropriate public works integrating 404

committee designated under section 164.03 of the Revised Code. 405

(B) The integrating committee shall, on at least an annual 406

basis, review and approve or deny agreements submitted to it under 407

division (A) of this section. 408

(C) Notwithstanding anything to the contrary in section 409

164.04 of the Revised Code, approvals and denials shall be by an 410

affirmative vote of six of the members of the integrating 411

committee. 412

(D) The integrating committee shall notify the authority of 413

the approval or denial. 414

(E) The regional transit authority shall expend funds only as 415

authorized in an approved agreement. 416

Sec. 306.70. A tax proposed to be levied by a board of county 417

commissioners or by the board of trustees of a regional transit 418

authority pursuant to sections 5739.023 and 5741.022 of the 419
Revised Code shall not become effective until it is submitted to 420
the electors residing within the county or within the territorial 421
boundaries of the regional transit authority and approved by a 422
majority of the electors voting on it. Such question shall be 423
submitted at a general election or at a special election on a day 424
specified in the resolution levying the tax and occurring not less 425
than ninety days after such resolution is certified to the board 426
of elections, in accordance with section 3505.071 of the Revised 427
Code. 428

The board of elections of the county or of each county in 429
which any territory of the regional transit authority is located 430
shall make the necessary arrangements for the submission of such 431
question to the electors of the county or regional transit 432
authority, and the election shall be held, canvassed, and 433
certified in the same manner as regular elections for the election 434
of county officers. Notice of the election shall be published in a 435
newspaper of general circulation in the territory of the county or 436
of the regional transit authority once a week for two consecutive 437
weeks prior to the election or as provided in section 7.16 of the 438
Revised Code. If the board of elections operates and maintains a 439
web site, notice of the election also shall be posted on that web 440
site for thirty days prior to the election. The notice shall state 441
the type, rate, and purpose of the tax to be levied, the length of 442
time during which the tax will be in effect, and the time and 443
place of the election. 444

More than one such question may be submitted at the same 445
election. The form of the ballots cast at such election shall be: 446

"Shall a(n) (sales and use) 447
tax be levied ~~for all transit purposes of~~ by the 448
..... (here insert name of the county or regional 449
transit authority) for the purpose of (here 450

insert the purpose or purposes of the levy at a rate not 451
exceeding (here insert percentage) per cent 452
for (here insert number of years the tax is to be 453
in effect, or that it is to be in effect for a continuing period 454
of time)?" 455

If the tax proposed to be levied is a continuation of an 456
existing tax, whether at the same rate or at an increased or 457
reduced rate, or an increase in the rate of an existing tax, the 458
notice and ballot form shall so state. If one of the purposes of 459
the proposed tax is to fund public infrastructure projects as 460
described in section 306.353 of the Revised Code, the notice and 461
ballot shall also so state. When specified in a resolution adopted 462
under section 5739.023 of the Revised Code, the notice and ballot 463
may also state the percentage of the tax proceeds to be allocated 464
among each of the purposes of the proposed tax and, if one of the 465
purposes is to provide general revenue for the transit authority, 466
the percentage of the proceeds to be allocated among the specific 467
projects, functions, or other uses to be funded by that general 468
revenue. 469

The board of elections to which the resolution was certified 470
shall certify the results of the election to the county auditor of 471
the county or secretary-treasurer of the regional transit 472
authority levying the tax and to the tax commissioner of the 473
state. 474

Sec. 307.86. Anything to be purchased, leased, leased with an 475
option or agreement to purchase, or constructed, including, but 476
not limited to, any product, structure, construction, 477
reconstruction, improvement, maintenance, repair, or service, 478
except the services of an accountant, architect, attorney at law, 479
physician, professional engineer, construction project manager, 480
consultant, surveyor, or appraiser, by or on behalf of the county 481

or contracting authority, as defined in section 307.92 of the Revised Code, at a cost in excess of fifty thousand dollars, except as otherwise provided in division (D) of section 713.23 and in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when either of the following applies:

(1) The estimated cost is less than one hundred thousand dollars.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or

contracting authority shall maintain the record for the longer of 513
at least one year after the contract is awarded or the amount of 514
time the federal government requires. 515

(B)(1) The purchase consists of supplies or a replacement or 516
supplemental part or parts for a product or equipment owned or 517
leased by the county, and the only source of supply for the 518
supplies, part, or parts is limited to a single supplier. 519

(2) The purchase consists of services related to information 520
technology, such as programming services, that are proprietary or 521
limited to a single source. 522

(C) The purchase is from the federal government, the state, 523
another county or contracting authority of another county, or a 524
board of education, educational service center, township, or 525
municipal corporation. 526

(D) The purchase is made by a county department of job and 527
family services under section 329.04 of the Revised Code and 528
consists of family services duties or workforce development 529
activities or is made by a county board of developmental 530
disabilities under section 5126.05 of the Revised Code and 531
consists of program services, such as direct and ancillary client 532
services, child care, case management services, residential 533
services, and family resource services. 534

(E) The purchase consists of criminal justice services, 535
social services programs, family services, or workforce 536
development activities by the board of county commissioners from 537
nonprofit corporations or associations under programs funded by 538
the federal government or by state grants. 539

(F) The purchase consists of any form of an insurance policy 540
or contract authorized to be issued under Title XXXIX of the 541
Revised Code or any form of health care plan authorized to be 542
issued under Chapter 1751. of the Revised Code, or any combination 543

of such policies, contracts, plans, or services that the 544
contracting authority is authorized to purchase, and the 545
contracting authority does all of the following: 546

(1) Determines that compliance with the requirements of this 547
section would increase, rather than decrease, the cost of the 548
purchase; 549

(2) Requests issuers of the policies, contracts, plans, or 550
services to submit proposals to the contracting authority, in a 551
form prescribed by the contracting authority, setting forth the 552
coverage and cost of the policies, contracts, plans, or services 553
as the contracting authority desires to purchase; 554

(3) Negotiates with the issuers for the purpose of purchasing 555
the policies, contracts, plans, or services at the best and lowest 556
price reasonably possible. 557

(G) The purchase consists of computer hardware, software, or 558
consulting services that are necessary to implement a computerized 559
case management automation project administered by the Ohio 560
prosecuting attorneys association and funded by a grant from the 561
federal government. 562

(H) Child care services are purchased for provision to county 563
employees. 564

(I)(1) Property, including land, buildings, and other real 565
property, is leased for offices, storage, parking, or other 566
purposes, and all of the following apply: 567

(a) The contracting authority is authorized by the Revised 568
Code to lease the property. 569

(b) The contracting authority develops requests for proposals 570
for leasing the property, specifying the criteria that will be 571
considered prior to leasing the property, including the desired 572
size and geographic location of the property. 573

(c) The contracting authority receives responses from 574
prospective lessors with property meeting the criteria specified 575
in the requests for proposals by giving notice in a manner 576
substantially similar to the procedures established for giving 577
notice under section 307.87 of the Revised Code. 578

(d) The contracting authority negotiates with the prospective 579
lessors to obtain a lease at the best and lowest price reasonably 580
possible considering the fair market value of the property and any 581
relocation and operational costs that may be incurred during the 582
period the lease is in effect. 583

(2) The contracting authority may use the services of a real 584
estate appraiser to obtain advice, consultations, or other 585
recommendations regarding the lease of property under this 586
division. 587

(J) The purchase is made pursuant to section 5139.34 or 588
sections 5139.41 to 5139.46 of the Revised Code and is of programs 589
or services that provide case management, treatment, or prevention 590
services to any felony or misdemeanor delinquent, unruly youth, 591
or status offender under the supervision of the juvenile court, 592
including, but not limited to, community residential care, day 593
treatment, services to children in their home, or electronic 594
monitoring. 595

(K) The purchase is made by a public children services agency 596
pursuant to section 307.92 or 5153.16 of the Revised Code and 597
consists of family services, programs, or ancillary services that 598
provide case management, prevention, or treatment services for 599
children at risk of being or alleged to be abused, neglected, or 600
dependent children. 601

(L) The purchase is to obtain the services of emergency 602
medical service organizations under a contract made by the board 603
of county commissioners pursuant to section 307.05 of the Revised 604

Code with a joint emergency medical services district. 605

(M) The county contracting authority determines that the use 606
of competitive sealed proposals would be advantageous to the 607
county and the contracting authority complies with section 307.862 608
of the Revised Code. 609

(N) The purchase consists of used supplies and is made at a 610
public auction. 611

Any issuer of policies, contracts, plans, or services listed 612
in division (F) of this section and any prospective lessor under 613
division (I) of this section may have the issuer's or prospective 614
lessor's name and address, or the name and address of an agent, 615
placed on a special notification list to be kept by the 616
contracting authority, by sending the contracting authority that 617
name and address. The contracting authority shall send notice to 618
all persons listed on the special notification list. Notices shall 619
state the deadline and place for submitting proposals. The 620
contracting authority shall mail the notices at least six weeks 621
prior to the deadline set by the contracting authority for 622
submitting proposals. Every five years the contracting authority 623
may review this list and remove any person from the list after 624
mailing the person notification of that action. 625

Any contracting authority that negotiates a contract under 626
division (F) of this section shall request proposals and negotiate 627
with issuers in accordance with that division at least every three 628
years from the date of the signing of such a contract, unless the 629
parties agree upon terms for extensions or renewals of the 630
contract. Such extension or renewal periods shall not exceed six 631
years from the date the initial contract is signed. 632

Any real estate appraiser employed pursuant to division (I) 633
of this section shall disclose any fees or compensation received 634
from any source in connection with that employment. 635

As used in division (N) of this section, "supplies" means any 636
personal property including equipment, materials, and other 637
tangible assets. 638

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 639
health service district where the board of county commissioners 640
has established an alcohol and drug addiction services board, the 641
community mental health board established under former section 642
340.02 of the Revised Code shall serve as the entity responsible 643
for providing mental health services in the county. A community 644
mental health board has all the powers, duties, and obligations of 645
a board of alcohol, drug addiction, and mental health services 646
with regard to mental health services. An alcohol and drug 647
addiction services board has all the powers, duties, and 648
obligations of a board of alcohol, drug addiction, and mental 649
health services with regard to addiction services. Any provision 650
of the Revised Code that refers to a board of alcohol, drug 651
addiction, and mental health services with regard to mental health 652
services also refers to a community mental health board and any 653
provision that refers to a board of alcohol, drug addiction, and 654
mental health services with regard to alcohol and drug addiction 655
services also refers to an alcohol and drug addiction services 656
board. 657

An alcohol and drug addiction services board shall consist of 658
eighteen members or fourteen members, at the election of the 659
board. Not later than January 1, 2014, each alcohol and drug 660
addiction services board shall notify the department of mental 661
health and addiction services of its election to operate as an 662
eighteen-member board or to operate as a fourteen-member board. 663
The election shall be final. Failure to provide notice of its 664
election to the department on or before January 1, 2014, shall 665
constitute an election to continue to operate as an 666
eighteen-member board. If an existing board provides timely notice 667

of its election to operate as a fourteen-member board, the number 668
of board members may decline from eighteen to fourteen by 669
attrition as current members' terms expire. However, the 670
composition of the board must reflect the requirements set forth 671
in this section and in applicable provisions of section 340.02 of 672
the Revised Code for fourteen-member boards. For boards operating 673
as eighteen-member boards, six members shall be appointed by the 674
director of mental health and addiction services and twelve 675
members shall be appointed by the board of county commissioners. 676
The director of mental health and addiction services shall ensure 677
that at least one member of the board is a person who has received 678
or is receiving services for alcohol, drug, or gambling addiction, 679
at least one member is a parent or relative of such a person, and 680
at least one member is a clinician with experience in the delivery 681
of addiction services. The membership of the board shall, as 682
nearly as possible, reflect the composition of the population of 683
the service district as to race and sex. Members shall be 684
residents of the service district and shall be interested in 685
alcohol, drug, or gambling addiction services. Requirements for 686
membership, including prohibitions against certain family and 687
business relationships, and terms of office shall be the same as 688
those for members of boards of alcohol, drug addiction, and mental 689
health services. 690

A community mental health board shall consist of eighteen 691
members or fourteen members, at the election of the board. Not 692
later than January 1, 2014, each community mental health board 693
shall notify the department of mental health and addiction 694
services of its election to operate as an eighteen-member board or 695
to operate as a fourteen-member board. The election shall be 696
final. Failure to provide notice of its election to the department 697
on or before January 1, 2014, shall constitute an election to 698
continue to operate as an eighteen-member board. If an existing 699
board provides timely notice of its election to operate as a 700

fourteen-member board, the number of board members may decline 701
from eighteen to fourteen by attrition as current members' terms 702
expire. However, the composition of the board must reflect the 703
requirements set forth in this section and in applicable 704
provisions of section 340.02 of the Revised Code for 705
fourteen-member boards. For boards operating as eighteen-member 706
boards, six members shall be appointed by the director of mental 707
health and addiction services and twelve members shall be 708
appointed by the board of county commissioners. The director of 709
mental health and addiction services shall ensure that at least 710
one member of the board is a person who has received or is 711
receiving mental health services, at least one member is a parent 712
or relative of such a person, and at least one member is a 713
clinician with experience in the delivery of mental health 714
services. The membership of the board as nearly as possible shall 715
reflect the composition of the population of the service district 716
as to race and sex. Members shall be residents of the service 717
district and shall be interested in mental health services. 718
Requirements for membership, including prohibitions against 719
certain family and business relationships, and terms of office 720
shall be the same as those for members of boards of alcohol, drug 721
addiction, and mental health services. 722

(B)(1) If a board of county commissioners subject to division 723
(A) of this section did not adopt a final resolution providing for 724
a board of alcohol, drug addiction, and mental health services on 725
or before July 1, 2007, the board of county commissioners may 726
establish a board of alcohol, drug addiction, and mental health 727
services on or after September 23, 2008. To establish the board, 728
the board of county commissioners shall adopt a resolution 729
providing for the board's establishment. The composition of the 730
board, the procedures for appointing members, and all other 731
matters related to the board and its members are subject to 732
section 340.02 of the Revised Code, with the following exceptions: 733

(a) For initial appointments to the board, the county's 734
community mental health board and alcohol and drug addiction 735
services board shall jointly recommend members of those boards for 736
reappointment and shall submit the recommendations to the board of 737
county commissioners and the director of mental health and 738
addiction services. 739

(b) ~~To the greatest extent possible, the~~ The appointing 740
authorities shall appoint the initial members from among the 741
members jointly recommended under division (B)(1)(a) of this 742
section unless the appointment is otherwise prohibited by law. 743

(2) If a board of alcohol, drug addiction, and mental health 744
services is established pursuant to division (B)(1) of this 745
section, the board has the same rights, privileges, immunities, 746
powers, and duties that were possessed by the county's community 747
mental health board and alcohol and drug addiction services board. 748
When the board is established, all property and obligations of the 749
community mental health board and alcohol and drug addiction 750
services board shall be transferred to the board of alcohol, drug 751
addiction, and mental health services. 752

Sec. 505.267. (A) As used in this section: 753

(1) "Lease-purchase agreement" has the same meaning as a 754
lease with an option to purchase. 755

(2) "Public obligation" has the same meaning as in section 756
133.01 of the Revised Code. 757

(B) For any purpose for which a board of township trustees, a 758
joint police district board, a township fire district, a joint 759
fire district, a joint ambulance district, or a fire and ambulance 760
district is authorized to acquire real or personal property, that 761
board may enter into a lease-purchase agreement in accordance with 762
this section to acquire the property. The board's resolution 763

authorizing the lease-purchase agreement may provide for the 764
issuance of certificates of participation or other evidences of 765
fractionalized interests in the lease-purchase agreement, for the 766
purpose of financing, or refinancing or refunding, any public 767
obligation that financed or refinanced the acquisition of the 768
property. Sections 9.94, 133.03, and 133.30 of the Revised Code 769
shall apply to any such fractionalized interests. 770

The lease-purchase agreement shall provide for a series of 771
terms in which no term extends beyond the end of the fiscal year 772
of the township or district in which that term commences. In 773
total, the terms provided for in the agreement shall be for not 774
more than the useful life of the real or personal property that is 775
the subject of the agreement. A property's useful life shall be 776
determined either by the maximum number of installment payments 777
permitted under the statute that authorizes the board to acquire 778
the property or, if there is no such provision, by the maximum 779
number of years to maturity provided for the issuance of bonds in 780
division (B) of section 133.20 of the Revised Code for that 781
property. If the useful life cannot be determined under either of 782
those statutes, it shall be estimated as provided in division (C) 783
of section 133.20 of the Revised Code. 784

The lease-purchase agreement shall provide that, at the end 785
of the final term in the agreement, if all obligations of the 786
township or district have been satisfied, the title to the leased 787
property shall vest in the township or district executing the 788
lease-purchase agreement, if that title has not vested in the 789
township or district before or during the lease terms; except that 790
the lease-purchase agreement may require the township or district 791
to pay an additional lump sum payment as a condition of obtaining 792
that title. 793

(C) A board of trustees that enters into a lease-purchase 794
agreement under this section may do any of the following with the 795

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| property that is the subject of the agreement: | 796 |
| (1) If the property is personal property, assign the board's rights to that property; | 797 798 |
| (2) Grant the lessor a security interest in the property; | 799 |
| (3) If the property is real property, grant leases, easements, or licenses for underlying land or facilities under the board's control for terms not exceeding five years beyond the final term of the lease-purchase agreement. | 800 801 802 803 |
| (D) The authority granted in this section is in addition to, and not in derogation of, any other financing authority provided by law. | 804 805 806 |
| Sec. 505.71. The boards of township trustees of one or more townships and the legislative authorities of any one or more municipal corporations within or adjoining those townships, or the boards of township trustees of two or more townships, or the legislative authorities of two or more municipal corporations, may, by adoption of a joint resolution by a majority of the members of each board of township trustees and by a majority of the members of the legislative authority of each municipal corporation, create a joint ambulance district comprising the municipal corporations and all or any portions of the townships as are mutually agreed upon, except that no portion of a township or municipal corporation being served by a joint emergency medical services district shall be part of a joint ambulance district. A district so created shall be given a name different from the name of any participating township or municipal corporation. | 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 |
| The governing body of a district shall be a board of trustees, which shall include one representative appointed by each board of township trustees and one representative appointed by the legislative authority of each municipal corporation in the | 822 823 824 825 |

district. Members of the board of trustees may be compensated at a 826
rate not to exceed seventy-five dollars per meeting, not to exceed 827
fifteen meetings per year, and may be reimbursed for all necessary 828
expenses incurred. The board shall employ a clerk. Before entering 829
upon official duties, the clerk shall execute a bond, in the 830
amount and with surety to be approved by the board, payable to the 831
state, and conditioned for the faithful performance of all 832
official duties required of the clerk. The bond shall be deposited 833
with the presiding officer of the board, and copies of it, 834
certified by the presiding officer, shall be filed with the county 835
auditor of each county with a subdivision included in the 836
district. 837

To provide the services and equipment it considers necessary 838
for the district, the board may levy taxes, subject to Chapter 839
5705. of the Revised Code, and issue bonds and other evidences of 840
indebtedness, subject to Chapter 133. of the Revised Code, after 841
submitting the question of that issuance to the electors of the 842
district in the manner provided by Chapter 133. of the Revised 843
Code. The district may purchase, lease, lease with an option to 844
purchase, construct, maintain, and use all materials, equipment, 845
vehicles, buildings, and land necessary to perform its duties. 846

Any municipal corporation or township may join an existing 847
district by the adoption of a resolution requesting membership and 848
upon approval of the board of the district. Any municipal 849
corporation or township may withdraw from a district by the 850
adoption of a resolution ordering withdrawal. On or after the 851
first day of January of the year following the adoption of the 852
resolution of withdrawal, the municipal corporation or township 853
withdrawing ceases to be a part of the district, and the power of 854
the district to levy a tax upon taxable property in the 855
withdrawing township or municipal corporation terminates, except 856
that the district shall continue to levy and collect taxes for the 857

payment of indebtedness within the territory of the district as it 858
was comprised at the time the indebtedness was incurred. 859

Upon the withdrawal of any township or municipal corporation 860
from a district, the county auditor shall ascertain, apportion, 861
and order a division of the funds on hand, moneys and taxes in the 862
process of collection, except for taxes levied for the payment of 863
indebtedness, credits, and real and personal property, either in 864
money or in kind, on the basis of the valuation of the respective 865
tax duplicates of the withdrawing municipal corporation or 866
township and the remaining territory of the district. 867

When the number of townships and municipal corporations 868
constituting a district is reduced to one, the district ceases to 869
exist by operation of law, and the funds, credits, and property 870
remaining after apportionments to withdrawing municipal 871
corporations or townships shall be assumed by the one remaining 872
township or municipal corporation. When a district ceases to exist 873
and an indebtedness remains unpaid, the board of county 874
commissioners shall continue to levy and collect taxes for the 875
payment of that indebtedness within the territory of the district 876
as it was comprised at the time the indebtedness was incurred. 877

Sec. 1349.61. (A)(1) Subject to division (C) of this section, 878
no person or entity shall sell a gift card to a purchaser 879
containing an expiration date that is less than two years after 880
the date the gift card is issued. 881

(2) No person or entity, within two years after a gift card 882
is issued, shall charge service charges or fees relative to that 883
gift card, including dormancy fees, latency fees, or 884
administrative fees, that have the effect of reducing the total 885
amount for which the holder of the gift card may redeem the gift 886
card. 887

(B) A gift card sold without an expiration date is valid 888

until redeemed or replaced with a new gift card. 889

(C) Division (A) of this section does not apply to any of the 890
following gift cards: 891

(1) A gift card that is distributed by the issuer to a 892
consumer pursuant to an awards, loyalty, or promotional program 893
without any money or anything of value being given in exchange for 894
the gift card by the consumer; 895

(2) A gift card that is sold below face value at a volume 896
discount to employers or to nonprofit and charitable organizations 897
for fundraising purposes, if the expiration date on that gift card 898
is not more than thirty days after the date of sale; 899

(3) A gift card that is sold by a nonprofit or charitable 900
organization for fundraising purposes; 901

(4) A gift card that an employer gives to an employee if use 902
of the gift card is limited to the employer's business 903
establishment, which may include a group of merchants that are 904
affiliated with that business establishment; 905

(5) A gift certificate issued in accordance with section 906
1533.131 of the Revised Code that may be used to obtain hunting 907
and fishing licenses, fur taker, special deer, and special wild 908
turkey permits, and wetlands habitat stamps; 909

(6) A gift card that is usable with multiple, unaffiliated 910
sellers of goods or services; 911

(7) A gift card that an employer issues to an employee in 912
recognition of services performed by the employee. 913

(D) Whoever violates division (A)(2) of this section is 914
liable to the holder for any amount that the redemption value of 915
the gift card was reduced, any court costs incurred, and 916
reasonable attorney's fees. 917

(E) As used in this section: 918

(1) "Gift card" means a certificate, electronic card, or other medium issued by a merchant that evidences the giving of consideration in exchange for the right to redeem the certificate, electronic card, or other medium for goods, food, services, credit, or money of at least an equal value, including any electronic card issued by a merchant with a monetary value where the issuer has received payment for the full monetary value for the future purchase or delivery of goods or services and any certificate issued by a merchant where the issuer has received payment for the full monetary face value of the certificate for the future purchase or delivery of goods and services. "Gift card" does not include a prepaid calling card used to make telephone calls.

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

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

Sec. 3327.07. (A) The governing authority of a chartered nonpublic school that transports a student enrolled in the school to and from school and to and from school-sponsored activities, including extracurricular activities, may charge the parent or guardian of the student a fee for the transportation, if the governing authority purchased the vehicle that transports the student using no state or federal funds. The fee shall not exceed the per student cost of the transportation, as determined by the governing authority.

(B) The parent or guardian of a student who is enrolled in a

chartered nonpublic school and is eligible for transportation by a 950
school district under section 3327.01 of the Revised Code may 951
decline that transportation and accept transportation from the 952
chartered nonpublic school. The governing authority of a chartered 953
nonpublic school may charge a fee under division (A) of this 954
section regardless of whether a student is eligible for 955
transportation under section 3327.01 of the Revised Code. 956

(C) The offering by the governing authority of a chartered 957
nonpublic school of transportation to and from the school does not 958
relieve any school district board of education from any duty 959
imposed by sections 3327.01 and 3327.02 of the Revised Code with 960
respect to the chartered nonpublic school's students. 961

Sec. 4111.03. (A) An employer shall pay an employee for 962
overtime at a wage rate of one and one-half times the employee's 963
wage rate for hours worked in excess of forty hours in one 964
workweek, in the manner and methods provided in and subject to the 965
exemptions of section 7 and section 13 of the "Fair Labor 966
Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as 967
amended. 968

Any employee employed in agriculture shall not be covered by 969
the overtime provision of this section. 970

A motor carrier may elect to apply the overtime provision of 971
this section to an individual who is excluded from the provision 972
under division (D)(3)(i) of this section. 973

(B) If a county employee elects to take compensatory time off 974
in lieu of overtime pay, for any overtime worked, compensatory 975
time may be granted by the employee's administrative superior, on 976
a time and one-half basis, at a time mutually convenient to the 977
employee and the administrative superior within one hundred eighty 978
days after the overtime is worked. 979

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

(D) As used in this section:

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

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

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

(b) A franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division,

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| "franchisor" and "franchisee" have the same meanings as in 16 | 1011 |
| C.F.R. 436.1. | 1012 |
| (3) "Employee" means any individual employed by an employer | 1013 |
| but does not include: | 1014 |
| (a) Any individual employed by the United States; | 1015 |
| (b) Any individual employed as a baby-sitter in the | 1016 |
| employer's home, or a live-in companion to a sick, convalescing, | 1017 |
| or elderly person whose principal duties do not include | 1018 |
| housekeeping; | 1019 |
| (c) Any individual engaged in the delivery of newspapers to | 1020 |
| the consumer; | 1021 |
| (d) Any individual employed as an outside salesperson | 1022 |
| compensated by commissions or employed in a bona fide executive, | 1023 |
| administrative, or professional capacity as such terms are defined | 1024 |
| by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 | 1025 |
| U.S.C.A. 201, as amended; | 1026 |
| (e) Any individual who works or provides personal services of | 1027 |
| a charitable nature in a hospital or health institution for which | 1028 |
| compensation is not sought or contemplated; | 1029 |
| (f) A member of a police or fire protection agency or student | 1030 |
| employed on a part-time or seasonal basis by a political | 1031 |
| subdivision of this state; | 1032 |
| (g) Any individual in the employ of a camp or recreational | 1033 |
| area for children under eighteen years of age and owned and | 1034 |
| operated by a nonprofit organization or group of organizations | 1035 |
| described in Section 501(c)(3) of the "Internal Revenue Code of | 1036 |
| 1954," and exempt from income tax under Section 501(a) of that | 1037 |
| code; | 1038 |
| (h) Any individual employed directly by the house of | 1039 |
| representatives or directly by the senate; | 1040 |

(i) An individual who operates a vehicle or vessel in the performance of services for or on behalf of a motor carrier transporting property and to whom all of the following factors apply: 1041
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(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services. 1045
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(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service. 1053
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(iii) The compensation paid to the individual 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. 1056
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(iv) The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper. 1060
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(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee. 1063
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(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal 1068
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expenses, except that the individual may be paid by the carrier 1072
the carrier's fuel surcharge and incidental costs, including 1073
tolls, permits, and lumper fees. 1074

(vii) The individual is responsible for any economic loss or 1075
economic gain from the arrangement with the carrier. 1076

(4) "Motor carrier" has the same meaning as in section 1077
4923.01 of the Revised Code. 1078

Sec. 4111.14. (A) Pursuant to the general assembly's 1079
authority to establish a minimum wage under Section 34 of Article 1080
II, Ohio Constitution, this section is in implementation of 1081
Section 34a of Article II, Ohio Constitution. In implementing 1082
Section 34a of Article II, Ohio Constitution, the general assembly 1083
hereby finds that the purpose of Section 34a of Article II, Ohio 1084
Constitution, is to: 1085

(1) Ensure that Ohio employees, as defined in division (B)(1) 1086
of this section, are paid the wage rate required by Section 34a of 1087
Article II, Ohio Constitution; 1088

(2) Ensure that covered Ohio employers maintain certain 1089
records that are directly related to the enforcement of the wage 1090
rate requirements in Section 34a of Article II, Ohio Constitution; 1091

(3) Ensure that Ohio employees who are paid the wage rate 1092
required by Section 34a of Article II, Ohio Constitution, may 1093
enforce their right to receive that wage rate in the manner set 1094
forth in Section 34a of Article II, Ohio Constitution; and 1095

(4) Protect the privacy of Ohio employees' pay and personal 1096
information specified in Section 34a of Article II, Ohio 1097
Constitution, by restricting an employee's access, and access by a 1098
person acting on behalf of that employee, to the employee's own 1099
pay and personal information. 1100

(B) In accordance with Section 34a of Article II, Ohio 1101

Constitution, the terms "employer," "employee," "employ," "1102
"person," and "independent contractor" have the same meanings as 1103
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 1104
U.S.C. 203, as amended. In construing the meaning of these terms, 1105
due consideration and great weight shall be given to the United 1106
States department of labor's and federal courts' interpretations 1107
of those terms under the Fair Labor Standards Act and its 1108
regulations. As used in division (B) of this section: 1109

(1) "Employee" means individuals employed in Ohio, but does 1110
not mean individuals who are excluded from the definition of 1111
"employee" under 29 U.S.C. 203(e) or individuals who are exempted 1112
from the minimum wage requirements in 29 U.S.C. 213 and from the 1113
definition of "employee" in this chapter. 1114

(2) "Employ" and "employee" do not include any person acting 1115
as a volunteer. In construing who is a volunteer, "volunteer" 1116
shall have the same meaning as in sections 553.101 to 553.106 of 1117
Title 29 of the Code of Federal Regulations, as amended, and due 1118
consideration and great weight shall be given to the United States 1119
department of labor's and federal courts' interpretations of the 1120
term "volunteer" under the Fair Labor Standards Act and its 1121
regulations. 1122

(3) "Employer" does not include a franchisor with respect to 1123
the franchisor's relationship with a franchisee or an employee of 1124
a franchisee, unless the franchisor agrees to assume that role in 1125
writing or a court of competent jurisdiction determines that the 1126
franchisor exercises a type or degree of control over the 1127
franchisee or the franchisee's employees that is not customarily 1128
exercised by a franchisor for the purpose of protecting the 1129
franchisor's trademark, brand, or both. For purposes of this 1130
division, "franchisor" and "franchisee" have the same meanings as 1131
in 16 C.F.R. 436.1. 1132

(4) Subject to division (B)(5) of this section, "employee" 1133

does not include an individual who operates a vehicle or vessel in 1134
the performance of services for or on behalf of a motor carrier 1135
transporting property and to whom all of the following factors 1136
apply: 1137

(a) The individual owns the vehicle or vessel that is used in 1138
performing the services for or on behalf of the carrier, or the 1139
individual leases the vehicle or vessel under a bona fide lease 1140
agreement that is not a temporary replacement lease agreement. For 1141
purposes of this division, a bona fide lease agreement does not 1142
include an agreement between the individual and the motor carrier 1143
transporting property for which, or on whose behalf, the 1144
individual provides services. 1145

(b) The individual is responsible for supplying the necessary 1146
personal services to operate the vehicle or vessel used to provide 1147
the service. 1148

(c) The compensation paid to the individual is based on 1149
factors related to work performed, including on a mileage-based 1150
rate or a percentage of any schedule of rates, and not solely on 1151
the basis of the hours or time expended. 1152

(d) The individual substantially controls the means and 1153
manner of performing the services, in conformance with regulatory 1154
requirements and specifications of the shipper. 1155

(e) The individual enters into a written contract with the 1156
carrier for whom the individual is performing the services that 1157
describes the relationship between the individual and the carrier 1158
to be that of an independent contractor and not that of an 1159
employee. 1160

(f) The individual is responsible for substantially all of 1161
the principal operating costs of the vehicle or vessel and 1162
equipment used to provide the services, including maintenance, 1163
fuel, repairs, supplies, vehicle or vessel insurance, and personal 1164

expenses, except that the individual may be paid by the carrier 1165
the carrier's fuel surcharge and incidental costs, including 1166
tolls, permits, and lumper fees. 1167

(g) The individual is responsible for any economic loss or 1168
economic gain from the arrangement with the carrier. 1169

(5) A motor carrier may elect to consider an individual 1170
described in division (B)(4) of this section as an employee for 1171
purposes of this section. 1172

(6) "Motor carrier" has the same meaning as in section 1173
4923.01 of the Revised Code. 1174

(C) In accordance with Section 34a of Article II, Ohio 1175
Constitution, the state may issue licenses to employers 1176
authorizing payment of a wage below that required by Section 34a 1177
of Article II, Ohio Constitution, to individuals with mental or 1178
physical disabilities that may otherwise adversely affect their 1179
opportunity for employment. In issuing such licenses, the state 1180
shall abide by the rules adopted pursuant to section 4111.06 of 1181
the Revised Code. 1182

(D)(1) In accordance with Section 34a of Article II, Ohio 1183
Constitution, individuals employed in or about the property of an 1184
employer or an individual's residence on a casual basis are not 1185
included within the coverage of Section 34a of Article II, Ohio 1186
Constitution. As used in division (D) of this section: 1187

(a) "Casual basis" means employment that is irregular or 1188
intermittent and that is not performed by an individual whose 1189
vocation is to be employed in or about the property of the 1190
employer or individual's residence. In construing who is employed 1191
on a "casual basis," due consideration and great weight shall be 1192
given to the United States department of labor's and federal 1193
courts' interpretations of the term "casual basis" under the Fair 1194
Labor Standards Act and its regulations. 1195

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

(2) In accordance with Section 34a of Article II, Ohio Constitution, employees of a solely family-owned and operated business who are family members of an owner are not included within the coverage of Section 34a of Article II, Ohio 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, 1228
internal computer network, or a bulletin board where it commonly 1229
posts employee communications or by insertion or inclusion with 1230
employees' paychecks or pay stubs. 1231

(F) In accordance with Section 34a of Article II, Ohio 1232
Constitution, an employer shall maintain a record of the name, 1233
address, occupation, pay rate, hours worked for each day worked, 1234
and each amount paid an employee for a period of not less than 1235
three years following the last date the employee was employed by 1236
that employer. As used in division (F) of this section: 1237

(1) "Address" means an employee's home address as maintained 1238
in the employer's personnel file or personnel database for that 1239
employee. 1240

(2)(a) With respect to employees who are not exempt from the 1241
overtime pay requirements of the Fair Labor Standards Act or this 1242
chapter, "pay rate" means an employee's base rate of pay. 1243

(b) With respect to employees who are exempt from the 1244
overtime pay requirements of the Fair Labor Standards Act or this 1245
chapter, "pay rate" means an employee's annual base salary or 1246
other rate of pay by which the particular employee qualifies for 1247
that exemption under the Fair Labor Standards Act or this chapter, 1248
but does not include bonuses, stock options, incentives, deferred 1249
compensation, or any other similar form of compensation. 1250

(3) "Record" means the name, address, occupation, pay rate, 1251
hours worked for each day worked, and each amount paid an employee 1252
in one or more documents, databases, or other paper or electronic 1253
forms of record-keeping maintained by an employer. No one 1254
particular method or form of maintaining such a record or records 1255
is required under this division. An employer is not required to 1256
create or maintain a single record containing only the employee's 1257
name, address, occupation, pay rate, hours worked for each day 1258

worked, and each amount paid an employee. An employer shall 1259
maintain a record or records from which the employee or person 1260
acting on behalf of that employee could reasonably review the 1261
information requested by the employee or person. 1262

An employer is not required to maintain the records specified 1263
in division (F)(3) of this section for any period before January 1264
1, 2007. On and after January 1, 2007, the employer shall maintain 1265
the records required by division (F)(3) of this section for three 1266
years from the date the hours were worked by the employee and for 1267
three years after the date the employee's employment ends. 1268

(4)(a) Except for individuals specified in division (F)(4)(b) 1269
of this section, "hours worked for each day worked" means the 1270
total amount of time worked by an employee in whatever increments 1271
the employer uses for its payroll purposes during a day worked by 1272
the employee. An employer is not required to keep a record of the 1273
time of day an employee begins and ends work on any given day. As 1274
used in division (F)(4) of this section, "day" means a fixed 1275
period of twenty-four consecutive hours during which an employee 1276
performs work for an employer. 1277

(b) An employer is not required to keep records of "hours 1278
worked for each day worked" for individuals for whom the employer 1279
is not required to keep those records under the Fair Labor 1280
Standards Act and its regulations or individuals who are not 1281
subject to the overtime pay requirements specified in section 1282
4111.03 of the Revised Code. 1283

(5) "Each amount paid an employee" means the total gross 1284
wages paid to an employee for each pay period. As used in division 1285
(F)(5) of this section, "pay period" means the period of time 1286
designated by an employer to pay an employee the employee's gross 1287
wages in accordance with the employer's payroll practices under 1288
section 4113.15 of the Revised Code. 1289

(G) In accordance with Section 34a of Article II, Ohio 1290
Constitution, an employer must provide such information without 1291
charge to an employee or person acting on behalf of an employee 1292
upon request. As used in division (G) of this section: 1293

(1) "Such information" means the name, address, occupation, 1294
pay rate, hours worked for each day worked, and each amount paid 1295
for the specific employee who has requested that specific 1296
employee's own information and does not include the name, address, 1297
occupation, pay rate, hours worked for each day worked, or each 1298
amount paid of any other employee of the employer. "Such 1299
information" does not include hours worked for each day worked by 1300
individuals for whom an employer is not required to keep that 1301
information under the Fair Labor Standards Act and its regulations 1302
or individuals who are not subject to the overtime pay 1303
requirements specified in section 4111.03 of the Revised Code. 1304

(2) "Acting on behalf of an employee" means a person acting 1305
on behalf of an employee as any of the following: 1306

(a) The certified or legally recognized collective bargaining 1307
representative for that employee under the applicable federal law 1308
or Chapter 4117. of the Revised Code; 1309

(b) The employee's attorney; 1310

(c) The employee's parent, guardian, or legal custodian. 1311

A person "acting on behalf of an employee" must be 1312
specifically authorized by an employee in order to make a request 1313
for that employee's own name, address, occupation, pay rate, hours 1314
worked for each day worked, and each amount paid to that employee. 1315

(3) "Provide" means that an employer shall provide the 1316
requested information within thirty business days after the date 1317
the employer receives the request, unless either of the following 1318
occurs: 1319

(a) The employer and the employee or person acting on behalf 1320
of the employee agree to some alternative time period for 1321
providing the information. 1322

(b) The thirty-day period would cause a hardship on the 1323
employer under the circumstances, in which case the employer must 1324
provide the requested information as soon as practicable. 1325

(4) A "request" made by an employee or a person acting on 1326
behalf of an employee means a request by an employee or a person 1327
acting on behalf of an employee for the employee's own 1328
information. The employer may require that the employee provide 1329
the employer with a written request that has been signed by the 1330
employee and notarized and that reasonably specifies the 1331
particular information being requested. The employer may require 1332
that the person acting on behalf of an employee provide the 1333
employer with a written request that has been signed by the 1334
employee whose information is being requested and notarized and 1335
that reasonably specifies the particular information being 1336
requested. 1337

(H) In accordance with Section 34a of Article II, Ohio 1338
Constitution, an employee, person acting on behalf of one or more 1339
employees, and any other interested party may file a complaint 1340
with the state for a violation of any provision of Section 34a of 1341
Article II, Ohio Constitution, or any law or regulation 1342
implementing its provisions. Such complaint shall be promptly 1343
investigated and resolved by the state. The employee's name shall 1344
be kept confidential unless disclosure is necessary to resolution 1345
of a complaint and the employee consents to disclosure. As used in 1346
division (H) of this section: 1347

(1) "Complaint" means a complaint of an alleged violation 1348
pertaining to harm suffered by the employee filing the complaint, 1349
by a person acting on behalf of one or more employees, or by an 1350
interested party. 1351

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

(3) "Interested party" means a party who alleges to be injured by the alleged violation and who has standing to file a complaint under common law principles of standing.

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

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

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

(J) In accordance with Section 34a of Article II, Ohio 1384
Constitution, damages shall be calculated as an additional two 1385
times the amount of the back wages and in the case of a violation 1386
of an anti-retaliation provision an amount set by the state or 1387
court sufficient to compensate the employee and deter future 1388
violations, but not less than one hundred fifty dollars for each 1389
day that the violation continued. The "not less than one hundred 1390
fifty dollar" penalty specified in division (J) of this section 1391
shall be imposed only for violations of the anti-retaliation 1392
provision in Section 34a of Article II, Ohio Constitution. 1393

(K) In accordance with Section 34a of Article II, Ohio 1394
Constitution, an action for equitable and monetary relief may be 1395
brought against an employer by the attorney general and/or an 1396
employee or person acting on behalf of an employee or all 1397
similarly situated employees in any court of competent 1398
jurisdiction, including the court of common pleas of an employee's 1399
county of residence, for any violation of Section 34a of Article 1400
II, Ohio Constitution, or any law or regulation implementing its 1401
provisions within three years of the violation or of when the 1402
violation ceased if it was of a continuing nature, or within one 1403
year after notification to the employee of final disposition by 1404
the state of a complaint for the same violation, whichever is 1405
later. 1406

(1) As used in division (K) of this section, "notification" 1407
means the date on which the notice was sent to the employee by the 1408
state. 1409

(2) No employee shall join as a party plaintiff in any civil 1410
action that is brought under division (K) of this section by an 1411
employee, person acting on behalf of an employee, or person acting 1412
on behalf of all similarly situated employees unless that employee 1413
first gives written consent to become such a party plaintiff and 1414
that consent is filed with the court in which the action is 1415

brought. 1416

(3) A civil action regarding an alleged violation of this 1417
section shall be maintained only under division (K) of this 1418
section. This division does not preclude the joinder in a single 1419
civil action of an action under this division and an action under 1420
section 4111.10 of the Revised Code. 1421

(4) Any agreement between an employee and employer to work 1422
for less than the wage rate specified in Section 34a of Article 1423
II, Ohio Constitution, is no defense to an action under this 1424
section. 1425

(L) In accordance with Section 34a of Article II, Ohio 1426
Constitution, there shall be no exhaustion requirement, no 1427
procedural, pleading, or burden of proof requirements beyond those 1428
that apply generally to civil suits in order to maintain such 1429
action and no liability for costs or attorney's fees on an 1430
employee except upon a finding that such action was frivolous in 1431
accordance with the same standards that apply generally in civil 1432
suits. Nothing in division (L) of this section affects the right 1433
of an employer and employee to agree to submit a dispute under 1434
this section to alternative dispute resolution, including, but not 1435
limited to, arbitration, in lieu of maintaining the civil suit 1436
specified in division (K) of this section. Nothing in this 1437
division limits the state's ability to investigate or enforce this 1438
section. 1439

(M) An employer who provides such information specified in 1440
Section 34a of Article II, Ohio Constitution, shall be immune from 1441
any civil liability for injury, death, or loss to person or 1442
property that otherwise might be incurred or imposed as a result 1443
of providing that information to an employee or person acting on 1444
behalf of an employee in response to a request by the employee or 1445
person, and the employer shall not be subject to the provisions of 1446
Chapters 1347. and 1349. of the Revised Code to the extent that 1447

such provisions would otherwise apply. As used in division (M) of 1448
this section, "such information," "acting on behalf of an 1449
employee," and "request" have the same meanings as in division (G) 1450
of this section. 1451

(N) As used in this section, "the state" means the director 1452
of commerce. 1453

Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 of 1454
the Revised Code: 1455

(1) "Place of employment" means every place, whether indoors 1456
or out, or underground, and the premises appurtenant thereto, 1457
where either temporarily or permanently any industry, trade, or 1458
business is carried on, or where any process or operation, 1459
directly or indirectly related to any industry, trade, or 1460
business, is carried on and where any person is directly or 1461
indirectly employed by another for direct or indirect gain or 1462
profit, but does not include any place where persons are employed 1463
in private domestic service or agricultural pursuits which do not 1464
involve the use of mechanical power. 1465

(2) "Employment" means any trade, occupation, or process of 1466
manufacture or any method of carrying on such trade, occupation, 1467
or process of manufacture in which any person may be engaged, 1468
except in such private domestic service or agricultural pursuits 1469
as do not involve the use of mechanical power. 1470

(3) "Employer" means every person, firm, corporation, agent, 1471
manager, representative, or other person having control or custody 1472
of any employment, place of employment, or employee. "Employer" 1473
does not include a franchisor with respect to the franchisor's 1474
relationship with a franchisee or an employee of a franchisee, 1475
unless the franchisor agrees to assume that role in writing or a 1476
court of competent jurisdiction determines that the franchisor 1477
exercises a type or degree of control over the franchisee or the 1478

franchisee's employees that is not customarily exercised by a 1479
franchisor for the purpose of protecting the franchisor's 1480
trademark, brand, or both. For purposes of this division, 1481
"franchisor" and "franchisee" have the same meanings as in 16 1482
C.F.R. 436.1. 1483

(4)(a) "Employee" means ~~every~~ a person who may be required or 1484
directed by any employer, in consideration of direct or indirect 1485
gain or profit, to engage in any employment, or to go, or work, or 1486
be at any time in any place of employment, including a person 1487
described in division (A)(4)(b) of this section if a motor carrier 1488
elects to consider the person to be an employee. 1489

(b) "Employee" does not include a person who operates a 1490
vehicle or vessel in the performance of services for or on behalf 1491
of a motor carrier transporting property and to whom all of the 1492
following factors apply: 1493

(i) The person owns the vehicle or vessel that is used in 1494
performing the services for or on behalf of the carrier, or the 1495
person leases the vehicle or vessel under a bona fide lease 1496
agreement that is not a temporary replacement lease agreement. For 1497
purposes of this division, a bona fide lease agreement does not 1498
include an agreement between the person and the motor carrier 1499
transporting property for which, or on whose behalf, the person 1500
provides services. 1501

(ii) The person is responsible for supplying the necessary 1502
personal services to operate the vehicle or vessel used to provide 1503
the service. 1504

(iii) The compensation paid to the person is based on factors 1505
related to work performed, including on a mileage-based rate or a 1506
percentage of any schedule of rates, and not solely on the basis 1507
of the hours or time expended. 1508

(iv) The person substantially controls the means and manner 1509

of performing the services, in conformance with regulatory 1510
requirements and specifications of the shipper. 1511

(v) The person enters into a written contract with the 1512
carrier for whom the person is performing the services that 1513
describes the relationship between the person and the carrier to 1514
be that of an independent contractor and not that of an employee. 1515

(vi) The person is responsible for substantially all of the 1516
principal operating costs of the vehicle or vessel and equipment 1517
used to provide the services, including maintenance, fuel, 1518
repairs, supplies, vehicle or vessel insurance, and personal 1519
expenses, except that the person may be paid by the carrier the 1520
carrier's fuel surcharge and incidental costs, including tolls, 1521
permits, and lumper fees. 1522

(vii) The person is responsible for any economic loss or 1523
economic gain from the arrangement with the carrier. 1524

(5) "Frequenter" means every person, other than an employee, 1525
who may go in or be in a place of employment under circumstances 1526
which render the person other than a trespasser. 1527

(6) "Deputy" means any person employed by the industrial 1528
commission or the bureau of workers' compensation, designated as a 1529
deputy by the commission or the administrator of workers' 1530
compensation, who possesses special, technical, scientific, 1531
managerial, professional, or personal abilities or qualities in 1532
matters within the jurisdiction of the commission or the bureau, 1533
and who may be engaged in the performance of duties under the 1534
direction of the commission or the bureau calling for the exercise 1535
of such abilities or qualities. 1536

(7) "Order" means any decision, rule, regulation, direction, 1537
requirement, or standard, or any other determination or decision 1538
that the bureau is empowered to and does make. 1539

(8) "General order" means an order that applies generally 1540

throughout the state to all persons, employments, or places of 1541
employment, or all persons, employments, or places of employment 1542
of a class under the jurisdiction of the bureau. All other orders 1543
shall be considered special orders. 1544

(9) "Local order" means any ordinance, order, rule, or 1545
determination of the legislative authority of any municipal 1546
corporation, or any trustees, or board or officers of any 1547
municipal corporation upon any matter over which the bureau has 1548
jurisdiction. 1549

(10) "Welfare" means comfort, decency, and moral well-being. 1550

(11) "Safe" or "safety," as applied to any employment or a 1551
place of employment, means such freedom from danger to the life, 1552
health, safety, or welfare of employees or frequenters as the 1553
nature of the employment will reasonably permit, including 1554
requirements as to the hours of labor with relation to the health 1555
and welfare of employees. 1556

(12) "Employee organization" means any labor or bona fide 1557
organization in which employees participate and that exists for 1558
the purpose, in whole or in part, of dealing with employers 1559
concerning grievances, labor disputes, wages, hours, terms, and 1560
other conditions of employment. 1561

(13) "Motor carrier" has the same meaning as in section 1562
4923.01 of the Revised Code. 1563

(B) As used in the Revised Code: 1564

(1) "Industrial commission" means the chairperson of the 1565
three-member industrial commission created pursuant to section 1566
4121.02 of the Revised Code when the context refers to the 1567
authority vested in the chairperson as the chief executive officer 1568
of the three-member industrial commission pursuant to divisions 1569
(A), (B), (C), and (D) of section 4121.03 of the Revised Code. 1570

(2) "Industrial commission" means the three-member industrial 1571
commission created pursuant to section 4121.02 of the Revised Code 1572
when the context refers to the authority vested in the 1573
three-member industrial commission pursuant to division (E) of 1574
section 4121.03 of the Revised Code. 1575

(3) "Industrial commission" means the industrial commission 1576
as a state agency when the context refers to the authority vested 1577
in the industrial commission as a state agency. 1578

Sec. 4123.01. As used in this chapter: 1579

(A)(1) "Employee" means: 1580

(a) Every person in the service of the state, or of any 1581
county, municipal corporation, township, or school district 1582
therein, including regular members of lawfully constituted police 1583
and fire departments of municipal corporations and townships, 1584
whether paid or volunteer, and wherever serving within the state 1585
or on temporary assignment outside thereof, and executive officers 1586
of boards of education, under any appointment or contract of hire, 1587
express or implied, oral or written, including any elected 1588
official of the state, or of any county, municipal corporation, or 1589
township, or members of boards of education. 1590

As used in division (A)(1)(a) of this section, the term 1591
"employee" includes the following persons when responding to an 1592
inherently dangerous situation that calls for an immediate 1593
response on the part of the person, regardless of whether the 1594
person is within the limits of the jurisdiction of the person's 1595
regular employment or voluntary service when responding, on the 1596
condition that the person responds to the situation as the person 1597
otherwise would if the person were on duty in the person's 1598
jurisdiction: 1599

(i) Off-duty peace officers. As used in division (A)(1)(a)(i) 1600

of this section, "peace officer" has the same meaning as in 1601
section 2935.01 of the Revised Code. 1602

(ii) Off-duty firefighters, whether paid or volunteer, of a 1603
lawfully constituted fire department. 1604

(iii) Off-duty first responders, emergency medical 1605
technicians-basic, emergency medical technicians-intermediate, or 1606
emergency medical technicians-paramedic, whether paid or 1607
volunteer, of an ambulance service organization or emergency 1608
medical service organization pursuant to Chapter 4765. of the 1609
Revised Code. 1610

(b) Every person in the service of any person, firm, or 1611
private corporation, including any public service corporation, 1612
that (i) employs one or more persons regularly in the same 1613
business or in or about the same establishment under any contract 1614
of hire, express or implied, oral or written, including aliens and 1615
minors, household workers who earn one hundred sixty dollars or 1616
more in cash in any calendar quarter from a single household and 1617
casual workers who earn one hundred sixty dollars or more in cash 1618
in any calendar quarter from a single employer, or (ii) is bound 1619
by any such contract of hire or by any other written contract, to 1620
pay into the state insurance fund the premiums provided by this 1621
chapter. 1622

(c) Every person who performs labor or provides services 1623
pursuant to a construction contract, as defined in section 4123.79 1624
of the Revised Code, if at least ten of the following criteria 1625
apply: 1626

(i) The person is required to comply with instructions from 1627
the other contracting party regarding the manner or method of 1628
performing services; 1629

(ii) The person is required by the other contracting party to 1630
have particular training; 1631

| | |
|--|----------------------|
| (iii) The person's services are integrated into the regular functioning of the other contracting party; | 1632 1633 |
| (iv) The person is required to perform the work personally; | 1634 |
| (v) The person is hired, supervised, or paid by the other contracting party; | 1635 1636 |
| (vi) A continuing relationship exists between the person and the other contracting party that contemplates continuing or recurring work even if the work is not full time; | 1637 1638 1639 |
| (vii) The person's hours of work are established by the other contracting party; | 1640 1641 |
| (viii) The person is required to devote full time to the business of the other contracting party; | 1642 1643 |
| (ix) The person is required to perform the work on the premises of the other contracting party; | 1644 1645 |
| (x) The person is required to follow the order of work set by the other contracting party; | 1646 1647 |
| (xi) The person is required to make oral or written reports of progress to the other contracting party; | 1648 1649 |
| (xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly; | 1650 1651 |
| (xiii) The person's expenses are paid for by the other contracting party; | 1652 1653 |
| (xiv) The person's tools and materials are furnished by the other contracting party; | 1654 1655 |
| (xv) The person is provided with the facilities used to perform services; | 1656 1657 |
| (xvi) The person does not realize a profit or suffer a loss as a result of the services provided; | 1658 1659 |
| (xvii) The person is not performing services for a number of | 1660 |

employers at the same time; 1661

(xviii) The person does not make the same services available 1662
to the general public; 1663

(xix) The other contracting party has a right to discharge 1664
the person; 1665

(xx) The person has the right to end the relationship with 1666
the other contracting party without incurring liability pursuant 1667
to an employment contract or agreement. 1668

Every person in the service of any independent contractor or 1669
subcontractor who has failed to pay into the state insurance fund 1670
the amount of premium determined and fixed by the administrator of 1671
workers' compensation for the person's employment or occupation or 1672
who is a self-insuring employer and who has failed to pay 1673
compensation and benefits directly to the employer's injured and 1674
to the dependents of the employer's killed employees as required 1675
by section 4123.35 of the Revised Code, shall be considered as the 1676
employee of the person who has entered into a contract, whether 1677
written or verbal, with such independent contractor unless such 1678
employees or their legal representatives or beneficiaries elect, 1679
after injury or death, to regard such independent contractor as 1680
the employer. 1681

(d) Every person who operates a vehicle or vessel in the 1682
performance of services for or on behalf of a motor carrier 1683
transporting property, unless all of the following factors apply 1684
to the person: 1685

(i) The person owns the vehicle or vessel that is used in 1686
performing the services for or on behalf of the carrier, or the 1687
person leases the vehicle or vessel under a bona fide lease 1688
agreement that is not a temporary replacement lease agreement. For 1689
purposes of this division, a bona fide lease agreement does not 1690
include an agreement between the person and the motor carrier 1691

transporting property for which, or on whose behalf, the person 1692
provides services. 1693

(ii) The person is responsible for supplying the necessary 1694
personal services to operate the vehicle or vessel used to provide 1695
the service. 1696

(iii) The compensation paid to the person is based on factors 1697
related to work performed, including on a mileage-based rate or a 1698
percentage of any schedule of rates, and not solely on the basis 1699
of the hours or time expended. 1700

(iv) The person substantially controls the means and manner 1701
of performing the services, in conformance with regulatory 1702
requirements and specifications of the shipper. 1703

(v) The person enters into a written contract with the 1704
carrier for whom the person is performing the services that 1705
describes the relationship between the person and the carrier to 1706
be that of an independent contractor and not that of an employee. 1707

(vi) The person is responsible for substantially all of the 1708
principal operating costs of the vehicle or vessel and equipment 1709
used to provide the services, including maintenance, fuel, 1710
repairs, supplies, vehicle or vessel insurance, and personal 1711
expenses, except that the person may be paid by the carrier the 1712
carrier's fuel surcharge and incidental costs, including tolls, 1713
permits, and lumper fees. 1714

(vii) The person is responsible for any economic loss or 1715
economic gain from the arrangement with the carrier. 1716

(2) "Employee" does not mean any of the following: 1717

(a) A duly ordained, commissioned, or licensed minister or 1718
assistant or associate minister of a church in the exercise of 1719
ministry; 1720

(b) Any officer of a family farm corporation; 1721

(c) An individual incorporated as a corporation; 1722

(d) An officer of a nonprofit corporation, as defined in 1723
section 1702.01 of the Revised Code, who volunteers the person's 1724
services as an officer; 1725

(e) An individual who otherwise is an employee of an employer 1726
but who signs the waiver and affidavit specified in section 1727
4123.15 of the Revised Code on the condition that the 1728
administrator has granted a waiver and exception to the 1729
individual's employer under section 4123.15 of the Revised Code; 1730

(f)(i) A qualifying employee described in division (A)(14)(a) 1731
of section 5703.94 of the Revised Code when the qualifying 1732
employee is performing disaster work in this state during a 1733
disaster response period pursuant to a qualifying solicitation 1734
received by the employee's employer; 1735

(ii) A qualifying employee described in division (A)(14)(b) 1736
of section 5703.94 of the Revised Code when the qualifying 1737
employee is performing disaster work in this state during a 1738
disaster response period on critical infrastructure owned or used 1739
by the employee's employer; 1740

(iii) As used in division (A)(2)(f) of this section, 1741
"critical infrastructure," "disaster response period," "disaster 1742
work," and "qualifying employee" have the same meanings as in 1743
section 5703.94 of the Revised Code. 1744

Any employer may elect to include as an "employee" within 1745
this chapter, any person excluded from the definition of 1746
"employee" pursuant to division (A)(1)(d) or (A)(2)(a), (b), (c), 1747
or (e) of this section in accordance with rules adopted by the 1748
administrator, with the advice and consent of the bureau of 1749
workers' compensation board of directors. If an employer is a 1750
partnership, sole proprietorship, individual incorporated as a 1751
corporation, or family farm corporation, such employer may elect 1752

to include as an "employee" within this chapter, any member of 1753
such partnership, the owner of the sole proprietorship, the 1754
individual incorporated as a corporation, or the officers of the 1755
family farm corporation. Nothing in this section shall prohibit a 1756
partner, sole proprietor, or any person excluded from the 1757
definition of "employee" pursuant to division (A)(2)(a), (b), (c), 1758
or (e) of this section from electing to be included as an 1759
"employee" under this chapter in accordance with rules adopted by 1760
the administrator, with the advice and consent of the board. 1761

In the event of an election, the employer or person electing 1762
coverage shall serve upon the bureau of workers' compensation 1763
written notice naming the person to be covered and include the 1764
person's remuneration for premium purposes in all future payroll 1765
reports. No partner, sole proprietor, or person excluded from the 1766
definition of "employee" pursuant to division (A)(1)(d) or 1767
(A)(2)(a), (b), (c), or (e) of this section, shall receive 1768
benefits or compensation under this chapter until the bureau 1769
receives written notice of the election permitted by this section. 1770

For informational purposes only, the bureau shall prescribe 1771
such language as it considers appropriate, on such of its forms as 1772
it considers appropriate, to advise employers of their right to 1773
elect to include as an "employee" within this chapter a sole 1774
proprietor, any member of a partnership, or a person excluded from 1775
the definition of "employee" under division (A)(1)(d) or 1776
(A)(2)(a), (b), (c), or (e) of this section, that they should 1777
check any health and disability insurance policy, or other form of 1778
health and disability plan or contract, presently covering them, 1779
or the purchase of which they may be considering, to determine 1780
whether such policy, plan, or contract excludes benefits for 1781
illness or injury that they might have elected to have covered by 1782
workers' compensation. 1783

(B)(1) "Employer" means: 1784

(a) The state, including state hospitals, each county, 1785
municipal corporation, township, school district, and hospital 1786
owned by a political subdivision or subdivisions other than the 1787
state; 1788

(b) Every person, firm, professional employer organization, 1789
and private corporation, including any public service corporation, 1790
that (i) has in service one or more employees or shared employees 1791
regularly in the same business or in or about the same 1792
establishment under any contract of hire, express or implied, oral 1793
or written, or (ii) is bound by any such contract of hire or by 1794
any other written contract, to pay into the insurance fund the 1795
premiums provided by this chapter. 1796

All such employers are subject to this chapter. Any member of 1797
a firm or association, who regularly performs manual labor in or 1798
about a mine, factory, or other establishment, including a 1799
household establishment, shall be considered an employee in 1800
determining whether such person, firm, or private corporation, or 1801
public service corporation, has in its service, one or more 1802
employees and the employer shall report the income derived from 1803
such labor to the bureau as part of the payroll of such employer, 1804
and such member shall thereupon be entitled to all the benefits of 1805
an employee. 1806

(2) "Employer" does not include a franchisor with respect to 1807
the franchisor's relationship with a franchisee or an employee of 1808
a franchisee, unless the franchisor agrees to assume that role in 1809
writing or a court of competent jurisdiction determines that the 1810
franchisor exercises a type or degree of control over the 1811
franchisee or the franchisee's employees that is not customarily 1812
exercised by a franchisor for the purpose of protecting the 1813
franchisor's trademark, brand, or both. For purposes of this 1814
division, "franchisor" and "franchisee" have the same meanings as 1815
in 16 C.F.R. 436.1. 1816

(C) "Injury" includes any injury, whether caused by external 1817
accidental means or accidental in character and result, received 1818
in the course of, and arising out of, the injured employee's 1819
employment. "Injury" does not include: 1820

(1) Psychiatric conditions except where the claimant's 1821
psychiatric conditions have arisen from an injury or occupational 1822
disease sustained by that claimant or where the claimant's 1823
psychiatric conditions have arisen from sexual conduct in which 1824
the claimant was forced by threat of physical harm to engage or 1825
participate; 1826

(2) Injury or disability caused primarily by the natural 1827
deterioration of tissue, an organ, or part of the body; 1828

(3) Injury or disability incurred in voluntary participation 1829
in an employer-sponsored recreation or fitness activity if the 1830
employee signs a waiver of the employee's right to compensation or 1831
benefits under this chapter prior to engaging in the recreation or 1832
fitness activity; 1833

(4) A condition that pre-existed an injury unless that 1834
pre-existing condition is substantially aggravated by the injury. 1835
Such a substantial aggravation must be documented by objective 1836
diagnostic findings, objective clinical findings, or objective 1837
test results. Subjective complaints may be evidence of such a 1838
substantial aggravation. However, subjective complaints without 1839
objective diagnostic findings, objective clinical findings, or 1840
objective test results are insufficient to substantiate a 1841
substantial aggravation. 1842

(D) "Child" includes a posthumous child and a child legally 1843
adopted prior to the injury. 1844

(E) "Family farm corporation" means a corporation founded for 1845
the purpose of farming agricultural land in which the majority of 1846
the voting stock is held by and the majority of the stockholders 1847

are persons or the spouse of persons related to each other within 1848
the fourth degree of kinship, according to the rules of the civil 1849
law, and at least one of the related persons is residing on or 1850
actively operating the farm, and none of whose stockholders are a 1851
corporation. A family farm corporation does not cease to qualify 1852
under this division where, by reason of any devise, bequest, or 1853
the operation of the laws of descent or distribution, the 1854
ownership of shares of voting stock is transferred to another 1855
person, as long as that person is within the degree of kinship 1856
stipulated in this division. 1857

(F) "Occupational disease" means a disease contracted in the 1858
course of employment, which by its causes and the characteristics 1859
of its manifestation or the condition of the employment results in 1860
a hazard which distinguishes the employment in character from 1861
employment generally, and the employment creates a risk of 1862
contracting the disease in greater degree and in a different 1863
manner from the public in general. 1864

(G) "Self-insuring employer" means an employer who is granted 1865
the privilege of paying compensation and benefits directly under 1866
section 4123.35 of the Revised Code, including a board of county 1867
commissioners for the sole purpose of constructing a sports 1868
facility as defined in section 307.696 of the Revised Code, 1869
provided that the electors of the county in which the sports 1870
facility is to be built have approved construction of a sports 1871
facility by ballot election no later than November 6, 1997. 1872

(H) "Private employer" means an employer as defined in 1873
division (B)(1)(b) of this section. 1874

(I) "Professional employer organization" has the same meaning 1875
as in section 4125.01 of the Revised Code. 1876

(J) "Public employer" means an employer as defined in 1877
division (B)(1)(a) of this section. 1878

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

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

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

(1) Insurance coverage secured by an eligible employer for workers' compensation claims of employees who are in employment relationships localized in a state other than this state or those employees' dependents;

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

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

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

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

(A)(1) "Employer" means the state, its instrumentalities, its

political subdivisions and their instrumentalities, Indian tribes, 1909
and any individual or type of organization including any 1910
partnership, limited liability company, association, trust, 1911
estate, joint-stock company, insurance company, or corporation, 1912
whether domestic or foreign, or the receiver, trustee in 1913
bankruptcy, trustee, or the successor thereof, or the legal 1914
representative of a deceased person who subsequent to December 31, 1915
1971, or in the case of political subdivisions or their 1916
instrumentalities, subsequent to December 31, 1973: 1917

(a) Had in employment at least one individual, or in the case 1918
of a nonprofit organization, subsequent to December 31, 1973, had 1919
not less than four individuals in employment for some portion of a 1920
day in each of twenty different calendar weeks, in either the 1921
current or the preceding calendar year whether or not the same 1922
individual was in employment in each such day; or 1923

(b) Except for a nonprofit organization, had paid for service 1924
in employment wages of fifteen hundred dollars or more in any 1925
calendar quarter in either the current or preceding calendar year; 1926
or 1927

(c) Had paid, subsequent to December 31, 1977, for employment 1928
in domestic service in a local college club, or local chapter of a 1929
college fraternity or sorority, cash remuneration of one thousand 1930
dollars or more in any calendar quarter in the current calendar 1931
year or the preceding calendar year, or had paid subsequent to 1932
December 31, 1977, for employment in domestic service in a private 1933
home cash remuneration of one thousand dollars in any calendar 1934
quarter in the current calendar year or the preceding calendar 1935
year: 1936

(i) For the purposes of divisions (A)(1)(a) and (b) of this 1937
section, there shall not be taken into account any wages paid to, 1938
or employment of, an individual performing domestic service as 1939
described in this division. 1940

(ii) An employer under this division shall not be an employer 1941
with respect to wages paid for any services other than domestic 1942
service unless the employer is also found to be an employer under 1943
division (A)(1)(a), (b), or (d) of this section. 1944

(d) As a farm operator or a crew leader subsequent to 1945
December 31, 1977, had in employment individuals in agricultural 1946
labor; and 1947

(i) During any calendar quarter in the current calendar year 1948
or the preceding calendar year, paid cash remuneration of twenty 1949
thousand dollars or more for the agricultural labor; or 1950

(ii) Had at least ten individuals in employment in 1951
agricultural labor, not including agricultural workers who are 1952
aliens admitted to the United States to perform agricultural labor 1953
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 1954
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1955
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 1956
of the twenty different calendar weeks, in either the current or 1957
preceding calendar year whether or not the same individual was in 1958
employment in each day; or 1959

(e) Is not otherwise an employer as defined under division 1960
(A)(1)(a) or (b) of this section; and 1961

(i) For which, within either the current or preceding 1962
calendar year, service, except for domestic service in a private 1963
home not covered under division (A)(1)(c) of this section, is or 1964
was performed with respect to which such employer is liable for 1965
any federal tax against which credit may be taken for 1966
contributions required to be paid into a state unemployment fund; 1967

(ii) Which, as a condition for approval of this chapter for 1968
full tax credit against the tax imposed by the "Federal 1969
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 1970
required, pursuant to such act to be an employer under this 1971

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| chapter; or | 1972 |
| (iii) Who became an employer by election under division | 1973 |
| (A)(4) or (5) of this section and for the duration of such | 1974 |
| election; or | 1975 |
| (f) In the case of the state, its instrumentalities, its | 1976 |
| political subdivisions, and their instrumentalities, and Indian | 1977 |
| tribes, had in employment, as defined in divisions (B)(2)(a) and | 1978 |
| (B)(2)(1) of this section, at least one individual; | 1979 |
| (g) For the purposes of division (A)(1)(a) of this section, | 1980 |
| if any week includes both the thirty-first day of December and the | 1981 |
| first day of January, the days of that week before the first day | 1982 |
| of January shall be considered one calendar week and the days | 1983 |
| beginning the first day of January another week. | 1984 |
| (2) Each individual employed to perform or to assist in | 1985 |
| performing the work of any agent or employee of an employer is | 1986 |
| employed by such employer for all the purposes of this chapter, | 1987 |
| whether such individual was hired or paid directly by such | 1988 |
| employer or by such agent or employee, provided the employer had | 1989 |
| actual or constructive knowledge of the work. All individuals | 1990 |
| performing services for an employer of any person in this state | 1991 |
| who maintains two or more establishments within this state are | 1992 |
| employed by a single employer for the purposes of this chapter. | 1993 |
| (3) An employer subject to this chapter within any calendar | 1994 |
| year is subject to this chapter during the whole of such year and | 1995 |
| during the next succeeding calendar year. | 1996 |
| (4) An employer not otherwise subject to this chapter who | 1997 |
| files with the director of job and family services a written | 1998 |
| election to become an employer subject to this chapter for not | 1999 |
| less than two calendar years shall, with the written approval of | 2000 |
| such election by the director, become an employer subject to this | 2001 |
| chapter to the same extent as all other employers as of the date | 2002 |

stated in such approval, and shall cease to be subject to this 2003
chapter as of the first day of January of any calendar year 2004
subsequent to such two calendar years only if at least thirty days 2005
prior to such first day of January the employer has filed with the 2006
director a written notice to that effect. 2007

(5) Any employer for whom services that do not constitute 2008
employment are performed may file with the director a written 2009
election that all such services performed by individuals in the 2010
employer's employ in one or more distinct establishments or places 2011
of business shall be deemed to constitute employment for all the 2012
purposes of this chapter, for not less than two calendar years. 2013
Upon written approval of the election by the director, such 2014
services shall be deemed to constitute employment subject to this 2015
chapter from and after the date stated in such approval. Such 2016
services shall cease to be employment subject to this chapter as 2017
of the first day of January of any calendar year subsequent to 2018
such two calendar years only if at least thirty days prior to such 2019
first day of January such employer has filed with the director a 2020
written notice to that effect. 2021

(6) "Employer" does not include a franchisor with respect to 2022
the franchisor's relationship with a franchisee or an employee of 2023
a franchisee, unless the franchisor agrees to assume that role in 2024
writing or a court of competent jurisdiction determines that the 2025
franchisor exercises a type or degree of control over the 2026
franchisee or the franchisee's employees that is not customarily 2027
exercised by a franchisor for the purpose of protecting the 2028
franchisor's trademark, brand, or both. For purposes of this 2029
division, "franchisor" and "franchisee" have the same meanings as 2030
in 16 C.F.R. 436.1. 2031

(B)(1) "Employment" means service performed by an individual 2032
for remuneration under any contract of hire, written or oral, 2033
express or implied, including service performed in interstate 2034

commerce and service performed by an officer of a corporation, 2035
without regard to whether such service is executive, managerial, 2036
or manual in nature, and without regard to whether such officer is 2037
a stockholder or a member of the board of directors of the 2038
corporation, unless it is shown to the satisfaction of the 2039
director that such individual has been and will continue to be 2040
free from direction or control over the performance of such 2041
service, both under a contract of service and in fact. The 2042
director shall adopt rules to define "direction or control." 2043

(2) "Employment" includes: 2044

(a) Service performed after December 31, 1977, by an 2045
individual in the employ of the state or any of its 2046
instrumentalities, or any political subdivision thereof or any of 2047
its instrumentalities or any instrumentality of more than one of 2048
the foregoing or any instrumentality of any of the foregoing and 2049
one or more other states or political subdivisions and without 2050
regard to divisions (A)(1)(a) and (b) of this section, provided 2051
that such service is excluded from employment as defined in the 2052
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 2053
3306(c)(7) and is not excluded under division (B)(3) of this 2054
section; or the services of employees covered by voluntary 2055
election, as provided under divisions (A)(4) and (5) of this 2056
section; 2057

(b) Service performed after December 31, 1971, by an 2058
individual in the employ of a religious, charitable, educational, 2059
or other organization which is excluded from the term "employment" 2060
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 2061
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 2062
3306(c)(8) of that act and is not excluded under division (B)(3) 2063
of this section; 2064

(c) Domestic service performed after December 31, 1977, for 2065
an employer, as provided in division (A)(1)(c) of this section; 2066

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

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

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

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B)(2)(e)(ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in connection with the performance of the services other than in facilities for transportation, and the services are not in the nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed.

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

(i) The service is localized in this state.

(ii) The service is not localized in any state, but some of

the service is performed in this state and either the base of 2098
operations, or if there is no base of operations then the place 2099
from which such service is directed or controlled, is in this 2100
state or the base of operations or place from which such service 2101
is directed or controlled is not in any state in which some part 2102
of the service is performed but the individual's residence is in 2103
this state. 2104

(g) Service not covered under division (B)(2)(f)(ii) of this 2105
section and performed entirely without this state, with respect to 2106
no part of which contributions are required and paid under an 2107
unemployment compensation law of any other state, the Virgin 2108
Islands, Canada, or of the United States, if the individual 2109
performing such service is a resident of this state and the 2110
director approves the election of the employer for whom such 2111
services are performed; or, if the individual is not a resident of 2112
this state but the place from which the service is directed or 2113
controlled is in this state, the entire services of such 2114
individual shall be deemed to be employment subject to this 2115
chapter, provided service is deemed to be localized within this 2116
state if the service is performed entirely within this state or if 2117
the service is performed both within and without this state but 2118
the service performed without this state is incidental to the 2119
individual's service within the state, for example, is temporary 2120
or transitory in nature or consists of isolated transactions; 2121

(h) Service of an individual who is a citizen of the United 2122
States, performed outside the United States except in Canada after 2123
December 31, 1971, or the Virgin Islands, after December 31, 1971, 2124
and before the first day of January of the year following that in 2125
which the United States secretary of labor approves the Virgin 2126
Islands law for the first time, in the employ of an American 2127
employer, other than service which is "employment" under divisions 2128
(B)(2)(f) and (g) of this section or similar provisions of another 2129

state's law, if: 2130

(i) The employer's principal place of business in the United States is located in this state; 2131
2132

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or 2133
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(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter. 2140
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(i) For the purposes of division (B)(2)(h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. 2145
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(j) Notwithstanding any other provisions of divisions (B)(1) and (2) of this section, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not 2154
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covered under division (A)(1)(c) of this section, which, as a 2161
condition for full tax credit against the tax imposed by the 2162
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 2163
3311, is required to be covered under this chapter. 2164

(k) Construction services performed by any individual under a 2165
construction contract, as defined in section 4141.39 of the 2166
Revised Code, if the director determines that the employer for 2167
whom services are performed has the right to direct or control the 2168
performance of the services and that the individuals who perform 2169
the services receive remuneration for the services performed. The 2170
director shall presume that the employer for whom services are 2171
performed has the right to direct or control the performance of 2172
the services if ten or more of the following criteria apply: 2173

(i) The employer directs or controls the manner or method by 2174
which instructions are given to the individual performing 2175
services; 2176

(ii) The employer requires particular training for the 2177
individual performing services; 2178

(iii) Services performed by the individual are integrated 2179
into the regular functioning of the employer; 2180

(iv) The employer requires that services be provided by a 2181
particular individual; 2182

(v) The employer hires, supervises, or pays the wages of the 2183
individual performing services; 2184

(vi) A continuing relationship between the employer and the 2185
individual performing services exists which contemplates 2186
continuing or recurring work, even if not full-time work; 2187

(vii) The employer requires the individual to perform 2188
services during established hours; 2189

(viii) The employer requires that the individual performing 2190

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| services be devoted on a full-time basis to the business of the employer; | 2191 2192 |
| (ix) The employer requires the individual to perform services on the employer's premises; | 2193 2194 |
| (x) The employer requires the individual performing services to follow the order of work established by the employer; | 2195 2196 |
| (xi) The employer requires the individual performing services to make oral or written reports of progress; | 2197 2198 |
| (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly; | 2199 2200 |
| (xiii) The employer pays expenses for the individual performing services; | 2201 2202 |
| (xiv) The employer furnishes the tools and materials for use by the individual to perform services; | 2203 2204 |
| (xv) The individual performing services has not invested in the facilities used to perform services; | 2205 2206 |
| (xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services; | 2207 2208 2209 |
| (xvii) The individual performing services is not performing services for more than two employers simultaneously; | 2210 2211 |
| (xviii) The individual performing services does not make the services available to the general public; | 2212 2213 |
| (xix) The employer has a right to discharge the individual performing services; | 2214 2215 |
| (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. | 2216 2217 2218 |
| (1) Service performed by an individual in the employ of an | 2219 |

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.

(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:

(i) The individual owns the vehicle or vessel that is used in
performing the services for or on behalf of the carrier, or the
individual leases the vehicle or vessel under a bona fide lease
agreement that is not a temporary replacement lease agreement. For
purposes of this division, a bona fide lease agreement does not
include an agreement between the individual and the motor carrier
transporting property for which, or on whose behalf, the
individual provides services.

(ii) The individual is responsible for supplying the
necessary personal services to operate the vehicle or vessel used
to provide the service.

(iii) The compensation paid to the individual 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 individual substantially controls the means and
manner of performing the services, in conformance with regulatory
requirements and specifications of the shipper.

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

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

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

(viii) The individual is not performing services described in 26 U.S.C. 3306(c)(7) or (8).

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

(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;

(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;

(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:

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| (i) As a publicly elected official; | 2282 |
| (ii) As a member of a legislative body, or a member of the judiciary; | 2283 2284 |
| (iii) As a military member of the Ohio national guard; | 2285 |
| (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; | 2286 2287 2288 2289 |
| (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. | 2290 2291 2292 2293 2294 |
| (d) In the employ of any governmental unit or instrumentality of the United States; | 2295 2296 |
| (e) Service performed after December 31, 1971: | 2297 |
| (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 a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or | 2298 2299 2300 2301 2302 |
| (ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to | 2303 2304 2305 2306 2307 2308 2309 2310 2311 |

service performed in a program established for or on behalf of an 2312
employer or group of employers. 2313

(f) Service performed by an individual in the employ of the 2314
individual's son, daughter, or spouse and service performed by a 2315
child under the age of eighteen in the employ of the child's 2316
father or mother; 2317

(g) Service performed for one or more principals by an 2318
individual who is compensated on a commission basis, who in the 2319
performance of the work is master of the individual's own time and 2320
efforts, and whose remuneration is wholly dependent on the amount 2321
of effort the individual chooses to expend, and which service is 2322
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 2323
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 2324
31, 1971: 2325

(i) By an individual for an employer as an insurance agent or 2326
as an insurance solicitor, if all this service is performed for 2327
remuneration solely by way of commission; 2328

(ii) As a home worker performing work, according to 2329
specifications furnished by the employer for whom the services are 2330
performed, on materials or goods furnished by such employer which 2331
are required to be returned to the employer or to a person 2332
designated for that purpose. 2333

(h) Service performed after December 31, 1971: 2334

(i) In the employ of a church or convention or association of 2335
churches, or in an organization which is operated primarily for 2336
religious purposes and which is operated, supervised, controlled, 2337
or principally supported by a church or convention or association 2338
of churches; 2339

(ii) By a duly ordained, commissioned, or licensed minister 2340
of a church in the exercise of the individual's ministry or by a 2341
member of a religious order in the exercise of duties required by 2342

such order; or 2343

(iii) In a facility conducted for the purpose of carrying out 2344
a program of rehabilitation for individuals whose earning capacity 2345
is impaired by age or physical or mental deficiency or injury, or 2346
providing remunerative work for individuals who because of their 2347
impaired physical or mental capacity cannot be readily absorbed in 2348
the competitive labor market, by an individual receiving such 2349
rehabilitation or remunerative work. 2350

(i) Service performed after June 30, 1939, with respect to 2351
which unemployment compensation is payable under the "Railroad 2352
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 2353

(j) Service performed by an individual in the employ of any 2354
organization exempt from income tax under section 501 of the 2355
"Internal Revenue Code of 1954," if the remuneration for such 2356
service does not exceed fifty dollars in any calendar quarter, or 2357
if such service is in connection with the collection of dues or 2358
premiums for a fraternal beneficial society, order, or association 2359
and is performed away from the home office or is ritualistic 2360
service in connection with any such society, order, or 2361
association; 2362

(k) Casual labor not in the course of an employer's trade or 2363
business; incidental service performed by an officer, appraiser, 2364
or member of a finance committee of a bank, building and loan 2365
association, savings and loan association, or savings association 2366
when the remuneration for such incidental service exclusive of the 2367
amount paid or allotted for directors' fees does not exceed sixty 2368
dollars per calendar quarter is casual labor; 2369

(l) Service performed in the employ of a voluntary employees' 2370
beneficial association providing for the payment of life, 2371
sickness, accident, or other benefits to the members of such 2372
association or their dependents or their designated beneficiaries, 2373

if admission to a membership in such association is limited to 2374
individuals who are officers or employees of a municipal or public 2375
corporation, of a political subdivision of the state, or of the 2376
United States and no part of the net earnings of such association 2377
inures, other than through such payments, to the benefit of any 2378
private shareholder or individual; 2379

(m) Service performed by an individual in the employ of a 2380
foreign government, including service as a consular or other 2381
officer or employee or of a nondiplomatic representative; 2382

(n) Service performed in the employ of an instrumentality 2383
wholly owned by a foreign government if the service is of a 2384
character similar to that performed in foreign countries by 2385
employees of the United States or of an instrumentality thereof 2386
and if the director finds that the secretary of state of the 2387
United States has certified to the secretary of the treasury of 2388
the United States that the foreign government, with respect to 2389
whose instrumentality exemption is claimed, grants an equivalent 2390
exemption with respect to similar service performed in the foreign 2391
country by employees of the United States and of instrumentalities 2392
thereof; 2393

(o) Service with respect to which unemployment compensation 2394
is payable under an unemployment compensation system established 2395
by an act of congress; 2396

(p) Service performed as a student nurse in the employ of a 2397
hospital or a nurses' training school by an individual who is 2398
enrolled and is regularly attending classes in a nurses' training 2399
school chartered or approved pursuant to state law, and service 2400
performed as an intern in the employ of a hospital by an 2401
individual who has completed a four years' course in a medical 2402
school chartered or approved pursuant to state law; 2403

(q) Service performed by an individual under the age of 2404

eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

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

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

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

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| (i) In the employ of a hospital, if the service is performed | 2437 |
| by a patient of the hospital, as defined in division (W) of this | 2438 |
| section; | 2439 |
| (ii) For a prison or other correctional institution by an | 2440 |
| inmate of the prison or correctional institution; | 2441 |
| (iii) Service performed after December 31, 1977, by an inmate | 2442 |
| of a custodial institution operated by the state, a political | 2443 |
| subdivision, or a nonprofit organization. | 2444 |
| (u) Service that is performed by a nonresident alien | 2445 |
| individual for the period the individual temporarily is present in | 2446 |
| the United States as a nonimmigrant under division (F), (J), (M), | 2447 |
| or (Q) of section 101(a)(15) of the "Immigration and Nationality | 2448 |
| Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded | 2449 |
| under section 3306(c)(19) of the "Federal Unemployment Tax Act," | 2450 |
| 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. | 2451 |
| (v) Notwithstanding any other provisions of division (B)(3) | 2452 |
| of this section, services that are excluded under divisions | 2453 |
| (B)(3)(g), (j), (k), and (l) of this section shall not be excluded | 2454 |
| from employment when performed for a nonprofit organization, as | 2455 |
| defined in division (X) of this section, or for this state or its | 2456 |
| instrumentalities, or for a political subdivision or its | 2457 |
| instrumentalities or for Indian tribes; | 2458 |
| (w) Service that is performed by an individual working as an | 2459 |
| election official or election worker if the amount of remuneration | 2460 |
| received by the individual during the calendar year for services | 2461 |
| as an election official or election worker is less than one | 2462 |
| thousand dollars; | 2463 |
| (x) Service performed for an elementary or secondary school | 2464 |
| that is operated primarily for religious purposes, that is | 2465 |
| described in subsection 501(c)(3) and exempt from federal income | 2466 |
| taxation under subsection 501(a) of the Internal Revenue Code, 26 | 2467 |

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| U.S.C.A. 501; | 2468 |
| (y) Service performed by a person committed to a penal institution. | 2469 2470 |
| (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: | 2471 2472 2473 |
| (i) As a publicly elected official; | 2474 |
| (ii) As a member of an Indian tribal council; | 2475 |
| (iii) As a member of a legislative or judiciary body; | 2476 |
| (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; | 2477 2478 2479 2480 2481 |
| (v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency. | 2482 2483 |
| (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 assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training. | 2484 2485 2486 2487 2488 2489 2490 |
| (bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code. | 2491 2492 |
| (4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an | 2493 2494 2495 2496 2497 |

employee for the person employing that employee do not constitute 2498
employment, then none of the services of such employee for such 2499
period shall be deemed to be employment. As used in division 2500
(B)(4) of this section, "pay period" means a period, of not more 2501
than thirty-one consecutive days, for which payment of 2502
remuneration is ordinarily made to the employee by the person 2503
employing that employee. Division (B)(4) of this section does not 2504
apply to services performed in a pay period by an employee for the 2505
person employing that employee, if any of such service is excepted 2506
by division (B)(3)(o) of this section. 2507

(C) "Benefits" means money payments payable to an individual 2508
who has established benefit rights, as provided in this chapter, 2509
for loss of remuneration due to the individual's unemployment. 2510

(D) "Benefit rights" means the weekly benefit amount and the 2511
maximum benefit amount that may become payable to an individual 2512
within the individual's benefit year as determined by the 2513
director. 2514

(E) "Claim for benefits" means a claim for waiting period or 2515
benefits for a designated week. 2516

(F) "Additional claim" means the first claim for benefits 2517
filed following any separation from employment during a benefit 2518
year; "continued claim" means any claim other than the first claim 2519
for benefits and other than an additional claim. 2520

(G) "Wages" means remuneration paid to an employee by each of 2521
the employee's employers with respect to employment; except that 2522
wages shall not include that part of remuneration paid during any 2523
calendar year to an individual by an employer or such employer's 2524
predecessor in interest in the same business or enterprise, which 2525
in any calendar year is in excess of nine thousand dollars on and 2526
after January 1, 1995; nine thousand five hundred dollars on and 2527
after January 1, 2018; and nine thousand dollars on and after 2528

January 1, 2020. Remuneration in excess of such amounts shall be 2529
deemed wages subject to contribution to the same extent that such 2530
remuneration is defined as wages under the "Federal Unemployment 2531
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 2532
amended. The remuneration paid an employee by an employer with 2533
respect to employment in another state, upon which contributions 2534
were required and paid by such employer under the unemployment 2535
compensation act of such other state, shall be included as a part 2536
of remuneration in computing the amount specified in this 2537
division. 2538

(H)(1) "Remuneration" means all compensation for personal 2539
services, including commissions and bonuses and the cash value of 2540
all compensation in any medium other than cash, except that in the 2541
case of agricultural or domestic service, "remuneration" includes 2542
only cash remuneration. Gratuities customarily received by an 2543
individual in the course of the individual's employment from 2544
persons other than the individual's employer and which are 2545
accounted for by such individual to the individual's employer are 2546
taxable wages. 2547

The reasonable cash value of compensation paid in any medium 2548
other than cash shall be estimated and determined in accordance 2549
with rules prescribed by the director, provided that 2550
"remuneration" does not include: 2551

(a) Payments as provided in divisions (b)(2) to (b)(20) of 2552
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 2553
26 U.S.C.A. 3301 to 3311, as amended; 2554

(b) The payment by an employer, without deduction from the 2555
remuneration of the individual in the employer's employ, of the 2556
tax imposed upon an individual in the employer's employ under 2557
section 3101 of the "Internal Revenue Code of 1954," with respect 2558
to services performed after October 1, 1941. 2559

(2) "Cash remuneration" means all remuneration paid in cash, 2560
including commissions and bonuses, but not including the cash 2561
value of all compensation in any medium other than cash. 2562

(I) "Interested party" means the director and any party to 2563
whom notice of a determination of an application for benefit 2564
rights or a claim for benefits is required to be given under 2565
section 4141.28 of the Revised Code. 2566

(J) "Annual payroll" means the total amount of wages subject 2567
to contributions during a twelve-month period ending with the last 2568
day of the second calendar quarter of any calendar year. 2569

(K) "Average annual payroll" means the average of the last 2570
three annual payrolls of an employer, provided that if, as of any 2571
computation date, the employer has had less than three annual 2572
payrolls in such three-year period, such average shall be based on 2573
the annual payrolls which the employer has had as of such date. 2574

(L)(1) "Contributions" means the money payments to the state 2575
unemployment compensation fund required of employers by section 2576
4141.25 of the Revised Code and of the state and any of its 2577
political subdivisions electing to pay contributions under section 2578
4141.242 of the Revised Code. Employers paying contributions shall 2579
be described as "contributory employers." 2580

(2) "Payments in lieu of contributions" means the money 2581
payments to the state unemployment compensation fund required of 2582
reimbursing employers under sections 4141.241 and 4141.242 of the 2583
Revised Code. 2584

(M) An individual is "totally unemployed" in any week during 2585
which the individual performs no services and with respect to such 2586
week no remuneration is payable to the individual. 2587

(N) An individual is "partially unemployed" in any week if, 2588
due to involuntary loss of work, the total remuneration payable to 2589
the individual for such week is less than the individual's weekly 2590

benefit amount. 2591

(O) "Week" means the calendar week ending at midnight 2592
Saturday unless an equivalent week of seven consecutive calendar 2593
days is prescribed by the director. 2594

(1) "Qualifying week" means any calendar week in an 2595
individual's base period with respect to which the individual 2596
earns or is paid remuneration in employment subject to this 2597
chapter. A calendar week with respect to which an individual earns 2598
remuneration but for which payment was not made within the base 2599
period, when necessary to qualify for benefit rights, may be 2600
considered to be a qualifying week. The number of qualifying weeks 2601
which may be established in a calendar quarter shall not exceed 2602
the number of calendar weeks in the quarter. 2603

(2) "Average weekly wage" means the amount obtained by 2604
dividing an individual's total remuneration for all qualifying 2605
weeks during the base period by the number of such qualifying 2606
weeks, provided that if the computation results in an amount that 2607
is not a multiple of one dollar, such amount shall be rounded to 2608
the next lower multiple of one dollar. 2609

(P) "Weekly benefit amount" means the amount of benefits an 2610
individual would be entitled to receive for one week of total 2611
unemployment. 2612

(Q)(1) "Base period" means the first four of the last five 2613
completed calendar quarters immediately preceding the first day of 2614
an individual's benefit year, except as provided in division 2615
(Q)(2) of this section. 2616

(2) If an individual does not have sufficient qualifying 2617
weeks and wages in the base period to qualify for benefit rights, 2618
the individual's base period shall be the four most recently 2619
completed calendar quarters preceding the first day of the 2620
individual's benefit year. Such base period shall be known as the 2621

"alternate base period." If information as to weeks and wages for 2622
the most recent quarter of the alternate base period is not 2623
available to the director from the regular quarterly reports of 2624
wage information, which are systematically accessible, the 2625
director may, consistent with the provisions of section 4141.28 of 2626
the Revised Code, base the determination of eligibility for 2627
benefits on the affidavit of the claimant with respect to weeks 2628
and wages for that calendar quarter. The claimant shall furnish 2629
payroll documentation, where available, in support of the 2630
affidavit. The determination based upon the alternate base period 2631
as it relates to the claimant's benefit rights, shall be amended 2632
when the quarterly report of wage information from the employer is 2633
timely received and that information causes a change in the 2634
determination. As provided in division (B) of section 4141.28 of 2635
the Revised Code, any benefits paid and charged to an employer's 2636
account, based upon a claimant's affidavit, shall be adjusted 2637
effective as of the beginning of the claimant's benefit year. No 2638
calendar quarter in a base period or alternate base period shall 2639
be used to establish a subsequent benefit year. 2640

(3) The "base period" of a combined wage claim, as described 2641
in division (H) of section 4141.43 of the Revised Code, shall be 2642
the base period prescribed by the law of the state in which the 2643
claim is allowed. 2644

(4) For purposes of determining the weeks that comprise a 2645
completed calendar quarter under this division, only those weeks 2646
ending at midnight Saturday within the calendar quarter shall be 2647
utilized. 2648

(R)(1) "Benefit year" with respect to an individual means the 2649
fifty-two week period beginning with the first day of that week 2650
with respect to which the individual first files a valid 2651
application for determination of benefit rights, and thereafter 2652
the fifty-two week period beginning with the first day of that 2653

week with respect to which the individual next files a valid 2654
application for determination of benefit rights after the 2655
termination of the individual's last preceding benefit year, 2656
except that the application shall not be considered valid unless 2657
the individual has had employment in six weeks that is subject to 2658
this chapter or the unemployment compensation act of another 2659
state, or the United States, and has, since the beginning of the 2660
individual's previous benefit year, in the employment earned three 2661
times the average weekly wage determined for the previous benefit 2662
year. The "benefit year" of a combined wage claim, as described in 2663
division (H) of section 4141.43 of the Revised Code, shall be the 2664
benefit year prescribed by the law of the state in which the claim 2665
is allowed. Any application for determination of benefit rights 2666
made in accordance with section 4141.28 of the Revised Code is 2667
valid if the individual filing such application is unemployed, has 2668
been employed by an employer or employers subject to this chapter 2669
in at least twenty qualifying weeks within the individual's base 2670
period, and has earned or been paid remuneration at an average 2671
weekly wage of not less than twenty-seven and one-half per cent of 2672
the statewide average weekly wage for such weeks. For purposes of 2673
determining whether an individual has had sufficient employment 2674
since the beginning of the individual's previous benefit year to 2675
file a valid application, "employment" means the performance of 2676
services for which remuneration is payable. 2677

(2) Effective for benefit years beginning on and after 2678
December 26, 2004, any application for determination of benefit 2679
rights made in accordance with section 4141.28 of the Revised Code 2680
is valid if the individual satisfies the criteria described in 2681
division (R)(1) of this section, and if the reason for the 2682
individual's separation from employment is not disqualifying 2683
pursuant to division (D)(2) of section 4141.29 or section 4141.291 2684
of the Revised Code. A disqualification imposed pursuant to 2685
division (D)(2) of section 4141.29 or section 4141.291 of the 2686

Revised Code must be removed as provided in those sections as a 2687
requirement of establishing a valid application for benefit years 2688
beginning on and after December 26, 2004. 2689

(3) The statewide average weekly wage shall be calculated by 2690
the director once a year based on the twelve-month period ending 2691
the thirtieth day of June, as set forth in division (B)(3) of 2692
section 4141.30 of the Revised Code, rounded down to the nearest 2693
dollar. Increases or decreases in the amount of remuneration 2694
required to have been earned or paid in order for individuals to 2695
have filed valid applications shall become effective on Sunday of 2696
the calendar week in which the first day of January occurs that 2697
follows the twelve-month period ending the thirtieth day of June 2698
upon which the calculation of the statewide average weekly wage 2699
was based. 2700

(4) As used in this division, an individual is "unemployed" 2701
if, with respect to the calendar week in which such application is 2702
filed, the individual is "partially unemployed" or "totally 2703
unemployed" as defined in this section or if, prior to filing the 2704
application, the individual was separated from the individual's 2705
most recent work for any reason which terminated the individual's 2706
employee-employer relationship, or was laid off indefinitely or 2707
for a definite period of seven or more days. 2708

(S) "Calendar quarter" means the period of three consecutive 2709
calendar months ending on the thirty-first day of March, the 2710
thirtieth day of June, the thirtieth day of September, and the 2711
thirty-first day of December, or the equivalent thereof as the 2712
director prescribes by rule. 2713

(T) "Computation date" means the first day of the third 2714
calendar quarter of any calendar year. 2715

(U) "Contribution period" means the calendar year beginning 2716
on the first day of January of any year. 2717

(V) "Agricultural labor," for the purpose of this division, 2718
means any service performed prior to January 1, 1972, which was 2719
agricultural labor as defined in this division prior to that date, 2720
and service performed after December 31, 1971: 2721

(1) On a farm, in the employ of any person, in connection 2722
with cultivating the soil, or in connection with raising or 2723
harvesting any agricultural or horticultural commodity, including 2724
the raising, shearing, feeding, caring for, training, and 2725
management of livestock, bees, poultry, and fur-bearing animals 2726
and wildlife; 2727

(2) In the employ of the owner or tenant or other operator of 2728
a farm in connection with the operation, management, conservation, 2729
improvement, or maintenance of such farm and its tools and 2730
equipment, or in salvaging timber or clearing land of brush and 2731
other debris left by hurricane, if the major part of such service 2732
is performed on a farm; 2733

(3) In connection with the production or harvesting of any 2734
commodity defined as an agricultural commodity in section 15 (g) 2735
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 2736
U.S.C. 1141j, as amended, or in connection with the ginning of 2737
cotton, or in connection with the operation or maintenance of 2738
ditches, canals, reservoirs, or waterways, not owned or operated 2739
for profit, used exclusively for supplying and storing water for 2740
farming purposes; 2741

(4) In the employ of the operator of a farm in handling, 2742
planting, drying, packing, packaging, processing, freezing, 2743
grading, storing, or delivering to storage or to market or to a 2744
carrier for transportation to market, in its unmanufactured state, 2745
any agricultural or horticultural commodity, but only if the 2746
operator produced more than one half of the commodity with respect 2747
to which such service is performed; 2748

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

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

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

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

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

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

(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 2779
tribe to provide a program of education beyond high school; and 2780

(3) Provides an educational program for which it awards a 2781
bachelor's or higher degree, or provides a program which is 2782
acceptable for full credit toward such a degree, a program of 2783
post-graduate or post-doctoral studies, or a program of training 2784
to prepare students for gainful employment in a recognized 2785
occupation. 2786

For the purposes of this division, all colleges and 2787
universities in this state are institutions of higher education. 2788

(Z) For the purposes of this chapter, "states" includes the 2789
District of Columbia, the Commonwealth of Puerto Rico, and the 2790
Virgin Islands. 2791

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 2792
this section, an individual who is an alien admitted to the United 2793
States to perform service in agricultural labor pursuant to 2794
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 2795
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 2796

(BB)(1) "Crew leader" means an individual who furnishes 2797
individuals to perform agricultural labor for any other employer 2798
or farm operator, and: 2799

(a) Pays, either on the individual's own behalf or on behalf 2800
of the other employer or farm operator, the individuals so 2801
furnished by the individual for the service in agricultural labor 2802
performed by them; 2803

(b) Has not entered into a written agreement with the other 2804
employer or farm operator under which the agricultural worker is 2805
designated as in the employ of the other employer or farm 2806
operator. 2807

(2) For the purposes of this chapter, any individual who is a 2808

member of a crew furnished by a crew leader to perform service in 2809
agricultural labor for any other employer or farm operator shall 2810
be treated as an employee of the crew leader if: 2811

(a) The crew leader holds a valid certificate of registration 2812
under the "Farm Labor Contractor Registration Act of 1963," 90 2813
Stat. 2668, 7 U.S.C. 2041; or 2814

(b) Substantially all the members of the crew operate or 2815
maintain tractors, mechanized harvesting or crop-dusting 2816
equipment, or any other mechanized equipment, which is provided by 2817
the crew leader; and 2818

(c) If the individual is not in the employment of the other 2819
employer or farm operator within the meaning of division (B)(1) of 2820
this section. 2821

(3) For the purposes of this division, any individual who is 2822
furnished by a crew leader to perform service in agricultural 2823
labor for any other employer or farm operator and who is not 2824
treated as in the employment of the crew leader under division 2825
(BB)(2) of this section shall be treated as the employee of the 2826
other employer or farm operator and not of the crew leader. The 2827
other employer or farm operator shall be treated as having paid 2828
cash remuneration to the individual in an amount equal to the 2829
amount of cash remuneration paid to the individual by the crew 2830
leader, either on the crew leader's own behalf or on behalf of the 2831
other employer or farm operator, for the service in agricultural 2832
labor performed for the other employer or farm operator. 2833

(CC) "Educational institution" means an institution other 2834
than an institution of higher education as defined in division (Y) 2835
of this section, including an educational institution operated by 2836
an Indian tribe, which: 2837

(1) Offers participants, trainees, or students an organized 2838
course of study or training designed to transfer to them 2839

knowledge, skills, information, doctrines, attitudes, or abilities 2840
from, by, or under the guidance of an instructor or teacher; and 2841

(2) Is approved, chartered, or issued a permit to operate as 2842
a school by the state board of education, other government agency, 2843
or Indian tribe that is authorized within the state to approve, 2844
charter, or issue a permit for the operation of a school. 2845

For the purposes of this division, the courses of study or 2846
training which the institution offers may be academic, technical, 2847
trade, or preparation for gainful employment in a recognized 2848
occupation. 2849

(DD) "Cost savings day" means any unpaid day off from work in 2850
which employees continue to accrue employee benefits which have a 2851
determinable value including, but not limited to, vacation, 2852
pension contribution, sick time, and life and health insurance. 2853

(EE) "Motor carrier" has the same meaning as in section 2854
4923.01 of the Revised Code. 2855

Sec. 4301.62. (A) As used in this section: 2856

(1) "Chauffeured limousine" means a vehicle registered under 2857
section 4503.24 of the Revised Code. 2858

(2) "Street," "highway," and "motor vehicle" have the same 2859
meanings as in section 4511.01 of the Revised Code. 2860

(B) No person shall have in the person's possession an opened 2861
container of beer or intoxicating liquor in any of the following 2862
circumstances: 2863

(1) Except as provided in division (C)(1)(e) of this section, 2864
in an agency store; 2865

(2) Except as provided in division (C) of this section, on 2866
the premises of the holder of any permit issued by the division of 2867
liquor control; 2868

| | |
|--|--|
| (3) In any other public place; | 2869 |
| (4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking; | 2870 2871 2872 2873 2874 |
| (5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. | 2875 2876 2877 2878 |
| (C)(1) A person may have in the person's possession an opened container of any of the following: | 2879 2880 |
| (a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit; | 2881 2882 2883 2884 2885 2886 |
| (b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit; | 2887 2888 2889 2890 2891 2892 |
| (c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code; | 2893 2894 2895 |
| (d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission; | 2896 2897 2898 |

(e) Spirituous liquor to be consumed for purposes of a 2899
tasting sample, as defined in section 4301.171 of the Revised 2900
Code. 2901

(2) A person may have in the person's possession on an F 2902
liquor permit premises an opened container of beer or intoxicating 2903
liquor that was not purchased from the holder of the F permit if 2904
the premises for which the F permit is issued is a music festival 2905
and the holder of the F permit grants permission for that 2906
possession on the premises during the period for which the F 2907
permit is issued. As used in this division, "music festival" means 2908
a series of outdoor live musical performances, extending for a 2909
period of at least three consecutive days and located on an area 2910
of land of at least forty acres. 2911

(3)(a) A person may have in the person's possession on a D-2 2912
liquor permit premises an opened or unopened container of wine 2913
that was not purchased from the holder of the D-2 permit if the 2914
premises for which the D-2 permit is issued is an outdoor 2915
performing arts center, the person is attending an orchestral 2916
performance, and the holder of the D-2 permit grants permission 2917
for the possession and consumption of wine in certain 2918
predesignated areas of the premises during the period for which 2919
the D-2 permit is issued. 2920

(b) As used in division (C)(3)(a) of this section: 2921

(i) "Orchestral performance" means a concert comprised of a 2922
group of not fewer than forty musicians playing various musical 2923
instruments. 2924

(ii) "Outdoor performing arts center" means an outdoor 2925
performing arts center that is located on not less than one 2926
hundred fifty acres of land and that is open for performances from 2927
the first day of April to the last day of October of each year. 2928

(4) A person may have in the person's possession an opened or 2929

unopened container of beer or intoxicating liquor at an outdoor 2930
location at which the person is attending an orchestral 2931
performance as defined in division (C)(3)(b)(i) of this section if 2932
the person with supervision and control over the performance 2933
grants permission for the possession and consumption of beer or 2934
intoxicating liquor in certain predesignated areas of that outdoor 2935
location. 2936

(5) A person may have in the person's possession on an F-9 2937
liquor permit premises an opened or unopened container of beer or 2938
intoxicating liquor that was not purchased from the holder of the 2939
F-9 permit if the person is attending either of the following: 2940

(a) An orchestral performance and the F-9 permit holder 2941
grants permission for the possession and consumption of beer or 2942
intoxicating liquor in certain predesignated areas of the premises 2943
during the period for which the F-9 permit is issued; 2944

(b) An outdoor performing arts event or orchestral 2945
performance that is free of charge and the F-9 permit holder 2946
annually hosts not less than twenty-five other events or 2947
performances that are free of charge on the permit premises. 2948

As used in division (C)(5) of this section, "orchestral 2949
performance" has the same meaning as in division (C)(3)(b) of this 2950
section. 2951

(6)(a) A person may have in the person's possession on the 2952
property of an outdoor motorsports facility an opened or unopened 2953
container of beer or intoxicating liquor that was not purchased 2954
from the owner of the facility if both of the following apply: 2955

(i) The person is attending a racing event at the facility; 2956
and 2957

(ii) The owner of the facility grants permission for the 2958
possession and consumption of beer or intoxicating liquor on the 2959
property of the facility. 2960

| | |
|--|------|
| (b) As used in division (C)(6)(a) of this section: | 2961 |
| (i) "Racing event" means a motor vehicle racing event | 2962 |
| sanctioned by one or more motor racing sanctioning organizations. | 2963 |
| (ii) "Outdoor motorsports facility" means an outdoor | 2964 |
| racetrack to which all of the following apply: | 2965 |
| (I) It is two and four-tenths miles or more in length. | 2966 |
| (II) It is located on two hundred acres or more of land. | 2967 |
| (III) The primary business of the owner of the facility is | 2968 |
| the hosting and promoting of racing events. | 2969 |
| (IV) The holder of a D-1, D-2, or D-3 permit is located on | 2970 |
| the property of the facility. | 2971 |
| (7)(a) A person may have in the person's possession an opened | 2972 |
| container of beer or intoxicating liquor at an outdoor location | 2973 |
| within an outdoor refreshment area created under section 4301.82 | 2974 |
| of the Revised Code if the opened container of beer or | 2975 |
| intoxicating liquor was purchased from a qualified permit holder | 2976 |
| to which both of the following apply: | 2977 |
| (i) The permit holder's premises is located within the | 2978 |
| outdoor refreshment area. | 2979 |
| (ii) The permit held by the permit holder has an outdoor | 2980 |
| refreshment area designation. | 2981 |
| (b) Division (C)(7) of this section does not authorize a | 2982 |
| person to do either of the following: | 2983 |
| (i) Enter the premises of an establishment within an outdoor | 2984 |
| refreshment area while possessing an opened container of beer or | 2985 |
| intoxicating liquor acquired elsewhere; | 2986 |
| (ii) Possess an opened container of beer or intoxicating | 2987 |
| liquor while being in or on a motor vehicle within an outdoor | 2988 |
| refreshment area, unless the motor vehicle is stationary and is | 2989 |

~~not being operated in a lane of vehicular travel or unless the~~ 2990
possession is otherwise authorized under division (D) or (E) of 2991
this section. 2992

(8)(a) A person may have in the person's possession on the 2993
property of a market, within a defined F-8 permit premises, an 2994
opened container of beer or intoxicating liquor that was purchased 2995
from a D permit premises that is located immediately adjacent to 2996
the market if both of the following apply: 2997

(i) The market grants permission for the possession and 2998
consumption of beer and intoxicating liquor within the defined F-8 2999
permit premises; 3000

(ii) The market is hosting an event pursuant to an F-8 permit 3001
and the market has notified the division of liquor control about 3002
the event in accordance with division (A)(3) of section 4303.208 3003
of the Revised Code. 3004

(b) As used in division (C)(8) of this section, "market" 3005
means a market, for which an F-8 permit is held, that has been in 3006
operation since 1860. 3007

(D) This section does not apply to a person who pays all or a 3008
portion of the fee imposed for the use of a chauffeured limousine 3009
pursuant to a prearranged contract, or the guest of the person, 3010
when all of the following apply: 3011

(1) The person or guest is a passenger in the limousine. 3012

(2) The person or guest is located in the limousine, but is 3013
not occupying a seat in the front compartment of the limousine 3014
where the operator of the limousine is located. 3015

(3) The limousine is located on any street, highway, or other 3016
public or private property open to the public for purposes of 3017
vehicular travel or parking. 3018

(E) An opened bottle of wine that was purchased from the 3019

holder of a permit that authorizes the sale of wine for 3020
consumption on the premises where sold is not an opened container 3021
for the purposes of this section if both of the following apply: 3022

(1) The opened bottle of wine is securely resealed by the 3023
permit holder or an employee of the permit holder before the 3024
bottle is removed from the premises. The bottle shall be secured 3025
in such a manner that it is visibly apparent if the bottle has 3026
been subsequently opened or tampered with. 3027

(2) The opened bottle of wine that is resealed in accordance 3028
with division (E)(1) of this section is stored in the trunk of a 3029
motor vehicle or, if the motor vehicle does not have a trunk, 3030
behind the last upright seat or in an area not normally occupied 3031
by the driver or passengers and not easily accessible by the 3032
driver. 3033

(F)(1) Except if an ordinance or resolution is enacted or 3034
adopted under division (F)(2) of this section, this section does 3035
not apply to a person who, pursuant to a prearranged contract, is 3036
a passenger riding on a commercial quadricycle when all of the 3037
following apply: 3038

(a) The person is not occupying a seat in the front of the 3039
commercial quadricycle where the operator is steering or braking. 3040

(b) The commercial quadricycle is being operated on a street, 3041
highway, or other public or private property open to the public 3042
for purposes of vehicular travel or parking. 3043

(c) The person has in their possession on the commercial 3044
quadricycle an opened container of beer or wine. 3045

(d) The person has in their possession on the commercial 3046
quadricycle not more than either thirty-six ounces of beer or 3047
eighteen ounces of wine. 3048

(2) The legislative authority of a municipal corporation or 3049

township may enact an ordinance or adopt a resolution, as 3050
applicable, that prohibits a passenger riding on a commercial 3051
quadricycle from possessing an opened container of beer or wine. 3052

(3) As used in this section, "commercial quadricycle" means a 3053
vehicle that has fully-operative pedals for propulsion entirely by 3054
human power and that meets all of the following requirements: 3055

(a) It has four wheels and is operated in a manner similar to 3056
a bicycle. 3057

(b) It has at least five seats for passengers. 3058

(c) It is designed to be powered by the pedaling of the 3059
operator and the passengers. 3060

(d) It is used for commercial purposes. 3061

(e) It is operated by the vehicle owner or an employee of the 3062
owner. 3063

(G) This section does not apply to a person that has in the 3064
person's possession an opened container of beer or intoxicating 3065
liquor on the premises of a market if the beer or intoxicating 3066
liquor has been purchased from a D liquor permit holder that is 3067
located in the market. 3068

As used in division (G) of this section, "market" means an 3069
establishment that: 3070

(1) Leases space in the market to individual vendors, not 3071
less than fifty per cent of which are retail food establishments 3072
or food service operations licensed under Chapter 3717. of the 3073
Revised Code; 3074

(2) Has an indoor sales floor area of not less than 3075
twenty-two thousand square feet; 3076

(3) Hosts a farmer's market on each Saturday from April 3077
through December. 3078

Sec. 4501.01. As used in this chapter and Chapters 4503., 3079
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 3080
Revised Code, and in the penal laws, except as otherwise provided: 3081

(A) "Vehicles" means everything on wheels or runners, 3082
including motorized bicycles, but does not mean electric personal 3083
assistive mobility devices, vehicles that are operated exclusively 3084
on rails or tracks or from overhead electric trolley wires, and 3085
vehicles that belong to any police department, municipal fire 3086
department, or volunteer fire department, or that are used by such 3087
a department in the discharge of its functions. 3088

(B) "Motor vehicle" means any vehicle, including mobile homes 3089
and recreational vehicles, that is propelled or drawn by power 3090
other than muscular power or power collected from overhead 3091
electric trolley wires. "Motor vehicle" does not include utility 3092
vehicles as defined in division (VV) of this section, under-speed 3093
vehicles as defined in division (XX) of this section, mini-trucks 3094
as defined in division (BBB) of this section, motorized bicycles, 3095
electric bicycles, road rollers, traction engines, power shovels, 3096
power cranes, and other equipment used in construction work and 3097
not designed for or employed in general highway transportation, 3098
well-drilling machinery, ditch-digging machinery, farm machinery, 3099
and trailers that are designed and used exclusively to transport a 3100
boat between a place of storage and a marina, or in and around a 3101
marina, when drawn or towed on a public road or highway for a 3102
distance of no more than ten miles and at a speed of twenty-five 3103
miles per hour or less. 3104

(C) "Agricultural tractor" and "traction engine" mean any 3105
self-propelling vehicle that is designed or used for drawing other 3106
vehicles or wheeled machinery, but has no provisions for carrying 3107
loads independently of such other vehicles, and that is used 3108
principally for agricultural purposes. 3109

(D) "Commercial tractor," except as defined in division (C) 3110
of this section, means any motor vehicle that has motive power and 3111
either is designed or used for drawing other motor vehicles, or is 3112
designed or used for drawing another motor vehicle while carrying 3113
a portion of the other motor vehicle or its load, or both. 3114

(E) "Passenger car" means any motor vehicle that is designed 3115
and used for carrying not more than nine persons and includes any 3116
motor vehicle that is designed and used for carrying not more than 3117
fifteen persons in a ridesharing arrangement. 3118

(F) "Collector's vehicle" means any motor vehicle or 3119
agricultural tractor or traction engine that is of special 3120
interest, that has a fair market value of one hundred dollars or 3121
more, whether operable or not, and that is owned, operated, 3122
collected, preserved, restored, maintained, or used essentially as 3123
a collector's item, leisure pursuit, or investment, but not as the 3124
owner's principal means of transportation. "Licensed collector's 3125
vehicle" means a collector's vehicle, other than an agricultural 3126
tractor or traction engine, that displays current, valid license 3127
tags issued under section 4503.45 of the Revised Code, or a 3128
similar type of motor vehicle that displays current, valid license 3129
tags issued under substantially equivalent provisions in the laws 3130
of other states. 3131

(G) "Historical motor vehicle" means any motor vehicle that 3132
is over twenty-five years old and is owned solely as a collector's 3133
item and for participation in club activities, exhibitions, tours, 3134
parades, and similar uses, but that in no event is used for 3135
general transportation. 3136

(H) "Noncommercial motor vehicle" means any motor vehicle, 3137
including a farm truck as defined in section 4503.04 of the 3138
Revised Code, that is designed by the manufacturer to carry a load 3139
of no more than one ton and is used exclusively for purposes other 3140
than engaging in business for profit. 3141

(I) "Bus" means any motor vehicle that has motor power and is 3142
designed and used for carrying more than nine passengers, except 3143
any motor vehicle that is designed and used for carrying not more 3144
than fifteen passengers in a ridesharing arrangement. 3145

(J) "Commercial car" or "truck" means any motor vehicle that 3146
has motor power and is designed and used for carrying merchandise 3147
or freight, or that is used as a commercial tractor. 3148

(K) "Bicycle" means every device, other than a device that is 3149
designed solely for use as a play vehicle by a child, that is 3150
propelled solely by human power upon which a person may ride, and 3151
that has two or more wheels, any of which is more than fourteen 3152
inches in diameter. 3153

(L) "Motorized bicycle" or "moped" means any vehicle that 3154
either has two tandem wheels or one wheel in the front and two 3155
wheels in the rear, that may be pedaled, and that is equipped with 3156
a helper motor of not more than fifty cubic centimeters piston 3157
displacement that produces no more than one brake horsepower and 3158
is capable of propelling the vehicle at a speed of no greater than 3159
twenty miles per hour on a level surface. "Motorized bicycle" or 3160
"moped" does not include an electric bicycle. 3161

(M) "Trailer" means any vehicle without motive power that is 3162
designed or used for carrying property or persons wholly on its 3163
own structure and for being drawn by a motor vehicle, and includes 3164
any such vehicle that is formed by or operated as a combination of 3165
a semitrailer and a vehicle of the dolly type such as that 3166
commonly known as a trailer dolly, a vehicle used to transport 3167
agricultural produce or agricultural production materials between 3168
a local place of storage or supply and the farm when drawn or 3169
towed on a public road or highway at a speed greater than 3170
twenty-five miles per hour, and a vehicle that is designed and 3171
used exclusively to transport a boat between a place of storage 3172
and a marina, or in and around a marina, when drawn or towed on a 3173

public road or highway for a distance of more than ten miles or at 3174
a speed of more than twenty-five miles per hour. "Trailer" does 3175
not include a manufactured home or travel trailer. 3176

(N) "Noncommercial trailer" means any trailer, except a 3177
travel trailer or trailer that is used to transport a boat as 3178
described in division (B) of this section, but, where applicable, 3179
includes a vehicle that is used to transport a boat as described 3180
in division (M) of this section, that has a gross weight of no 3181
more than ten thousand pounds, and that is used exclusively for 3182
purposes other than engaging in business for a profit, such as the 3183
transportation of personal items for personal or recreational 3184
purposes. 3185

(O) "Mobile home" means a building unit or assembly of closed 3186
construction that is fabricated in an off-site facility, is more 3187
than thirty-five body feet in length or, when erected on site, is 3188
three hundred twenty or more square feet, is built on a permanent 3189
chassis, is transportable in one or more sections, and does not 3190
qualify as a manufactured home as defined in division (C)(4) of 3191
section 3781.06 of the Revised Code or as an industrialized unit 3192
as defined in division (C)(3) of section 3781.06 of the Revised 3193
Code. 3194

(P) "Semitrailer" means any vehicle of the trailer type that 3195
does not have motive power and is so designed or used with another 3196
and separate motor vehicle that in operation a part of its own 3197
weight or that of its load, or both, rests upon and is carried by 3198
the other vehicle furnishing the motive power for propelling 3199
itself and the vehicle referred to in this division, and includes, 3200
for the purpose only of registration and taxation under those 3201
chapters, any vehicle of the dolly type, such as a trailer dolly, 3202
that is designed or used for the conversion of a semitrailer into 3203
a trailer. 3204

(Q) "Recreational vehicle" means a vehicular portable 3205

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| structure that meets all of the following conditions: | 3206 |
| (1) It is designed for the sole purpose of recreational travel. | 3207 3208 |
| (2) It is not used for the purpose of engaging in business for profit. | 3209 3210 |
| (3) It is not used for the purpose of engaging in intrastate commerce. | 3211 3212 |
| (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. | 3213 3214 |
| (5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. | 3215 3216 |
| (6) It is classed as one of the following: | 3217 |
| (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. | 3218 3219 3220 3221 3222 |
| (b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. | 3223 3224 3225 3226 |
| (c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. | 3227 3228 3229 3230 3231 3232 |
| (d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a | 3233 3234 3235 |

bi-level floor plan, and that is designed to be towed by a vehicle 3236
equipped with a fifth-wheel hitch ordinarily installed in the bed 3237
of a truck. 3238

(e) "Park trailer" means a vehicle that is commonly known as 3239
a park model recreational vehicle, meets the American national 3240
standard institute standard A119.5 (1988) for park trailers, is 3241
built on a single chassis, has a gross trailer area of four 3242
hundred square feet or less when set up, is designed for seasonal 3243
or temporary living quarters, and may be connected to utilities 3244
necessary for the operation of installed features and appliances. 3245

(R) "Pneumatic tires" means tires of rubber and fabric or 3246
tires of similar material, that are inflated with air. 3247

(S) "Solid tires" means tires of rubber or similar elastic 3248
material that are not dependent upon confined air for support of 3249
the load. 3250

(T) "Solid tire vehicle" means any vehicle that is equipped 3251
with two or more solid tires. 3252

(U) "Farm machinery" means all machines and tools that are 3253
used in the production, harvesting, and care of farm products, and 3254
includes trailers that are used to transport agricultural produce 3255
or agricultural production materials between a local place of 3256
storage or supply and the farm, agricultural tractors, threshing 3257
machinery, hay-baling machinery, corn shellers, hammermills, and 3258
machinery used in the production of horticultural, agricultural, 3259
and vegetable products. 3260

(V) "Owner" includes any person or firm, other than a 3261
manufacturer or dealer, that has title to a motor vehicle, except 3262
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 3263
includes in addition manufacturers and dealers. 3264

(W) "Manufacturer" and "dealer" include all persons and firms 3265
that are regularly engaged in the business of manufacturing, 3266

selling, displaying, offering for sale, or dealing in motor 3267
vehicles, at an established place of business that is used 3268
exclusively for the purpose of manufacturing, selling, displaying, 3269
offering for sale, or dealing in motor vehicles. A place of 3270
business that is used for manufacturing, selling, displaying, 3271
offering for sale, or dealing in motor vehicles shall be deemed to 3272
be used exclusively for those purposes even though snowmobiles or 3273
all-purpose vehicles are sold or displayed for sale thereat, even 3274
though farm machinery is sold or displayed for sale thereat, or 3275
even though repair, accessory, gasoline and oil, storage, parts, 3276
service, or paint departments are maintained thereat, or, in any 3277
county having a population of less than seventy-five thousand at 3278
the last federal census, even though a department in a place of 3279
business is used to dismantle, salvage, or rebuild motor vehicles 3280
by means of used parts, if such departments are operated for the 3281
purpose of furthering and assisting in the business of 3282
manufacturing, selling, displaying, offering for sale, or dealing 3283
in motor vehicles. Places of business or departments in a place of 3284
business used to dismantle, salvage, or rebuild motor vehicles by 3285
means of using used parts are not considered as being maintained 3286
for the purpose of assisting or furthering the manufacturing, 3287
selling, displaying, and offering for sale or dealing in motor 3288
vehicles. 3289

(X) "Operator" includes any person who drives or operates a 3290
motor vehicle upon the public highways. 3291

(Y) "Chauffeur" means any operator who operates a motor 3292
vehicle, other than a taxicab, as an employee for hire; or any 3293
operator whether or not the owner of a motor vehicle, other than a 3294
taxicab, who operates such vehicle for transporting, for gain, 3295
compensation, or profit, either persons or property owned by 3296
another. Any operator of a motor vehicle who is voluntarily 3297
involved in a ridesharing arrangement is not considered an 3298

employee for hire or operating such vehicle for gain, 3299
compensation, or profit. 3300

(Z) "State" includes the territories and federal districts of 3301
the United States, and the provinces of Canada. 3302

(AA) "Public roads and highways" for vehicles includes all 3303
public thoroughfares, bridges, and culverts. 3304

(BB) "Manufacturer's number" means the manufacturer's 3305
original serial number that is affixed to or imprinted upon the 3306
chassis or other part of the motor vehicle. 3307

(CC) "Motor number" means the manufacturer's original number 3308
that is affixed to or imprinted upon the engine or motor of the 3309
vehicle. 3310

(DD) "Distributor" means any person who is authorized by a 3311
motor vehicle manufacturer to distribute new motor vehicles to 3312
licensed motor vehicle dealers at an established place of business 3313
that is used exclusively for the purpose of distributing new motor 3314
vehicles to licensed motor vehicle dealers, except when the 3315
distributor also is a new motor vehicle dealer, in which case the 3316
distributor may distribute at the location of the distributor's 3317
licensed dealership. 3318

(EE) "Ridesharing arrangement" means the transportation of 3319
persons in a motor vehicle where the transportation is incidental 3320
to another purpose of a volunteer driver and includes ridesharing 3321
arrangements known as carpools, vanpools, and buspools. 3322

(FF) "Apportionable vehicle" means any vehicle that is used 3323
or intended for use in two or more international registration plan 3324
member jurisdictions that allocate or proportionally register 3325
vehicles, that is used for the transportation of persons for hire 3326
or designed, used, or maintained primarily for the transportation 3327
of property, and that meets any of the following qualifications: 3328

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|---|--|
| (1) Is a power unit having a gross vehicle weight in excess of twenty-six thousand pounds; | 3329 3330 |
| (2) Is a power unit having three or more axles, regardless of the gross vehicle weight; | 3331 3332 |
| (3) Is a combination vehicle with a gross vehicle weight in excess of twenty-six thousand pounds. | 3333 3334 |
| "Apportionable vehicle" does not include recreational vehicles, vehicles displaying restricted plates, city pick-up and delivery vehicles, or vehicles owned and operated by the United States, this state, or any political subdivisions thereof. | 3335 3336 3337 3338 |
| (GG) "Chartered party" means a group of persons who contract as a group to acquire the exclusive use of a passenger-carrying motor vehicle at a fixed charge for the vehicle in accordance with the carrier's tariff, lawfully on file with the United States department of transportation, for the purpose of group travel to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin. | 3339 3340 3341 3342 3343 3344 3345 3346 |
| (HH) "International registration plan" means a reciprocal agreement of member jurisdictions that is endorsed by the American association of motor vehicle administrators, and that promotes and encourages the fullest possible use of the highway system by authorizing apportioned registration of fleets of vehicles and recognizing registration of vehicles apportioned in member jurisdictions. | 3347 3348 3349 3350 3351 3352 3353 |
| (II) "Restricted plate" means a license plate that has a restriction of time, geographic area, mileage, or commodity, and includes license plates issued to farm trucks under division (J) of section 4503.04 of the Revised Code. | 3354 3355 3356 3357 |
| (JJ) "Gross vehicle weight," with regard to any commercial car, trailer, semitrailer, or bus that is taxed at the rates | 3358 3359 |

established under section 4503.042 or 4503.65 of the Revised Code, 3360
means the unladen weight of the vehicle fully equipped plus the 3361
maximum weight of the load to be carried on the vehicle. 3362

(KK) "Combined gross vehicle weight" with regard to any 3363
combination of a commercial car, trailer, and semitrailer, that is 3364
taxed at the rates established under section 4503.042 or 4503.65 3365
of the Revised Code, means the total unladen weight of the 3366
combination of vehicles fully equipped plus the maximum weight of 3367
the load to be carried on that combination of vehicles. 3368

(LL) "Chauffeured limousine" means a motor vehicle that is 3369
designed to carry nine or fewer passengers and is operated for 3370
hire pursuant to a prearranged contract for the transportation of 3371
passengers on public roads and highways along a route under the 3372
control of the person hiring the vehicle and not over a defined 3373
and regular route. "Prearranged contract" means an agreement, made 3374
in advance of boarding, to provide transportation from a specific 3375
location in a chauffeured limousine. "Chauffeured limousine" does 3376
not include any vehicle that is used exclusively in the business 3377
of funeral directing. 3378

(MM) "Manufactured home" has the same meaning as in division 3379
(C)(4) of section 3781.06 of the Revised Code. 3380

(NN) "Acquired situs," with respect to a manufactured home or 3381
a mobile home, means to become located in this state by the 3382
placement of the home on real property, but does not include the 3383
placement of a manufactured home or a mobile home in the inventory 3384
of a new motor vehicle dealer or the inventory of a manufacturer, 3385
remanufacturer, or distributor of manufactured or mobile homes. 3386

(OO) "Electronic" includes electrical, digital, magnetic, 3387
optical, electromagnetic, or any other form of technology that 3388
entails capabilities similar to these technologies. 3389

(PP) "Electronic record" means a record generated, 3390

communicated, received, or stored by electronic means for use in 3391
an information system or for transmission from one information 3392
system to another. 3393

(QQ) "Electronic signature" means a signature in electronic 3394
form attached to or logically associated with an electronic 3395
record. 3396

(RR) "Financial transaction device" has the same meaning as 3397
in division (A) of section 113.40 of the Revised Code. 3398

(SS) "Electronic motor vehicle dealer" means a motor vehicle 3399
dealer licensed under Chapter 4517. of the Revised Code whom the 3400
registrar of motor vehicles determines meets the criteria 3401
designated in section 4503.035 of the Revised Code for electronic 3402
motor vehicle dealers and designates as an electronic motor 3403
vehicle dealer under that section. 3404

(TT) "Electric personal assistive mobility device" means a 3405
self-balancing two non-tandem wheeled device that is designed to 3406
transport only one person, has an electric propulsion system of an 3407
average of seven hundred fifty watts, and when ridden on a paved 3408
level surface by an operator who weighs one hundred seventy pounds 3409
has a maximum speed of less than twenty miles per hour. 3410

(UU) "Limited driving privileges" means the privilege to 3411
operate a motor vehicle that a court grants under section 4510.021 3412
of the Revised Code to a person whose driver's or commercial 3413
driver's license or permit or nonresident operating privilege has 3414
been suspended. 3415

(VV) "Utility vehicle" means a self-propelled vehicle 3416
designed with a bed, principally for the purpose of transporting 3417
material or cargo in connection with construction, agricultural, 3418
forestry, grounds maintenance, lawn and garden, materials 3419
handling, or similar activities. 3420

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 3421

vehicle with an attainable speed in one mile on a paved level 3422
surface of more than twenty miles per hour but not more than 3423
twenty-five miles per hour and with a gross vehicle weight rating 3424
less than three thousand pounds. 3425

(XX) "Under-speed vehicle" means a three- or four-wheeled 3426
vehicle, including a vehicle commonly known as a golf cart, with 3427
an attainable speed on a paved level surface of not more than 3428
twenty miles per hour and with a gross vehicle weight rating less 3429
than three thousand pounds. 3430

(YY) "Motor-driven cycle or motor scooter" means any vehicle 3431
designed to travel on not more than three wheels in contact with 3432
the ground, with a seat for the driver and floor pad for the 3433
driver's feet, and is equipped with a motor with a piston 3434
displacement between fifty and one hundred cubic centimeters 3435
piston displacement that produces not more than five brake 3436
horsepower and is capable of propelling the vehicle at a speed 3437
greater than twenty miles per hour on a level surface. 3438

(ZZ) "Motorcycle" means a motor vehicle with motive power 3439
having a seat or saddle for the use of the operator, designed to 3440
travel on not more than three wheels in contact with the ground, 3441
and having no occupant compartment top or occupant compartment top 3442
that can be installed or removed by the user. 3443

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 3444
motive power having a seat or saddle for the use of the operator, 3445
designed to travel on not more than three wheels in contact with 3446
the ground, and having an occupant compartment top or an occupant 3447
compartment top that is installed. 3448

(BBB) "Mini-truck" means a vehicle that has four wheels, is 3449
propelled by an electric motor with a rated power of seven 3450
thousand five hundred watts or less or an internal combustion 3451
engine with a piston displacement capacity of six hundred sixty 3452

cubic centimeters or less, has a total dry weight of nine hundred 3453
to two thousand two hundred pounds, contains an enclosed cabin and 3454
a seat for the vehicle operator, resembles a pickup truck or van 3455
with a cargo area or bed located at the rear of the vehicle, and 3456
was not originally manufactured to meet federal motor vehicle 3457
safety standards. 3458

(CCC) "Autocycle" means a three-wheeled motorcycle that is 3459
manufactured to comply with federal safety requirements for 3460
motorcycles and that is equipped with safety belts, a steering 3461
wheel, and seating that does not require the operator to straddle 3462
or sit astride to ride the motorcycle. 3463

(DDD) "Plug-in electric motor vehicle" means a passenger car 3464
powered wholly or in part by a battery cell energy system that can 3465
be recharged via an external source of electricity. 3466

(EEE) "Hybrid motor vehicle" means a passenger car powered by 3467
an internal propulsion system consisting of both of the following: 3468

(1) A combustion engine; 3469

(2) A battery cell energy system that cannot be recharged via 3470
an external source of electricity but can be recharged by other 3471
vehicle mechanisms that capture and store electric energy. 3472

Sec. 4501.031. All moneys received under section 4504.09 of 3473
the Revised Code shall be paid into the state treasury to the 3474
credit of the local motor vehicle license tax fund, which is 3475
hereby created, for distribution in the manner provided for in 3476
this chapter. The treasurer of state may invest any portion of the 3477
moneys credited to the fund in the same manner and subject to all 3478
the laws governing the investment of state funds by the treasurer 3479
of state. All investment earnings of the fund shall be credited to 3480
the fund. 3481

The registrar of motor vehicles shall open an account with 3482

each county and district of registration in the state, and may 3483
assign each county and district a code for identification 3484
purposes. The code for a county or district may be the same as the 3485
code assigned to the county or district by the registrar under 3486
section 4501.03 of the Revised Code. 3487

Once each month the registrar shall prepare vouchers in favor 3488
of the county auditor of each county levying a county motor 3489
vehicle license tax pursuant to section 4504.02, 4504.15, 4504.16, 3490
or 4504.24 of the Revised Code and of each county in which is 3491
located one or more townships levying a township motor vehicle 3492
license tax pursuant to section 4504.18 or 4504.181 of the Revised 3493
Code for the amount of the tax due the county or townships in the 3494
county. 3495

All moneys received by the registrar under section 4504.09 of 3496
the Revised Code shall be distributed to counties, townships, and 3497
municipal corporations within thirty days of the expiration of the 3498
registration year. Necessary adjustments shall be made immediately 3499
out of funds available for distribution for the following two 3500
registration years. 3501

Sec. 4501.042. All moneys received under section 4504.09 of 3502
the Revised Code from municipal motor vehicle license taxes levied 3503
pursuant to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 3504
4504.173 of the Revised Code, and any part of the moneys received 3505
from county motor vehicle license taxes levied pursuant to section 3506
4504.15 of the Revised Code which is to be distributed to 3507
municipal corporations, shall be paid into the state treasury to 3508
the credit of the local motor vehicle license tax fund created 3509
under section 4501.031 of the Revised Code and shall be 3510
distributed to the treasuries of the municipal corporations 3511
levying or entitled to such tax moneys. 3512

Sec. 4501.043. All moneys received under section 4504.09 of 3513
the Revised Code with respect to townships levying township 3514
license taxes pursuant to ~~section~~ sections 4504.18 and 4504.181 of 3515
the Revised Code and paid into the state treasury under section 3516
4501.031 of the Revised Code shall be distributed to the 3517
respective townships levying such taxes for allocation and 3518
distribution as provided in section 4504.19 of the Revised Code. 3519

Sec. 4503.038. (A) Not later than ~~nine months~~ ninety days 3520
after ~~June 30, 2017~~ the effective date of this amendment, the 3521
registrar of motor vehicles shall adopt rules in accordance with 3522
Chapter 119. of the Revised Code establishing a service fee that 3523
applies for purposes of sections 4503.03, 4503.036, 4503.042, 3524
4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 3525
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 3526
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 3527
shall be not more than five dollars and twenty-five cents and not 3528
less than three dollars and fifty cents. When establishing the 3529
fee, the registrar shall consider inflation and any other factors 3530
the registrar considers to be relevant to the determination. 3531

(B) Not later than ~~nine months~~ ninety days after ~~June 30,~~ 3532
~~2017~~ the effective date of this amendment, the registrar shall 3533
adopt rules in accordance with Chapter 119. of the Revised Code 3534
establishing prorated service fees that apply for purposes of 3535
multi-year registrations authorized under section 4503.103 of the 3536
Revised Code. When establishing the fee, the registrar shall 3537
consider inflation and any other factors the registrar considers 3538
to be relevant to the determination. 3539

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 3540
motorcycle, and all-purpose vehicle required to be registered 3541
under section 4519.02 of the Revised Code shall file an 3542

application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to apply for or renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the year, make, model, and vehicle

identification number, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle

to be registered is used for hire or principally in connection 3606
with any established business, the owner's federal taxpayer 3607
identification number. The bureau of motor vehicles shall retain 3608
in its records all social security numbers provided under this 3609
section, but the bureau shall not place social security numbers on 3610
motor vehicle certificates of registration. 3611

(B) Except as otherwise provided in this division, each time 3612
an applicant first registers a motor vehicle in the applicant's 3613
name, the applicant shall present for inspection a physical 3614
certificate of title or memorandum certificate showing title to 3615
the motor vehicle to be registered in the name of the applicant if 3616
a physical certificate of title or memorandum certificate has been 3617
issued by a clerk of a court of common pleas. If, under sections 3618
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 3619
instead has issued an electronic certificate of title for the 3620
applicant's motor vehicle, that certificate may be presented for 3621
inspection at the time of first registration in a manner 3622
prescribed by rules adopted by the registrar. An applicant is not 3623
required to present a certificate of title to an electronic motor 3624
vehicle dealer acting as a limited authority deputy registrar in 3625
accordance with rules adopted by the registrar. When a motor 3626
vehicle inspection and maintenance program is in effect under 3627
section 3704.14 of the Revised Code and rules adopted under it, 3628
each application for registration for a vehicle required to be 3629
inspected under that section and those rules shall be accompanied 3630
by an inspection certificate for the motor vehicle issued in 3631
accordance with that section. The application shall be refused if 3632
any of the following applies: 3633

(1) The application is not in proper form. 3634

(2) The application is prohibited from being accepted by 3635
division (D) of section 2935.27, division (A) of section 2937.221, 3636
division (A) of section 4503.13, division (B) of section 4510.22, 3637

or division (B)(1) of section 4521.10 of the Revised Code. 3638

(3) A certificate of title or memorandum certificate of title 3639
is required but does not accompany the application or, in the case 3640
of an electronic certificate of title, is required but is not 3641
presented in a manner prescribed by the registrar's rules. 3642

(4) All registration and transfer fees for the motor vehicle, 3643
for the preceding year or the preceding period of the current 3644
registration year, have not been paid. 3645

(5) The owner or lessee does not have an inspection 3646
certificate for the motor vehicle as provided in section 3704.14 3647
of the Revised Code, and rules adopted under it, if that section 3648
is applicable. 3649

This section does not require the payment of license or 3650
registration taxes on a motor vehicle for any preceding year, or 3651
for any preceding period of a year, if the motor vehicle was not 3652
taxable for that preceding year or period under sections 4503.02, 3653
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 3654
Revised Code. When a certificate of registration is issued upon 3655
the first registration of a motor vehicle by or on behalf of the 3656
owner, the official issuing the certificate shall indicate the 3657
issuance with a stamp on the certificate of title or memorandum 3658
certificate or, in the case of an electronic certificate of title, 3659
an electronic stamp or other notation as specified in rules 3660
adopted by the registrar, and with a stamp on the inspection 3661
certificate for the motor vehicle, if any. The official also shall 3662
indicate, by a stamp or by other means the registrar prescribes, 3663
on the registration certificate issued upon the first registration 3664
of a motor vehicle by or on behalf of the owner the odometer 3665
reading of the motor vehicle as shown in the odometer statement 3666
included in or attached to the certificate of title. Upon each 3667
subsequent registration of the motor vehicle by or on behalf of 3668
the same owner, the official also shall so indicate the odometer 3669

reading of the motor vehicle as shown on the immediately preceding 3670
certificate of registration. 3671

The registrar shall include in the permanent registration 3672
record of any vehicle required to be inspected under section 3673
3704.14 of the Revised Code the inspection certificate number from 3674
the inspection certificate that is presented at the time of 3675
registration of the vehicle as required under this division. 3676

(C)(1) Except as otherwise provided in division (C)(1) of 3677
this section, the registrar and each deputy registrar shall 3678
collect an additional fee of eleven dollars for each application 3679
for registration and registration renewal received. For vehicles 3680
specified in divisions (A)(1) to (21) of section 4503.042 of the 3681
Revised Code, the registrar and deputy registrar shall collect an 3682
additional fee of thirty dollars for each application for 3683
registration and registration renewal received. No additional fee 3684
shall be charged for vehicles registered under section 4503.65 of 3685
the Revised Code. The additional fee is for the purpose of 3686
defraying the department of public safety's costs associated with 3687
the administration and enforcement of the motor vehicle and 3688
traffic laws of Ohio. Each deputy registrar shall transmit the 3689
fees collected under ~~division~~ divisions (C)(1), (3), and (4) of 3690
this section in the time and manner provided in this section. The 3691
registrar shall deposit all moneys received under division (C)(1) 3692
of this section into the public safety - highway purposes fund 3693
established in section 4501.06 of the Revised Code. 3694

(2) In addition, a charge of twenty-five cents shall be made 3695
for each reflectorized safety license plate issued, and a single 3696
charge of twenty-five cents shall be made for each county 3697
identification sticker or each set of county identification 3698
stickers issued, as the case may be, to cover the cost of 3699
producing the license plates and stickers, including material, 3700
manufacturing, and administrative costs. Those fees shall be in 3701

addition to the license tax. If the total cost of producing the plates is less than twenty-five cents per plate, or if the total cost of producing the stickers is less than twenty-five cents per sticker or per set issued, any excess moneys accruing from the fees shall be distributed in the same manner as provided by section 4501.04 of the Revised Code for the distribution of license tax moneys. If the total cost of producing the plates exceeds twenty-five cents per plate, or if the total cost of producing the stickers exceeds twenty-five cents per sticker or per set issued, the difference shall be paid from the license tax moneys collected pursuant to section 4503.02 of the Revised Code.

(3) The registrar and each deputy registrar shall collect an additional fee of one hundred seventy-five dollars for each application for registration or registration renewal received for any plug-in electric motor vehicle. The registrar shall transmit all money arising from the fee imposed by division (C)(3) of this section to the treasurer of state for distribution in accordance with division (E) of section 5735.051 of the Revised Code, subject to division (F) of section 5735.05 of the Revised Code.

(4) The registrar and each deputy registrar shall collect an additional fee of seventy-five dollars for each application for registration or registration renewal received for any hybrid motor vehicle. The registrar shall transmit all money arising from the fee imposed by division (C)(4) of this section to the treasurer of state for distribution in accordance with division (E) of section 5735.051 of the Revised Code, subject to division (F) of section 5735.05 of the Revised Code.

The fees established under divisions (C)(3) and (4) of this section shall not be imposed until one hundred eighty days after the effective date of this section.

(D) Each deputy registrar shall be allowed a fee equal to the amount established under section 4503.038 of the Revised Code for

each application for registration and registration renewal notice 3734
the deputy registrar receives, which shall be for the purpose of 3735
compensating the deputy registrar for the deputy registrar's 3736
services, and such office and rental expenses, as may be necessary 3737
for the proper discharge of the deputy registrar's duties in the 3738
receiving of applications and renewal notices and the issuing of 3739
registrations. 3740

(E) Upon the certification of the registrar, the county 3741
sheriff or local police officials shall recover license plates 3742
erroneously or fraudulently issued. 3743

(F) Each deputy registrar, upon receipt of any application 3744
for registration or registration renewal notice, together with the 3745
license fee and any local motor vehicle license tax levied 3746
pursuant to Chapter 4504. of the Revised Code, shall transmit that 3747
fee and tax, if any, in the manner provided in this section, 3748
together with the original and duplicate copy of the application, 3749
to the registrar. The registrar, subject to the approval of the 3750
director of public safety, may deposit the funds collected by 3751
those deputies in a local bank or depository to the credit of the 3752
"state of Ohio, bureau of motor vehicles." Where a local bank or 3753
depository has been designated by the registrar, each deputy 3754
registrar shall deposit all moneys collected by the deputy 3755
registrar into that bank or depository not more than one business 3756
day after their collection and shall make reports to the registrar 3757
of the amounts so deposited, together with any other information, 3758
some of which may be prescribed by the treasurer of state, as the 3759
registrar may require and as prescribed by the registrar by rule. 3760
The registrar, within three days after receipt of notification of 3761
the deposit of funds by a deputy registrar in a local bank or 3762
depository, shall draw on that account in favor of the treasurer 3763
of state. The registrar, subject to the approval of the director 3764
and the treasurer of state, may make reasonable rules necessary 3765

for the prompt transmittal of fees and for safeguarding the 3766
interests of the state and of counties, townships, municipal 3767
corporations, and transportation improvement districts levying 3768
local motor vehicle license taxes. The registrar may pay service 3769
charges usually collected by banks and depositories for such 3770
service. If deputy registrars are located in communities where 3771
banking facilities are not available, they shall transmit the fees 3772
forthwith, by money order or otherwise, as the registrar, by rule 3773
approved by the director and the treasurer of state, may 3774
prescribe. The registrar may pay the usual and customary fees for 3775
such service. 3776

(G) This section does not prevent any person from making an 3777
application for a motor vehicle license directly to the registrar 3778
by mail, by electronic means, or in person at any of the 3779
registrar's offices, upon payment of a service fee equal to the 3780
amount established under section 4503.038 of the Revised Code for 3781
each application. 3782

(H) No person shall make a false statement as to the district 3783
of registration in an application required by division (A) of this 3784
section. Violation of this division is falsification under section 3785
2921.13 of the Revised Code and punishable as specified in that 3786
section. 3787

(I)(1) Where applicable, the requirements of division (B) of 3788
this section relating to the presentation of an inspection 3789
certificate issued under section 3704.14 of the Revised Code and 3790
rules adopted under it for a motor vehicle, the refusal of a 3791
license for failure to present an inspection certificate, and the 3792
stamping of the inspection certificate by the official issuing the 3793
certificate of registration apply to the registration of and 3794
issuance of license plates for a motor vehicle under sections 3795
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 3796
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 3797

4503.47, and 4503.51 of the Revised Code. 3798

(2)(a) The registrar shall adopt rules ensuring that each 3799
owner registering a motor vehicle in a county where a motor 3800
vehicle inspection and maintenance program is in effect under 3801
section 3704.14 of the Revised Code and rules adopted under it 3802
receives information about the requirements established in that 3803
section and those rules and about the need in those counties to 3804
present an inspection certificate with an application for 3805
registration or preregistration. 3806

(b) Upon request, the registrar shall provide the director of 3807
environmental protection, or any person that has been awarded a 3808
contract under section 3704.14 of the Revised Code, an on-line 3809
computer data link to registration information for all passenger 3810
cars, noncommercial motor vehicles, and commercial cars that are 3811
subject to that section. The registrar also shall provide to the 3812
director of environmental protection a magnetic data tape 3813
containing registration information regarding passenger cars, 3814
noncommercial motor vehicles, and commercial cars for which a 3815
multi-year registration is in effect under section 4503.103 of the 3816
Revised Code or rules adopted under it, including, without 3817
limitation, the date of issuance of the multi-year registration, 3818
the registration deadline established under rules adopted under 3819
section 4503.101 of the Revised Code that was applicable in the 3820
year in which the multi-year registration was issued, and the 3821
registration deadline for renewal of the multi-year registration. 3822

(J) Subject to division (K) of this section, application for 3823
registration under the international registration plan, as set 3824
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 3825
made to the registrar on forms furnished by the registrar. In 3826
accordance with international registration plan guidelines and 3827
pursuant to rules adopted by the registrar, the forms shall 3828
include the following: 3829

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| (1) A uniform mileage schedule; | 3830 |
| (2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant; | 3831 3832 3833 |
| (3) Any other information the registrar requires by rule. | 3834 |
| (K) The registrar shall determine the feasibility of implementing an electronic commercial fleet licensing and management program that will enable the owners of commercial tractors, commercial trailers, and commercial semitrailers to conduct electronic transactions by July 1, 2010, or sooner. If the registrar determines that implementing such a program is feasible, the registrar shall adopt new rules under this division or amend existing rules adopted under this division as necessary in order to respond to advances in technology. | 3835 3836 3837 3838 3839 3840 3841 3842 3843 |
| If international registration plan guidelines and provisions allow member jurisdictions to permit applications for registrations under the international registration plan to be made via the internet, the rules the registrar adopts under this division shall permit such action. | 3844 3845 3846 3847 3848 |
| Sec. 4503.103. (A)(1) The registrar of motor vehicles may adopt rules to permit any person or lessee, other than a person receiving an apportioned license plate under the international registration plan, who owns or leases one or more motor vehicles to file a written application for registration for no more than five succeeding registration years. The rules adopted by the registrar may designate the classes of motor vehicles that are eligible for such registration. At the time of application, all annual taxes and fees shall be paid for each year for which the person is registering. | 3849 3850 3851 3852 3853 3854 3855 3856 3857 3858 |
| (2)(a) The registrar shall adopt rules to permit any person | 3859 |

or lessee who owns or leases a trailer or semitrailer that is 3860
subject to the tax rates prescribed in section 4503.042 of the 3861
Revised Code for such trailers or semitrailers to file a written 3862
application for registration for any number of succeeding 3863
registration years, including a permanent registration. At the 3864
time of application, all annual taxes and fees shall be paid for 3865
each year for which the person is registering, provided that the 3866
annual taxes due, regardless of the number of years for which the 3867
person is registering, shall not exceed two hundred dollars. A 3868
person who registers a vehicle under division (A)(2) of this 3869
section shall pay for each year of registration the additional fee 3870
established under division (C)(1) of section 4503.10 of the 3871
Revised Code, provided that the additional fee due, regardless of 3872
the number of years for which the person is registering, shall not 3873
exceed eighty-eight dollars. The person also shall pay one single 3874
deputy registrar service fee in the amount specified in division 3875
(D) of section 4503.10 of the Revised Code or one single bureau of 3876
motor vehicles service fee in the amount specified in division (G) 3877
of that section, as applicable, regardless of the number of years 3878
for which the person is registering. 3879

(b) In addition, each person registering a trailer or 3880
semitrailer under division (A)(2)(a) of this section shall pay any 3881
applicable local motor vehicle license tax levied under Chapter 3882
4504. of the Revised Code for each year for which the person is 3883
registering, provided that not more than eight times any such 3884
annual local taxes shall be due upon registration. 3885

(c) The period of registration for a trailer or semitrailer 3886
registered under division (A)(2)(a) of this section is exclusive 3887
to the trailer or semitrailer for which that certificate of 3888
registration is issued and is not transferable to any other 3889
trailer or semitrailer if the registration is a permanent 3890
registration. 3891

(3) Except as provided in division (A)(4) of this section, 3892
the registrar shall adopt rules to permit any person who owns a 3893
motor vehicle to file an application for registration for not more 3894
than five succeeding registration years. At the time of 3895
application, the person shall pay the annual taxes and fees for 3896
each registration year, calculated in accordance with division (C) 3897
of section 4503.11 of the Revised Code. A person who is 3898
registering a vehicle under division (A)(3) of this section shall 3899
pay for each year of registration the additional fee established 3900
under division (C)(1), (3), or (4) of section 4503.10 of the 3901
Revised Code, as applicable. The person shall also pay the deputy 3902
registrar service fee or the bureau of motor vehicles service fee 3903
equal to the amount established under section 4503.038 of the 3904
Revised Code. 3905

(4) Division (A)(3) of this section does not apply to a 3906
person receiving an apportioned license plate under the 3907
international registration plan, or the owner of a commercial car 3908
used solely in intrastate commerce, or the owner of a bus as 3909
defined in section 4513.50 of the Revised Code. 3910

(B) No person applying for a multi-year registration under 3911
division (A) of this section is entitled to a refund of any taxes 3912
or fees paid. 3913

(C) The registrar shall not issue to any applicant who has 3914
been issued a final, nonappealable order under division (D) of 3915
this section a multi-year registration or renewal thereof under 3916
this division or rules adopted under it for any motor vehicle that 3917
is required to be inspected under section 3704.14 of the Revised 3918
Code the district of registration of which, as determined under 3919
section 4503.10 of the Revised Code, is or is located in the 3920
county named in the order. 3921

(D) Upon receipt from the director of environmental 3922
protection of a notice issued under rules adopted under section 3923

3704.14 of the Revised Code indicating that an owner of a motor 3924
vehicle that is required to be inspected under that section who 3925
obtained a multi-year registration for the vehicle under division 3926
(A) of this section or rules adopted under that division has not 3927
obtained a required inspection certificate for the vehicle, the 3928
registrar in accordance with Chapter 119. of the Revised Code 3929
shall issue an order to the owner impounding the certificate of 3930
registration and identification license plates for the vehicle. 3931
The order also shall prohibit the owner from obtaining or renewing 3932
a multi-year registration for any vehicle that is required to be 3933
inspected under that section, the district of registration of 3934
which is or is located in the same county as the county named in 3935
the order during the number of years after expiration of the 3936
current multi-year registration that equals the number of years 3937
for which the current multi-year registration was issued. 3938

An order issued under this division shall require the owner 3939
to surrender to the registrar the certificate of registration and 3940
license plates for the vehicle named in the order within five days 3941
after its issuance. If the owner fails to do so within that time, 3942
the registrar shall certify that fact to the county sheriff or 3943
local police officials who shall recover the certificate of 3944
registration and license plates for the vehicle. 3945

(E) Upon the occurrence of either of the following 3946
circumstances, the registrar in accordance with Chapter 119. of 3947
the Revised Code shall issue to the owner a modified order 3948
rescinding the provisions of the order issued under division (D) 3949
of this section impounding the certificate of registration and 3950
license plates for the vehicle named in that original order: 3951

(1) Receipt from the director of environmental protection of 3952
a subsequent notice under rules adopted under section 3704.14 of 3953
the Revised Code that the owner has obtained the inspection 3954
certificate for the vehicle as required under those rules; 3955

(2) Presentation to the registrar by the owner of the 3956
required inspection certificate for the vehicle. 3957

(F) The owner of a motor vehicle for which the certificate of 3958
registration and license plates have been impounded pursuant to an 3959
order issued under division (D) of this section, upon issuance of 3960
a modified order under division (E) of this section, may apply to 3961
the registrar for their return. A fee of two dollars and fifty 3962
cents shall be charged for the return of the certificate of 3963
registration and license plates for each vehicle named in the 3964
application. 3965

Sec. 4503.41. (A) Any disabled veteran who, because of a 3966
service-connected disability, has been or is awarded funds for the 3967
purchase of a motor vehicle under the "Disabled Veterans' and 3968
Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 3969
U.S.C. 1901, and amendments thereto, and any disabled veteran 3970
having a service-connected disability rated at one hundred per 3971
cent by the veterans' administration, may apply to the registrar 3972
for the registration of the disabled veteran's personal motor 3973
vehicle ~~without the payment of.~~ Except as provided in division (C) 3974
of this section, a disabled veteran is not required to pay any 3975
registration fee and service fee as required by sections 4503.038, 3976
4503.04, 4503.10, and 4503.102, and 4503.103 of the Revised Code, 3977
~~and without the payment of~~ any local motor vehicle tax levied 3978
under Chapter 4504. of the Revised Code, or any fee charged under 3979
section 4503.19 of the Revised Code. The application for 3980
registration shall be accompanied by such documentary evidence of 3981
disability as the registrar may require by rule. 3982

(B) Upon the receipt of an application for registration of a 3983
motor vehicle under this section, and presentation of satisfactory 3984
evidence of disability, the registrar or deputy registrar shall 3985
issue to the applicant a set of license plates, which shall be 3986

red, white, and blue in color and shall, in addition to the 3987
letters and numbers ordinarily inscribed thereon, be inscribed 3988
with the word "veteran" and imprinted with the international 3989
wheelchair symbol. 3990

(C) A disabled veteran who is eligible to register a motor 3991
vehicle under this section may register as many vehicles as are 3992
titled and registered in that disabled veteran's name. For each 3993
additional registration after the first registration, the 3994
registrar or deputy registrar shall collect any applicable fee 3995
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 3996
4503.103, and 4503.19 of the Revised Code, and any local motor 3997
vehicle tax levied under Chapter 4504. of the Revised Code. 3998

Sec. 4504.10. Except as otherwise provided in this chapter, 3999
the levy of any excise, license, income, or property tax by the 4000
state or by any political subdivision thereof shall not be 4001
construed as preempting the power of a county to levy a county 4002
motor vehicle license tax pursuant to section 4504.02, 4504.15, 4003
4504.16, or 4504.24 of the Revised Code, of a township to levy a 4004
township motor vehicle license tax pursuant to ~~section~~ sections 4005
4504.18 and 4504.181 of the Revised Code, or of a municipal 4006
corporation to levy a municipal motor vehicle license tax pursuant 4007
to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 4504.173 of 4008
the Revised Code. 4009

Sec. 4504.173. (A)(1) The legislative authority of a 4010
municipal corporation may levy an annual license tax upon the 4011
operation of motor vehicles on the public roads and highways in 4012
that municipal corporation for any authorized purpose. A tax 4013
levied under this section is in addition to the tax levied by 4014
sections 4503.02 and 4503.07 of the Revised Code and any other tax 4015
levied under this chapter. The tax shall be at the rate of five 4016
dollars per motor vehicle on all motor vehicles the district of 4017

registration of which is located in the municipal corporation 4018
levying the tax, as defined in section 4503.10 of the Revised 4019
Code. The rate of the tax is in addition to the tax rates 4020
prescribed in sections 4503.04 and 4503.042 of the Revised Code 4021
and is subject to both of the following: 4022

(a) The reductions in the manner provided in section 4503.11 4023
of the Revised Code; 4024

(b) The exemptions provided in sections 4503.16, 4503.17, 4025
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4026
4503.571 of the Revised Code. 4027

(2) As used in division (A)(1) of this section, "authorized 4028
purpose" means any of the following: 4029

(a) Paying the costs and expenses of enforcing and 4030
administering the tax provided for in this section; 4031

(b) Planning, constructing, improving, maintaining, and 4032
repairing public roads, highways, and streets; 4033

(c) Maintaining and repairing bridges and viaducts; 4034

(d) Paying the municipal corporation's portion of the costs 4035
and expenses of cooperating with the department of transportation 4036
in the planning, improvement, and construction of state highways; 4037

(e) Paying the municipal corporation's portion of the 4038
compensation, damages, costs, and expenses of planning, 4039
constructing, reconstructing, improving, maintaining, and 4040
repairing roads and streets; 4041

(f) Paying any costs apportioned to the municipal corporation 4042
under section 4907.47 of the Revised Code; 4043

(g) Paying debt service charges on notes or bonds of the 4044
municipal corporation issued for such purposes; 4045

(h) Purchasing, erecting, and maintaining street and traffic 4046

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| <u>signs and markers;</u> | 4047 |
| <u>(i) Purchasing, erecting, and maintaining traffic lights and signals;</u> | 4048 |
| <u>signals;</u> | 4049 |
| <u>(j) Supplementing revenue already available for the</u> | 4050 |
| <u>aforementioned purposes.</u> | 4051 |
| <u>(B)(1) No ordinance, resolution, or other measure levying a</u> | 4052 |
| <u>municipal motor vehicle license tax pursuant to this section shall</u> | 4053 |
| <u>be enacted as an emergency measure under section 731.30 of the</u> | 4054 |
| <u>Revised Code or pursuant to the charter of the municipal</u> | 4055 |
| <u>corporation.</u> | 4056 |
| <u>(2) An ordinance, resolution, or other measure levying a</u> | 4057 |
| <u>municipal motor vehicle license tax pursuant to this section is</u> | 4058 |
| <u>subject to a referendum as provided in sections 731.29 to 731.41</u> | 4059 |
| <u>of the Revised Code or by the charter of the municipal</u> | 4060 |
| <u>corporation.</u> | 4061 |
| <u>(C) A municipal motor vehicle license tax levied under this</u> | 4062 |
| <u>section continues in effect until repealed.</u> | 4063 |
| | |
| <u>Sec. 4504.181. (A)(1) The board of township trustees of a</u> | 4064 |
| <u>township may, by resolution, levy an annual license tax upon the</u> | 4065 |
| <u>operation of motor vehicles on the public roads and highways in</u> | 4066 |
| <u>the unincorporated territory of the township for any authorized</u> | 4067 |
| <u>purpose. A tax levied under this section is in addition to the tax</u> | 4068 |
| <u>levied by sections 4503.02 and 4503.07 of the Revised Code and any</u> | 4069 |
| <u>other tax levied under this chapter. The tax shall be at the rate</u> | 4070 |
| <u>of five dollars per motor vehicle on all motor vehicles the</u> | 4071 |
| <u>district of registration of which is located in the unincorporated</u> | 4072 |
| <u>area of the township levying the tax, as defined in section</u> | 4073 |
| <u>4503.10 of the Revised Code. The rate of the tax is in addition to</u> | 4074 |
| <u>the tax rates prescribed in sections 4503.04 and 4503.042 of the</u> | 4075 |
| <u>Revised Code and is subject to both of the following:</u> | 4076 |

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|---|------|
| <u>(a) The reductions in the manner provided in section 4503.11</u> | 4077 |
| <u>of the Revised Code;</u> | 4078 |
| <u>(b) The exemptions provided in sections 4503.16, 4503.17,</u> | 4079 |
| <u>4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and</u> | 4080 |
| <u>4503.571 of the Revised Code.</u> | 4081 |
| <u>(2) As used in division (A)(1) of this section, "authorized</u> | 4082 |
| <u>purpose" means any of the following:</u> | 4083 |
| <u>(a) Paying the costs and expenses of enforcing and</u> | 4084 |
| <u>administering the tax provided for in this section;</u> | 4085 |
| <u>(b) Paying for construction, reconstruction, improvement,</u> | 4086 |
| <u>maintenance, and repair of township roads, bridges, and culverts;</u> | 4087 |
| <u>(c) Purchasing, erecting, and maintaining traffic signs,</u> | 4088 |
| <u>markers, lights, and signals;</u> | 4089 |
| <u>(d) Purchasing road machinery and equipment, and planning,</u> | 4090 |
| <u>constructing, and maintaining suitable buildings to house such</u> | 4091 |
| <u>equipment;</u> | 4092 |
| <u>(e) Paying any costs apportioned to the township under</u> | 4093 |
| <u>section 4907.47 of the Revised Code;</u> | 4094 |
| <u>(f) Supplementing revenue already available for the</u> | 4095 |
| <u>aforementioned purposes.</u> | 4096 |
| <u>(B) Prior to the adoption of any resolution under this</u> | 4097 |
| <u>section, the board of township trustees shall conduct two public</u> | 4098 |
| <u>hearings on the resolution, the second hearing to be not less than</u> | 4099 |
| <u>three but not more than ten days after the first hearing. The</u> | 4100 |
| <u>board shall provide notice of the date, time, and place of both</u> | 4101 |
| <u>hearings by publication in a newspaper of general circulation in</u> | 4102 |
| <u>the township, or as provided in section 7.16 of the Revised Code,</u> | 4103 |
| <u>once a week on the same day of the week for two consecutive weeks.</u> | 4104 |
| <u>The second publication shall be not less than ten but not more</u> | 4105 |
| <u>than thirty days prior to the first hearing.</u> | 4106 |

(C) No resolution adopted under this section shall become effective sooner than thirty days following its adoption. A resolution under this section is subject to a referendum in the same manner, except as to the form of the petition, as provided in division (H) of section 519.12 of the Revised Code for a proposed amendment to a township zoning resolution. In addition, a petition under this section shall be governed by the rules specified in section 3501.38 of the Revised Code.

No resolution levying a tax under this section for which a referendum vote has been requested shall go into effect unless approved by a majority of those voting upon it.

(D) A township license tax levied under this section continues in effect until repealed.

Sec. 4504.201. No commercial car that is taxed under division (A) of section 4503.65 of the Revised Code, and no commercial bus that is taxed under division (B) of section 4503.65 of the Revised Code, is subject to a tax established under section 4504.02, 4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.173, 4504.18, 4504.181, or 4504.24 of the Revised Code.

Sec. 4505.101. (A)(1) Any repair garage or place of storage in which a motor vehicle with a value of less than three thousand five hundred dollars has been left unclaimed for fifteen days or more following completion of the requested repair or the agreed term of storage shall send by certified mail, return receipt requested, to the last known address of any owner and any lienholder of the motor vehicle a notice to remove the motor vehicle. In order to identify any owner or lienholder, prior to sending a notice, the repair garage or place of storage shall cause a search to be made of the records of the bureau of motor vehicles. Any notice to a lienholder shall state where the motor

vehicle is located and the value of the vehicle. If the person who 4137
requested the repair or who agreed to the storage of the motor 4138
vehicle is not the owner or a lienholder of the motor vehicle as 4139
indicated in the records of the bureau, the repair garage or place 4140
of storage also shall notify the sheriff of the county or the 4141
police department of the municipal corporation, township, port 4142
authority, or township or joint police district in which the 4143
repair garage or place of storage is located that the repair 4144
garage or place of storage is in possession of the vehicle. 4145

(2) The repair garage or place of storage may obtain a 4146
certificate of title to the motor vehicle if all of the following 4147
apply: 4148

(a) The motor vehicle remains unclaimed by any owner or 4149
lienholder of the vehicle for fifteen days after the mailing of 4150
all required notices. 4151

(b) For each notice, the repair garage or place of storage 4152
has either received the signed receipt from the certified mail or 4153
has been notified that the delivery was not possible. Unless the 4154
lienholder claims the motor vehicle within fifteen days from the 4155
mailing of the notice, the lienholder's lien is invalid. 4156

(c) An agent of the repair garage or place of storage that 4157
mailed the notice executes an affidavit, in a form established by 4158
the registrar of motor vehicles by rule, affirming that all of the 4159
requirements of this section necessary to authorize the issuance 4160
of a certificate of title for the motor vehicle have been met. The 4161
affidavit shall set forth an itemized statement of the value of 4162
the motor vehicle; the length of time that the motor vehicle has 4163
remained unclaimed; that a notice to remove the vehicle has been 4164
mailed to any titled owner or lienholder by certified mail, return 4165
receipt requested; and that a search of the records of the bureau 4166
of motor vehicles has been made in accordance with division (A)(1) 4167

of this section. 4168

(B) A towing service or storage facility that is in 4169
possession of a vehicle may obtain a certificate of title to the 4170
vehicle as provided in division (C) of this section if all of the 4171
following apply: 4172

(1) The vehicle was towed under division (B) of section 4173
4513.601 of the Revised Code. 4174

(2) The vehicle has a value of less than three thousand five 4175
hundred dollars. 4176

(3) The vehicle has been left unclaimed for sixty days after 4177
the date the earliest notice required by division (F)(1) of 4178
section 4513.601 of the Revised Code is received, as evidenced by 4179
a receipt signed by any person, or the towing service or storage 4180
facility has been notified that the delivery was not possible. 4181

(4) An agent of the towing service or storage facility 4182
executes an affidavit, in a form established by the registrar of 4183
motor vehicles by rule, affirming that all of the requirements of 4184
this section necessary to authorize the issuance of a certificate 4185
of title for the motor vehicle have been met. The affidavit shall 4186
set forth an itemized statement of the value of the motor vehicle; 4187
that notices to remove the vehicle have been mailed to the owner 4188
and any lienholder as required under division (F) of section 4189
4513.601 of the Revised Code; the length of time that the motor 4190
vehicle has remained unclaimed after the date the earliest notice 4191
required under division (F) of section 4513.601 of the Revised 4192
Code was received or the towing service or storage facility was 4193
notified that delivery was not possible; and that a search of the 4194
records of the bureau of motor vehicles has been made for 4195
outstanding liens on the motor vehicle. 4196

(C)(1) The clerk of courts shall issue a certificate of 4197
title, free and clear of all liens and encumbrances as follows: 4198

(a) To a repair garage or place of storage that presents an affidavit that complies with all of the requirements of division (A) of this section; 4199
4200
4201

(b) To a towing service or storage facility that presents an affidavit in compliance with division (B) of this section. 4202
4203

(2) A repair garage or place of storage may use the process established under division (A) of this section in order to take title to a motor vehicle even if the person who requested the repair or who agreed to the storage of the motor vehicle is not the owner or a lienholder of the motor vehicle as indicated in the records of the bureau of motor vehicles. 4204
4205
4206
4207
4208
4209

(3) Upon receipt of the certificate of title, a repair garage or place of storage, or a towing service or storage facility, shall pay to the clerk of courts the value of the motor vehicle minus both of the following: 4210
4211
4212
4213

(a) If the motor vehicle was towed by the party seeking title to the motor vehicle under this section, a towing fee; 4214
4215

(b) Storage fees for the period of time the vehicle was stored without payment. 4216
4217

The clerk of courts shall deposit any money received under this section into the county general fund. 4218
4219

(D) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both. 4220
4221
4222

(E) As used in this section: 4223

(1) "Repair garage or place of storage" means any business with which a person entered into an agreement for the repair of a motor vehicle or any business with which a person entered into an agreement for the storage of a motor vehicle. 4224
4225
4226
4227

(2) "Towing service or storage facility" means any for-hire 4228

motor carrier that removes a motor vehicle under the authority of 4229
section 4513.601 of the Revised Code and any place to which such a 4230
for-hire motor carrier delivers a motor vehicle towed under that 4231
section. 4232

(3) "Value" means the wholesale value for that make and model 4233
of motor vehicle at the time an affidavit is submitted under 4234
division (C) of this section, as provided in a vehicle valuation 4235
guide that is generally available and recognized by the motor 4236
vehicle industry, minus both of the following: 4237

(a) The estimated cost of repairs to restore the motor 4238
vehicle to the wholesale value for that make and model of motor 4239
vehicle; 4240

(b) The cost of any agreed-upon repairs. 4241

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 4242
approval by the director of public safety, shall adopt rules 4243
conforming with applicable standards adopted by the federal motor 4244
carrier safety administration as regulations under Pub. L. No. 4245
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4246
31317. The rules shall establish requirements for the 4247
qualification and testing of persons applying for a commercial 4248
driver's license, which are in addition to other requirements 4249
established by this chapter. Except as provided in division (B) of 4250
this section, the highway patrol or any other employee of the 4251
department of public safety the registrar authorizes shall 4252
supervise and conduct the testing of persons applying for a 4253
commercial driver's license. 4254

(B) The director may adopt rules, in accordance with Chapter 4255
119. of the Revised Code and applicable requirements of the 4256
federal motor carrier safety administration, authorizing the 4257
skills test specified in this section to be administered by any 4258
person, by an agency of this or another state, or by an agency, 4259

department, or instrumentality of local government. Each party 4260
authorized under this division to administer the skills test may 4261
charge a ~~maximum divisible~~ reasonable and competitively priced fee 4262
~~of eighty five dollars~~ for each skills test given as part of a 4263
commercial driver's license examination. The reasonable and 4264
competitively priced fee shall ~~consist of not more than twenty~~ 4265
~~dollars for~~ include the cost of the pre-trip inspection portion of 4266
the test, ~~not more than twenty dollars for~~ the off-road 4267
maneuvering portion of the test, and ~~not more than forty five~~ 4268
~~dollars for~~ the on-road portion of the test. Each such party may 4269
require an appointment fee in the same manner provided in division 4270
(E)(2) of this section, except that ~~the maximum amount~~ such a 4271
party may require ~~as~~ an appointment fee that is ~~eighty five~~ 4272
~~dollars~~ different from the fee specified in that division, 4273
provided that it is reasonable and competitively priced. The 4274
skills test administered by another party under this division 4275
shall be the same as otherwise would be administered by this 4276
state. The other party shall enter into an agreement with the 4277
director that, without limitation, does all of the following: 4278

(1) Allows the director or the director's representative and 4279
the federal motor carrier safety administration or its 4280
representative to conduct random examinations, inspections, and 4281
audits of the other party, whether covert or overt, without prior 4282
notice; 4283

(2) Requires the director or the director's representative to 4284
conduct on-site inspections of the other party at least annually; 4285

(3) Requires that all examiners of the other party meet the 4286
same qualification and training standards as examiners of the 4287
department of public safety, including criminal background checks, 4288
to the extent necessary to conduct skills tests in the manner 4289
required by 49 C.F.R. 383.110 through 383.135. In accordance with 4290
federal guidelines, any examiner employed on ~~the effective date of~~ 4291

~~this amendment~~ July 1, 2017, shall have a criminal background 4292
check conducted at least once, and any examiner hired after July 4293
1, 2015, shall have a criminal background check conducted after 4294
the examiner is initially hired. 4295

(4) Requires either that state employees take, at least 4296
annually and as though the employees were test applicants, the 4297
tests actually administered by the other party, that the director 4298
test a sample of drivers who were examined by the other party to 4299
compare the test results, or that state employees accompany a test 4300
applicant during an actual test; 4301

(5) Unless the other party is a governmental entity, requires 4302
the other party to initiate and maintain a bond in an amount 4303
determined by the director to sufficiently pay for the retesting 4304
of drivers in the event that the other party or its skills test 4305
examiners are involved in fraudulent activities related to skills 4306
testing; 4307

(6) Requires the other party to use only skills test 4308
examiners who have successfully completed a commercial driver's 4309
license examiner training course as prescribed by the director, 4310
and have been certified by the state as a commercial driver's 4311
license skills test examiner qualified to administer skills tests; 4312

(7) Requires the other party to use designated road test 4313
routes that have been approved by the director; 4314

(8) Requires the other party to submit a schedule of skills 4315
test appointments to the director not later than two business days 4316
prior to each skills test; 4317

(9) Requires the other party to maintain copies of the 4318
following records at its principal place of business: 4319

(a) The other party's commercial driver's license skills 4320
testing program certificate; 4321

- (b) Each skills test examiner's certificate of authorization 4322
to administer skills tests for the classes and types of commercial 4323
motor vehicles listed in the certificate; 4324
- (c) Each completed skills test scoring sheet for the current 4325
calendar year as well as the prior two calendar years; 4326
- (d) A complete list of the test routes that have been 4327
approved by the director; 4328
- (e) A complete and accurate copy of each examiner's training 4329
record. 4330
- (10) If the other party also is a driver training school, 4331
prohibits its skills test examiners from administering skills 4332
tests to applicants that the examiner personally trained; 4333
- (11) Requires each skills test examiner to administer a 4334
complete skills test to a minimum of thirty-two different 4335
individuals per calendar year; 4336
- (12) Reserves to this state the right to take prompt and 4337
appropriate remedial action against the other party and its skills 4338
test examiners if the other party or its skills test examiners 4339
fail to comply with standards of this state or federal standards 4340
for the testing program or with any other terms of the contract. 4341
- (C) The director shall enter into an agreement with the 4342
department of education authorizing the skills test specified in 4343
this section to be administered by the department at any location 4344
operated by the department for purposes of training and testing 4345
school bus drivers, provided that the agreement between the 4346
director and the department complies with the requirements of 4347
division (B) of this section. Skills tests administered by the 4348
department shall be limited to persons applying for a commercial 4349
driver's license with a school bus endorsement. 4350
- (D)(1) The director shall adopt rules, in accordance with 4351

Chapter 119. of the Revised Code, authorizing waiver of the skills 4352
test specified in this section for any applicant for a commercial 4353
driver's license who meets all of the following requirements: 4354

(a) As authorized under 49 C.F.R. 383.3(c), the applicant 4355
operates a commercial motor vehicle for military purposes and is 4356
one of the following: 4357

(i) Active duty military personnel; 4358

(ii) A member of the military reserves; 4359

(iii) A member of the national guard on active duty, 4360
including full-time national guard duty, part-time national guard 4361
training, and national guard military technicians; 4362

(iv) Active duty U.S. coast guard personnel. 4363

(b) The applicant certifies that, during the two-year period 4364
immediately preceding application for a commercial driver's 4365
license, all of the following apply: 4366

(i) The applicant has not had more than one license, 4367
excluding any military license. 4368

(ii) The applicant has not had any license suspended, 4369
revoked, or canceled. 4370

(iii) The applicant has not had any convictions for any type 4371
of motor vehicle for the offenses for which disqualification is 4372
prescribed in section 4506.16 of the Revised Code. 4373

(iv) The applicant has not had more than one conviction for 4374
any type of motor vehicle for a serious traffic violation. 4375

(v) The applicant has not had any violation of a state or 4376
local law relating to motor vehicle traffic control other than a 4377
parking violation arising in connection with any traffic accident 4378
and has no record of an accident in which the applicant was at 4379
fault. 4380

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

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

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

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

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

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

(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test and to pay an appointment fee of fifty dollars at the time of scheduling the

appointment. If the applicant appears at the time and location 4412
specified for the appointment and takes all portions of the skills 4413
test during that appointment, the appointment fee serves as the 4414
skills test fee. If the applicant schedules an appointment to take 4415
all portions of the skills test and fails to appear at the time 4416
and location specified for the appointment, the director shall not 4417
refund any portion of the appointment fee. If the applicant 4418
schedules an appointment to take all portions of the skills test 4419
and appears at the time and location specified for the 4420
appointment, but declines or is unable to take all portions of the 4421
skills test, the director shall not refund any portion of the 4422
appointment fee. If the applicant cancels a scheduled appointment 4423
forty-eight hours or more prior to the time of the appointment 4424
time, the applicant shall not forfeit the appointment fee. 4425

An applicant for a commercial driver's license who schedules 4426
an appointment to take one or more, but not all, portions of the 4427
skills test is required to pay an appointment fee equal to the 4428
costs of each test scheduled, as prescribed in division (E)(1) of 4429
this section, when scheduling such an appointment. If the 4430
applicant appears at the time and location specified for the 4431
appointment and takes all the portions of the skills test during 4432
that appointment that the applicant was scheduled to take, the 4433
appointment fee serves as the skills test fee. If the applicant 4434
schedules an appointment to take one or more, but not all, 4435
portions of the skills test and fails to appear at the time and 4436
location specified for the appointment, the director shall not 4437
refund any portion of the appointment fee. If the applicant 4438
schedules an appointment to take one or more, but not all, 4439
portions of the skills test and appears at the time and location 4440
specified for the appointment, but declines or is unable to take 4441
all portions of the skills test that the applicant was scheduled 4442
to take, the director shall not refund any portion of the 4443
appointment fee. If the applicant cancels a scheduled appointment 4444

forty-eight hours or more prior to the time of the appointment 4445
time, the applicant shall not forfeit the appointment fee. 4446

(3) The department of public safety shall deposit all fees it 4447
collects under division (E) of this section in the public safety - 4448
highway purposes fund established in section 4501.06 of the 4449
Revised Code. 4450

(F) A person who has successfully completed commercial 4451
driver's license training in this state but seeks a commercial 4452
driver's license in another state where the person is domiciled 4453
may schedule an appointment to take the skills test in this state 4454
and shall pay the appropriate appointment fee. Upon the person's 4455
completion of the skills test, this state shall electronically 4456
transmit the applicant's results to the state where the person is 4457
domiciled. If a person who is domiciled in this state takes a 4458
skills test in another state, this state shall accept the results 4459
of the skills test from the other state. If the person passed the 4460
other state's skills test and meets all of the other licensing 4461
requirements set forth in this chapter and rules adopted under 4462
this chapter, the registrar of motor vehicles or a deputy 4463
registrar shall issue a commercial driver's license to that 4464
person. 4465

(G) Unless otherwise specified, the director or the 4466
director's representative shall conduct the examinations, 4467
inspections, audits, and test monitoring set forth in divisions 4468
(B)(2),(3), and (4) of this section at least annually. If the 4469
other party or any of its skills test examiners fail to comply 4470
with state or federal standards for the skills testing program, 4471
the director or the director's representative shall take prompt 4472
and appropriate remedial action against the party and its skills 4473
test examiners. Remedial action may include termination of the 4474
agreement or revocation of a skills test examiner's certification. 4475

(H) As used in this section, "skills test" means a test of an 4476

applicant's ability to drive the type of commercial motor vehicle 4477
for which the applicant seeks a commercial driver's license by 4478
having the applicant drive such a motor vehicle while under the 4479
supervision of an authorized state driver's license examiner or 4480
tester. 4481

Sec. 4506.11. (A) Every commercial driver's license shall be 4482
marked "commercial driver's license" or "CDL" and shall be of such 4483
material and so designed as to prevent its reproduction or 4484
alteration without ready detection, ~~and, to this end, shall be~~ 4485
~~laminated with a transparent plastic material.~~ The commercial 4486
driver's license for licensees under twenty-one years of age shall 4487
have characteristics prescribed by the registrar of motor vehicles 4488
distinguishing it from that issued to a licensee who is twenty-one 4489
years of age or older. Every commercial driver's license shall 4490
display all of the following information: 4491

(1) The name and residence address of the licensee; 4492

(2) A color photograph of the licensee showing the licensee's 4493
uncovered face; 4494

(3) A physical description of the licensee, including sex, 4495
height, weight, and color of eyes and hair; 4496

(4) The licensee's date of birth; 4497

(5) The licensee's social security number if the person has 4498
requested that the number be displayed in accordance with section 4499
4501.31 of the Revised Code or if federal law requires the social 4500
security number to be displayed and any number or other identifier 4501
the director of public safety considers appropriate and 4502
establishes by rules adopted under Chapter 119. of the Revised 4503
Code and in compliance with federal law; 4504

(6) The licensee's signature; 4505

(7) The classes of commercial motor vehicles the licensee is 4506

authorized to drive and any endorsements or restrictions relating 4507
to the licensee's driving of those vehicles; 4508

(8) The name of this state; 4509

(9) The dates of issuance and of expiration of the license; 4510

(10) If the licensee has certified willingness to make an 4511
anatomical gift under section 2108.05 of the Revised Code, any 4512
symbol chosen by the registrar of motor vehicles to indicate that 4513
the licensee has certified that willingness; 4514

(11) If the licensee has executed a durable power of attorney 4515
for health care or a declaration governing the use or 4516
continuation, or the withholding or withdrawal, of life-sustaining 4517
treatment and has specified that the licensee wishes the license 4518
to indicate that the licensee has executed either type of 4519
instrument, any symbol chosen by the registrar to indicate that 4520
the licensee has executed either type of instrument; 4521

(12) On and after October 7, 2009, if the licensee has 4522
specified that the licensee wishes the license to indicate that 4523
the licensee is a veteran, active duty, or reservist of the armed 4524
forces of the United States and has presented a copy of the 4525
licensee's DD-214 form or an equivalent document, any symbol 4526
chosen by the registrar to indicate that the licensee is a 4527
veteran, active duty, or reservist of the armed forces of the 4528
United States; 4529

(13) Any other information the registrar considers advisable 4530
and requires by rule. 4531

(B) The registrar may establish and maintain a file of 4532
negatives of photographs taken for the purposes of this section. 4533

(C) Neither the registrar nor any deputy registrar shall 4534
issue a commercial driver's license to anyone under twenty-one 4535
years of age that does not have the characteristics prescribed by 4536

the registrar distinguishing it from the commercial driver's 4537
license issued to persons who are twenty-one years of age or 4538
older. 4539

(D) Whoever violates division (C) of this section is guilty 4540
of a minor misdemeanor. 4541

Sec. 4506.17. (A) ~~Any person who holds a commercial driver's~~ 4542
~~license or commercial driver's license temporary instruction~~ 4543
~~permit, or who operates a commercial motor vehicle requiring a~~ 4544
~~commercial driver's license or permit within this state, shall be~~ 4545
Both of the following are deemed to have given consent to a test 4546
or tests of the person's whole blood, blood serum or plasma, 4547
breath, or urine for the purpose of determining the person's 4548
alcohol concentration or the presence of any controlled substance 4549
or a metabolite of a controlled substance: 4550

(1) A person while operating a commercial motor vehicle that 4551
requires a commercial driver's license or commercial driver's 4552
license temporary instruction permit; 4553

(2) A person who holds a commercial driver's license or 4554
commercial driver's license temporary instruction permit while 4555
operating a motor vehicle, including a commercial motor vehicle. 4556

(B) A test or tests as provided in division (A) of this 4557
section may be administered at the direction of a peace officer 4558
having reasonable ground to stop or detain the person and, after 4559
investigating the circumstances surrounding the operation of the 4560
~~commercial~~ motor vehicle, also having reasonable ground to believe 4561
the person was driving the ~~commercial~~ motor vehicle while having a 4562
measurable or detectable amount of alcohol or of a controlled 4563
substance or a metabolite of a controlled substance in the 4564
person's whole blood, blood serum or plasma, breath, or urine. Any 4565
such test shall be given within two hours of the time of the 4566
alleged violation. 4567

(C) A person requested by a peace officer to submit to a test 4568
under division (A) of this section shall be advised by the peace 4569
officer that a refusal to submit to the test will result in the 4570
person immediately being placed out-of-service for a period of 4571
twenty-four hours and being disqualified from operating a 4572
commercial motor vehicle for a period of not less than one year, 4573
and that the person is required to surrender the person's 4574
commercial driver's license or permit to the peace officer. 4575

(D) If a person refuses to submit to a test after being 4576
warned as provided in division (C) of this section or submits to a 4577
test that discloses the presence of an amount of alcohol or a 4578
controlled substance prohibited by divisions (A)(1) to (5) of 4579
section 4506.15 of the Revised Code or a metabolite of a 4580
controlled substance, the person immediately shall surrender the 4581
person's commercial driver's license or permit to the peace 4582
officer. The peace officer shall forward the license or permit, 4583
together with a sworn report, to the registrar of motor vehicles 4584
certifying that the test was requested pursuant to division (A) of 4585
this section and that the person either refused to submit to 4586
testing or submitted to a test that disclosed the presence of one 4587
of the prohibited concentrations of a substance listed in 4588
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 4589
a metabolite of a controlled substance. The form and contents of 4590
the report required by this section shall be established by the 4591
registrar by rule, but shall contain the advice to be read to the 4592
driver and a statement to be signed by the driver acknowledging 4593
that the driver has been read the advice and that the form was 4594
shown to the driver. 4595

(E) Upon receipt of a sworn report from a peace officer as 4596
provided in division (D) of this section, or upon receipt of 4597
notification that a person has been disqualified under a similar 4598
law of another state or foreign jurisdiction, the registrar shall 4599

disqualify the person named in the report from driving a 4600
commercial motor vehicle for the period described below: 4601

(1) Upon a first incident, one year; 4602

(2) Upon an incident of refusal or of a prohibited 4603
concentration of alcohol, a controlled substance, or a metabolite 4604
of a controlled substance after one or more previous incidents of 4605
either refusal or of a prohibited concentration of alcohol, a 4606
controlled substance, or a metabolite of a controlled substance, 4607
the person shall be disqualified for life or such lesser period as 4608
prescribed by rule by the registrar. 4609

(F) A test of a person's whole blood or a person's blood 4610
serum or plasma given under this section shall comply with the 4611
applicable provisions of division (D) of section 4511.19 of the 4612
Revised Code and any physician, registered nurse, emergency 4613
medical technician-intermediate, emergency medical 4614
technician-paramedic, or qualified technician, chemist, or 4615
phlebotomist who withdraws whole blood or blood serum or plasma 4616
from a person under this section, and any hospital, first-aid 4617
station, clinic, or other facility at which whole blood or blood 4618
serum or plasma is withdrawn from a person pursuant to this 4619
section, is immune from criminal liability, and from civil 4620
liability that is based upon a claim of assault and battery or 4621
based upon any other claim of malpractice, for any act performed 4622
in withdrawing whole blood or blood serum or plasma from the 4623
person. The immunity provided in this division also extends to an 4624
emergency medical service organization that employs an emergency 4625
medical technician-intermediate or emergency medical 4626
technician-paramedic who withdraws blood under this section. 4627

(G) When a person submits to a test under this section, the 4628
results of the test, at the person's request, shall be made 4629
available to the person, the person's attorney, or the person's 4630
agent, immediately upon completion of the chemical test analysis. 4631

The person also may have an additional test administered by a 4632
physician, a registered nurse, or a qualified technician, chemist, 4633
or phlebotomist of the person's own choosing as provided in 4634
division (D) of section 4511.19 of the Revised Code for tests 4635
administered under that section, and the failure to obtain such a 4636
test has the same effect as in that division. 4637

(H) No person shall refuse to immediately surrender the 4638
person's commercial driver's license or permit to a peace officer 4639
when required to do so by this section. 4640

(I) A peace officer issuing an out-of-service order or 4641
receiving a commercial driver's license or permit surrendered 4642
under this section may remove or arrange for the removal of any 4643
commercial motor vehicle affected by the issuance of that order or 4644
the surrender of that license. 4645

(J)(1) Except for civil actions arising out of the operation 4646
of a motor vehicle and civil actions in which the state is a 4647
plaintiff, no peace officer of any law enforcement agency within 4648
this state is liable in compensatory damages in any civil action 4649
that arises under the Revised Code or common law of this state for 4650
an injury, death, or loss to person or property caused in the 4651
performance of official duties under this section and rules 4652
adopted under this section, unless the officer's actions were 4653
manifestly outside the scope of the officer's employment or 4654
official responsibilities, or unless the officer acted with 4655
malicious purpose, in bad faith, or in a wanton or reckless 4656
manner. 4657

(2) Except for civil actions that arise out of the operation 4658
of a motor vehicle and civil actions in which the state is a 4659
plaintiff, no peace officer of any law enforcement agency within 4660
this state is liable in punitive or exemplary damages in any civil 4661
action that arises under the Revised Code or common law of this 4662
state for any injury, death, or loss to person or property caused 4663

in the performance of official duties under this section of the 4664
Revised Code and rules adopted under this section, unless the 4665
officer's actions were manifestly outside the scope of the 4666
officer's employment or official responsibilities, or unless the 4667
officer acted with malicious purpose, in bad faith, or in a wanton 4668
or reckless manner. 4669

(K) When disqualifying a driver, the registrar shall cause 4670
the records of the bureau of motor vehicles to be updated to 4671
reflect the disqualification within ten days after it occurs. 4672

(L) The registrar immediately shall notify a driver who is 4673
subject to disqualification of the disqualification, of the length 4674
of the disqualification, and that the driver may request a hearing 4675
within thirty days of the mailing of the notice to show cause why 4676
the driver should not be disqualified from operating a commercial 4677
motor vehicle. If a request for such a hearing is not made within 4678
thirty days of the mailing of the notice, the order of 4679
disqualification is final. The registrar may designate hearing 4680
examiners who, after affording all parties reasonable notice, 4681
shall conduct a hearing to determine whether the disqualification 4682
order is supported by reliable evidence. The registrar shall adopt 4683
rules to implement this division. 4684

(M) Any person who is disqualified from operating a 4685
commercial motor vehicle under this section may apply to the 4686
registrar for a driver's license to operate a motor vehicle other 4687
than a commercial motor vehicle, provided the person's commercial 4688
driver's license or permit is not otherwise suspended. A person 4689
whose commercial driver's license or permit is suspended shall not 4690
apply to the registrar for or receive a driver's license under 4691
Chapter 4507. of the Revised Code during the period of suspension. 4692

(N) Whoever violates division (H) of this section is guilty 4693
of a misdemeanor of the first degree. 4694

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

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," "motorized bicycle," "state," "owner," "operator," "chauffeur," and "highways" have the same meanings as in section 4501.01 of the Revised Code.

"Driver's license" means a class D license issued to any person to operate a motor vehicle or motor-driven cycle, other than a commercial motor vehicle, and includes "probationary license," "restricted license," and any operator's or chauffeur's license issued before January 1, 1990.

"Probationary license" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a

motorized bicycle including a "probationary motorized bicycle license." 4725
4726

"Probationary motorized bicycle license" means the license 4727
issued under section 4511.521 of the Revised Code to any person 4728
between fourteen and sixteen years of age to operate a motorized 4729
bicycle. 4730

"Identification card" means a card issued under sections 4731
4507.50 and 4507.51 of the Revised Code. 4732

"Resident" means a person who, in accordance with standards 4733
prescribed in rules adopted by the registrar, resides in this 4734
state on a permanent basis. 4735

"Temporary resident" means a person who, in accordance with 4736
standards prescribed in rules adopted by the registrar, resides in 4737
this state on a temporary basis. 4738

(B) In the administration of this chapter and Chapter 4506. 4739
of the Revised Code, the registrar has the same authority as is 4740
conferred on the registrar by section 4501.02 of the Revised Code. 4741
Any act of an authorized deputy registrar of motor vehicles under 4742
direction of the registrar is deemed the act of the registrar. 4743

To carry out this chapter, the registrar shall appoint such 4744
deputy registrars in each county as are necessary. 4745

The registrar also shall provide at each place where an 4746
application for a driver's or commercial driver's license or 4747
identification card may be made the necessary equipment to take a 4748
color photograph of the applicant for such license or card as 4749
required under section 4506.11 or 4507.06 of the Revised Code, and 4750
to conduct the vision screenings required by section 4507.12 of 4751
the Revised Code, ~~and equipment to laminate licenses, motorized 4752~~
~~bicycle licenses, and identification cards as required by sections 4753~~
~~4507.13, 4507.52, and 4511.521 of the Revised Code. 4754~~

The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, unless they are specifically authorized to exercise such powers by such sections.

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for license for or against any kind or type of automobile insurance, insurance company, or agent, nor have the deputy registrar's office directly connected with the office of any automobile insurance agent, nor impart any information furnished by any applicant for a license or identification card to any person, except the registrar. This division shall not apply to any nonprofit corporation appointed deputy registrar.

(D) The registrar shall immediately remove a deputy registrar who violates the requirements of this chapter.

~~(E) The registrar shall periodically solicit bids and enter into a contract for the provision of laminating equipment and laminating materials to the registrar and all deputy registrars. The registrar shall not consider any bid that does not provide for the supplying of both laminating equipment and laminating materials. The laminating materials selected shall contain a security feature so that any tampering with the laminating material covering a license or identification card is readily apparent. In soliciting bids and entering into a contract for the~~

~~provision of laminating equipment and laminating materials, the 4787~~
~~registrar shall observe all procedures required by law. 4788~~

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 4789
issue a driver's license to every person licensed as an operator 4790
of motor vehicles other than commercial motor vehicles. No person 4791
licensed as a commercial motor vehicle driver under Chapter 4506. 4792
of the Revised Code need procure a driver's license, but no person 4793
shall drive any commercial motor vehicle unless licensed as a 4794
commercial motor vehicle driver. 4795

(2) Every driver's license shall display ~~on it the~~ all of the 4796
following information: 4797

(a) ~~The~~ distinguishing number assigned to the licensee ~~and~~ 4798
~~shall display the.~~ 4799

(b) ~~The~~ licensee's name and date of birth; ~~the~~ 4800

(c) ~~The~~ licensee's residence address and county of residence; 4801
a 4802

(d) ~~A~~ color photograph of the licensee; a 4803

(e) ~~A~~ brief description of the licensee for the purpose of 4804
identification; a 4805

(f) ~~A~~ facsimile of the signature of the licensee as it 4806
appears on the application for the license; a 4807

(g) ~~A~~ notation, in a manner prescribed by the registrar, 4808
indicating any condition described in division (D)(3) of section 4809
4507.08 of the Revised Code to which the licensee is subject; ~~if~~ 4810

(h) ~~If~~ the licensee has executed a durable power of attorney 4811
for health care or a declaration governing the use or 4812
continuation, or the withholding or withdrawal, of life-sustaining 4813
treatment and has specified that the licensee wishes the license 4814
to indicate that the licensee has executed either type of 4815

instrument, any symbol chosen by the registrar to indicate that 4816
the licensee has executed either type of instrument; ~~on and after~~ 4817
~~October 7, 2009, if~~ 4818

(i) If the licensee has specified that the licensee wishes 4819
the license to indicate that the licensee is a veteran, active 4820
duty, or reservist of the armed forces of the United States and 4821
has presented a copy of the licensee's DD-214 form or an 4822
equivalent document, any symbol chosen by the registrar to 4823
indicate that the licensee is a veteran, active duty, or reservist 4824
of the armed forces of the United States; ~~and any~~ 4825

(j) Any additional information that the registrar requires by 4826
rule. 4827

(3) No license shall display the licensee's social security 4828
number unless the licensee specifically requests that the 4829
licensee's social security number be displayed on the license. If 4830
federal law requires the licensee's social security number to be 4831
displayed on the license, the social security number shall be 4832
displayed on the license notwithstanding this section. 4833

(4) The driver's license for licensees under twenty-one years 4834
of age shall have characteristics prescribed by the registrar 4835
distinguishing it from that issued to a licensee who is twenty-one 4836
years of age or older, except that a driver's license issued to a 4837
person who applies no more than thirty days before the applicant's 4838
twenty-first birthday shall have the characteristics of a license 4839
issued to a person who is twenty-one years of age or older. 4840

(5) The driver's license issued to a temporary resident shall 4841
contain the word "nonrenewable" and shall have any additional 4842
characteristics prescribed by the registrar distinguishing it from 4843
a license issued to a resident. 4844

(6) Every driver's or commercial driver's license displaying 4845
a motorcycle operator's endorsement and every restricted license 4846

to operate a motor vehicle also shall display the designation 4847
"novice," if the endorsement or license is issued to a person who 4848
is eighteen years of age or older and previously has not been 4849
licensed to operate a motorcycle by this state or another 4850
jurisdiction recognized by this state. The "novice" designation 4851
shall be effective for one year after the date of issuance of the 4852
motorcycle operator's endorsement or license. 4853

(7) Each license issued under this section shall be of such 4854
material and so designed as to prevent its reproduction or 4855
alteration without ready detection ~~and, to this end, shall be~~ 4856
~~laminated with a transparent plastic material.~~ 4857

(B) Except in regard to a driver's license issued to a person 4858
who applies no more than thirty days before the applicant's 4859
twenty-first birthday, neither the registrar nor any deputy 4860
registrar shall issue a driver's license to anyone under 4861
twenty-one years of age that does not have the characteristics 4862
prescribed by the registrar distinguishing it from the driver's 4863
license issued to persons who are twenty-one years of age or 4864
older. 4865

(C) Whoever violates division (B) of this section is guilty 4866
of a minor misdemeanor. 4867

Sec. 4507.18. (A) The registrar of motor vehicles shall 4868
permit all of the following to renew a driver's license or 4869
motorcycle operator's endorsement issued by this state by 4870
electronic means: 4871

(1) Any person who is on active duty in the armed forces of 4872
the United States who is stationed outside of this state; 4873

(2) The spouse of a person described in division (A)(1) of 4874
this section who is also outside of this state; 4875

(3) The dependents of a person described in division (A)(1) 4876

of this section who are also outside of this state. 4877

(B) The registrar shall require all of the following: 4878

(1) That the applicant provide a digital copy of the 4879
applicant's military identification card or military dependent 4880
identification card; 4881

(2) That any spouse or dependent applicant provide a digital 4882
copy of a form provided by the registrar demonstrating that the 4883
applicant received and passed a vision examination in accordance 4884
with the vision requirements under section 4507.12 of the Revised 4885
Code; 4886

(3) That the applicant provide a digital copy of a current 4887
two inch by two inch color passport quality photograph with a 4888
white background to be used as the applicant's new driver's 4889
license or motorcycle operator's endorsement photograph; 4890

(4) That the applicant provide a digital copy of any 4891
identification documents and supporting documents as required by 4892
statute or administrative rule to comply with current state and 4893
federal requirements. 4894

(C) The registrar shall make it possible for applicants to 4895
upload and send by electronic means all required copies of 4896
supporting documents and photographs for a driver's license or 4897
motorcycle operator's endorsement renewal under this section. 4898

(D)(1) This section does not impact a person's ability to use 4899
the exemption from the license requirements available under 4900
division (B) of section 4507.03 of the Revised Code. 4901

(2) This section does not prevent a person who is permitted 4902
to renew a driver's license or motorcycle operator's endorsement 4903
by electronic means under this section from making an application, 4904
as provided in section 4507.10 of the Revised Code, in person at a 4905
deputy registrar office. 4906

(E) The registrar shall adopt rules under Chapter 119. of the 4907
Revised Code to implement and administer this section. 4908

Sec. 4507.23. (A) Except as provided in division (I) of this 4909
section, each application for a temporary instruction permit and 4910
examination shall be accompanied by a fee of five dollars. 4911

(B) Except as provided in division (I) of this section, each 4912
application for a driver's license made by a person who previously 4913
held such a license and whose license has expired not more than 4914
two years prior to the date of application, and who is required 4915
under this chapter to give an actual demonstration of the person's 4916
ability to drive, shall be accompanied by a fee of three dollars 4917
in addition to any other fees. 4918

(C)(1) Except as provided in divisions (E) and (I) of this 4919
section, each application for a driver's license, or motorcycle 4920
operator's endorsement, or renewal of a driver's license shall be 4921
accompanied by a fee of six dollars. 4922

(2) Except as provided in division (I) of this section, each 4923
application for a duplicate driver's license shall be accompanied 4924
by a fee of seven dollars and fifty cents. The duplicate driver's 4925
licenses issued under this section shall be distributed by the 4926
deputy registrar in accordance with rules adopted by the registrar 4927
of motor vehicles. 4928

(D) Except as provided in division (I) of this section, each 4929
application for a motorized bicycle license or duplicate thereof 4930
shall be accompanied by a fee of two dollars and fifty cents. 4931

(E) Except as provided in division (I) of this section, each 4932
application for a driver's license or renewal of a driver's 4933
license that will be issued to a person who is less than 4934
twenty-one years of age shall be accompanied by whichever of the 4935
following fees is applicable: 4936

(1) If the person is sixteen years of age or older, but less than seventeen years of age, a fee of seven dollars and twenty-five cents;

(2) If the person is seventeen years of age or older, but less than eighteen years of age, a fee of six dollars;

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

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

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

(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for ~~laminating the authentication of the documents required for processing~~ a driver's license, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar ~~laminating that authenticates the required documents for~~ a driver's license, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee ~~charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section.~~

(G) Except as provided in division (I) of this section, each transaction described in divisions (A), (B), (C), (D), and (E) of

this section shall be accompanied by an additional fee of twelve 4968
dollars. The additional fee is for the purpose of defraying the 4969
department of public safety's costs associated with the 4970
administration and enforcement of the motor vehicle and traffic 4971
laws of Ohio. 4972

(H) At the time and in the manner provided by section 4503.10 4973
of the Revised Code, the deputy registrar shall transmit the fees 4974
collected under divisions (A), (B), (C), (D), and (E), those 4975
portions of the fees specified in and collected under division 4976
(F), and the additional fee under division (G) of this section to 4977
the registrar. The registrar shall deposit the fees into the 4978
public safety - highway purposes fund established in section 4979
4501.06 of the Revised Code. 4980

(I) A disabled veteran who has a service-connected disability 4981
rated at one hundred per cent by the veterans' administration may 4982
apply to the registrar or a deputy registrar for the issuance to 4983
that veteran, without the payment of any fee prescribed in this 4984
section, of any of the following items: 4985

(1) A temporary instruction permit and examination; 4986

(2) A new, renewal, or duplicate driver's or commercial 4987
driver's license; 4988

(3) A motorcycle operator's endorsement; 4989

(4) A motorized bicycle license or duplicate thereof; 4990

(5) ~~Lamination of a driver's license, motorized bicycle~~ 4991
~~license, or temporary instruction permit identification card~~ A 4992
document authentication fee as provided in division (F) of this 4993
section. 4994

An application made under division (I) of this section shall 4995
be accompanied by such documentary evidence of disability as the 4996
registrar may require by rule. 4997

(J)(1) The registrar of motor vehicles shall adopt rules that 4998
establish a prorated fee schedule that specifies the fee to be 4999
charged by the registrar or a deputy registrar for the issuance of 5000
a duplicate driver's license. The rules shall require the base fee 5001
to be equal to the fee for a duplicate driver's license that 5002
existed immediately prior to July 1, 2015. In order to determine 5003
the prorated amount for a duplicate license under the rules, the 5004
registrar shall reduce the base fee by an amount determined by the 5005
registrar that is correlated with the number of months between the 5006
date a person applies for the duplicate and the date of expiration 5007
of the license. The registrar shall allocate the money received 5008
from a prorated duplicate driver's license fee to the same funds 5009
and in the same proportion as the allocation of the base fee. 5010

(2) Notwithstanding any other provision of law, after the 5011
registrar has adopted rules under division (J)(1) of this section, 5012
an applicant for a duplicate driver's license shall be required to 5013
pay only the appropriate prorated fee established under those 5014
rules. 5015

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy 5016
registrar, upon receipt of an application filed in compliance with 5017
section 4507.51 of the Revised Code by any person who is a 5018
resident or a temporary resident of this state and, except as 5019
otherwise provided in this section, is not licensed as an operator 5020
of a motor vehicle in this state or another licensing 5021
jurisdiction, and, except as provided in division (B) or (C) of 5022
this section, upon receipt of a fee of three dollars and fifty 5023
cents, shall issue an identification card to that person. 5024

Any person who is a resident or temporary resident of this 5025
state whose Ohio driver's or commercial driver's license has been 5026
suspended or canceled, upon application in compliance with section 5027
4507.51 of the Revised Code and, except as provided in division 5028

(B) or (C) of this section, payment of a fee of three dollars and fifty cents, may be issued a temporary identification card. The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid during the effective dates of the suspension or cancellation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter. The cardholder shall surrender the identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued.

Except as provided in division (B) or (C) of this section, the deputy registrar shall be allowed a fee equal to the amount established under section 4503.038 of the Revised Code for each identification card issued under this section. The fee allowed to the deputy registrar shall be in addition to the fee for issuing an identification card.

Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for ~~laminating the authentication of the documents required for processing an identification card or temporary identification card. A deputy registrar laminating such a card that authenticates the required documents~~ shall retain the entire amount of the fee ~~charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section.~~

The fee collected for issuing an identification card under this section, except the fee allowed to the deputy registrar, shall be paid into the state treasury to the credit of the public

safety - highway purposes fund created in section 4501.06 of the Revised Code.

(B) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (A) of this section, ~~including any lamination fee.~~

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

(C) A resident who is eligible for an identification card with an expiration date that is in accordance with division (A)(8)(b) of section 4507.52 of the Revised Code and who is currently unemployed may apply to the registrar or a deputy registrar for the issuance of an identification card under this section without payment of any fee as prescribed in division (A) of this section, ~~including any lamination fee.~~

An application made under division (C) of this section shall be accompanied by such documentary evidence of disability and unemployment as the registrar may require by rule.

Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, who currently is not

licensed to operate a motor vehicle in the state of Ohio." 5091

(2) The identification card shall display substantially the 5092
same information as contained in the application and as described 5093
in division (A)(1) of section 4507.51 of the Revised Code, but 5094
shall not display the cardholder's social security number unless 5095
the cardholder specifically requests that the cardholder's social 5096
security number be displayed on the card. If federal law requires 5097
the cardholder's social security number to be displayed on the 5098
identification card, the social security number shall be displayed 5099
on the card notwithstanding this section. 5100

(3) The identification card also shall display the color 5101
photograph of the cardholder. 5102

(4) If the cardholder has executed a durable power of 5103
attorney for health care or a declaration governing the use or 5104
continuation, or the withholding or withdrawal, of life-sustaining 5105
treatment and has specified that the cardholder wishes the 5106
identification card to indicate that the cardholder has executed 5107
either type of instrument, the card also shall display any symbol 5108
chosen by the registrar to indicate that the cardholder has 5109
executed either type of instrument. 5110

(5) If the cardholder has specified that the cardholder 5111
wishes the identification card to indicate that the cardholder is 5112
a veteran, active duty, or reservist of the armed forces of the 5113
United States and has presented a copy of the cardholder's DD-214 5114
form or an equivalent document, the card also shall display any 5115
symbol chosen by the registrar to indicate that the cardholder is 5116
a veteran, active duty, or reservist of the armed forces of the 5117
United States. 5118

(6) The card shall be ~~sealed in transparent plastic or~~ 5119
~~similar material and shall be so~~ designed as to prevent its 5120
reproduction or alteration without ready detection. 5121

(7) The identification card for persons under twenty-one 5122
years of age shall have characteristics prescribed by the 5123
registrar distinguishing it from that issued to a person who is 5124
twenty-one years of age or older, except that an identification 5125
card issued to a person who applies no more than thirty days 5126
before the applicant's twenty-first birthday shall have the 5127
characteristics of an identification card issued to a person who 5128
is twenty-one years of age or older. 5129

(8)(a) Except as provided in division (A)(8)(b) of this 5130
section, every identification card issued to a resident of this 5131
state shall expire, unless canceled or surrendered earlier, on the 5132
birthday of the cardholder in the fourth year after the date on 5133
which it is issued. 5134

(b) The registrar or a deputy registrar shall issue an 5135
identification card to a resident of this state who is permanently 5136
or irreversibly disabled that shall expire, unless canceled or 5137
surrendered earlier, on the birthday of the cardholder in the 5138
eighth year after the date on which it is issued. The registrar 5139
shall issue a reminder notice to a cardholder, at the last known 5140
address of the cardholder, six months before the identification 5141
card is scheduled to expire. The registrar shall adopt rules 5142
governing the documentation a cardholder shall submit to certify 5143
that the cardholder is permanently or irreversibly disabled. 5144

As used in this section, "permanently or irreversibly 5145
disabled" means a condition of disability from which there is no 5146
present indication of recovery. 5147

(c) Every identification card issued to a temporary resident 5148
shall expire in accordance with rules adopted by the registrar and 5149
is nonrenewable, but may be replaced with a new identification 5150
card upon the applicant's compliance with all applicable 5151
requirements. 5152

(9) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee in accordance with section 4507.50 of the Revised Code.

(10) If a cardholder applies for a driver's or commercial driver's license in this state or another licensing jurisdiction, the cardholder shall surrender the cardholder's identification card to the registrar or any deputy registrar before the license is issued.

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) Any person who loses a card and, after obtaining a duplicate, finds the original, immediately shall surrender the original to the registrar or a deputy registrar.

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card.

(4)(a) When a cardholder applies for a duplicate or obtains a replacement identification card, the cardholder shall pay a fee of two dollars and fifty cents. A deputy registrar shall be allowed an additional fee equal to the amount established under section 4503.038 of the Revised Code for issuing a duplicate or replacement identification card.

(b) A disabled veteran who is a cardholder and has a

service-connected disability rated at one hundred per cent by the 5183
veterans' administration may apply to the registrar or a deputy 5184
registrar for the issuance of a duplicate or replacement 5185
identification card without payment of any fee prescribed in this 5186
section, ~~and without payment of any lamination fee if the disabled~~ 5187
~~veteran would not be required to pay a lamination fee in~~ 5188
~~connection with the issuance of an identification card or~~ 5189
~~temporary identification card as provided in division (B) of~~ 5190
~~section 4507.50 of the Revised Code.~~ 5191

(c) A resident who is permanently or irreversibly disabled 5192
and who is unemployed may apply to the registrar or a deputy 5193
registrar for the issuance of a duplicate or replacement 5194
identification card without payment of any fee prescribed in this 5195
section, ~~and without payment of any lamination fee, if the~~ 5196
~~resident would not be required to pay any fee in connection with~~ 5197
~~the issuance of an identification card as provided in division (C)~~ 5198
~~of section 4507.50 of the Revised Code.~~ 5199

(5) A duplicate or replacement identification card expires on 5200
the same date as the card it replaces. 5201

(C) The registrar shall cancel any card upon determining that 5202
the card was obtained unlawfully, issued in error, or was altered. 5203
The registrar also shall cancel any card that is surrendered to 5204
the registrar or to a deputy registrar after the holder has 5205
obtained a duplicate, replacement, or driver's or commercial 5206
driver's license. 5207

(D)(1) No agent of the state or its political subdivisions 5208
shall condition the granting of any benefit, service, right, or 5209
privilege upon the possession by any person of an identification 5210
card. Nothing in this section shall preclude any publicly operated 5211
or franchised transit system from using an identification card for 5212
the purpose of granting benefits or services of the system. 5213

(2) No person shall be required to apply for, carry, or 5214
possess an identification card. 5215

(E) Except in regard to an identification card issued to a 5216
person who applies no more than thirty days before the applicant's 5217
twenty-first birthday, neither the registrar nor any deputy 5218
registrar shall issue an identification card to a person under 5219
twenty-one years of age that does not have the characteristics 5220
prescribed by the registrar distinguishing it from the 5221
identification card issued to persons who are twenty-one years of 5222
age or older. 5223

(F) Whoever violates division (E) of this section is guilty 5224
of a minor misdemeanor. 5225

Sec. 4509.101. (A)(1) No person shall operate, or permit the 5226
operation of, a motor vehicle in this state, unless proof of 5227
financial responsibility is maintained continuously throughout the 5228
registration period with respect to that vehicle, or, in the case 5229
of a driver who is not the owner, with respect to that driver's 5230
operation of that vehicle. 5231

(2) Whoever violates division (A)(1) of this section shall be 5232
subject to the following civil penalties: 5233

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 5234
class (F) suspension of the person's driver's license, commercial 5235
driver's license, temporary instruction permit, probationary 5236
license, or nonresident operating privilege for the period of time 5237
specified in division (B)(6) of section 4510.02 of the Revised 5238
Code and impoundment of the person's license. 5239

(b) If, within five years of the violation, the person's 5240
operating privileges are again suspended and the person's license 5241
again is impounded for a violation of division (A)(1) of this 5242
section, a class C suspension of the person's driver's license, 5243

commercial driver's license, temporary instruction permit, 5244
probationary license, or nonresident operating privilege for the 5245
period of time specified in division (B)(3) of section 4510.02 of 5246
the Revised Code. The court may grant limited driving privileges 5247
to the person only if the person presents proof of financial 5248
responsibility and has complied with division (A)(5) of this 5249
section, and no court may grant limited driving privileges for the 5250
first fifteen days of the suspension. 5251

(c) If, within five years of the violation, the person's 5252
operating privileges are suspended and the person's license is 5253
impounded two or more times for a violation of division (A)(1) of 5254
this section, a class B suspension of the person's driver's 5255
license, commercial driver's license, temporary instruction 5256
permit, probationary license, or nonresident operating privilege 5257
for the period of time specified in division (B)(2) of section 5258
4510.02 of the Revised Code. The court may grant limited driving 5259
privileges to the person only if the person presents proof of 5260
financial responsibility and has complied with division (A)(5) of 5261
this section, except that no court may grant limited driving 5262
privileges for the first thirty days of the suspension. 5263

(d) In addition to the suspension of an owner's license under 5264
division (A)(2)(a), (b), or (c) of this section, the suspension of 5265
the rights of the owner to register the motor vehicle and the 5266
impoundment of the owner's certificate of registration and license 5267
plates until the owner complies with division (A)(5) of this 5268
section. 5269

(3) A person to whom this state has issued a certificate of 5270
registration for a motor vehicle or a license to operate a motor 5271
vehicle or who is determined to have operated any motor vehicle or 5272
permitted the operation in this state of a motor vehicle owned by 5273
the person shall be required to verify the existence of proof of 5274
financial responsibility covering the operation of the motor 5275

vehicle or the person's operation of the motor vehicle under ~~any~~ 5276
either of the following circumstances: 5277

(a) The person or a motor vehicle owned by the person is 5278
involved in a traffic accident that requires the filing of an 5279
accident report under section 4509.06 of the Revised Code. 5280

(b) The person receives a traffic ticket indicating that 5281
proof of the maintenance of financial responsibility was not 5282
produced upon the request of a peace officer or state highway 5283
patrol trooper made in accordance with division (D)(2) of this 5284
section. 5285

~~(c) Whenever, in accordance with rules adopted by the 5286
registrar, the person is randomly selected by the registrar and 5287
requested to provide such verification. 5288~~

(4) An order of the registrar that suspends and impounds a 5289
license or registration, or both, shall state the date on or 5290
before which the person is required to surrender the person's 5291
license or certificate of registration and license plates. The 5292
person is deemed to have surrendered the license or certificate of 5293
registration and license plates, in compliance with the order, if 5294
the person does either of the following: 5295

(a) On or before the date specified in the order, personally 5296
delivers the license or certificate of registration and license 5297
plates, or causes the delivery of the items, to the registrar; 5298

(b) Mails the license or certificate of registration and 5299
license plates to the registrar in an envelope or container 5300
bearing a postmark showing a date no later than the date specified 5301
in the order. 5302

(5) Except as provided in division ~~(A)(6)~~ or (L) of this 5303
section, the registrar shall not restore any operating privileges 5304
or registration rights suspended under this section, return any 5305
license, certificate of registration, or license plates impounded 5306

under this section, or reissue license plates under section 5307
4503.232 of the Revised Code, if the registrar destroyed the 5308
impounded license plates under that section, or reissue a license 5309
under section 4510.52 of the Revised Code, if the registrar 5310
destroyed the suspended license under that section, unless the 5311
rights are not subject to suspension or revocation under any other 5312
law and unless the person, in addition to complying with all other 5313
conditions required by law for reinstatement of the operating 5314
privileges or registration rights, complies with all of the 5315
following: 5316

(a) Pays to the registrar or an eligible deputy registrar a 5317
financial responsibility reinstatement fee of one hundred dollars 5318
for the first violation of division (A)(1) of this section, three 5319
hundred dollars for a second violation of that division, and six 5320
hundred dollars for a third or subsequent violation of that 5321
division; 5322

(b) If the person has not voluntarily surrendered the 5323
license, certificate, or license plates in compliance with the 5324
order, pays to the registrar or an eligible deputy registrar a 5325
financial responsibility nonvoluntary compliance fee in an amount, 5326
not to exceed fifty dollars, determined by the registrar; 5327

(c) Files and continuously maintains proof of financial 5328
responsibility under sections 4509.44 to 4509.65 of the Revised 5329
Code; 5330

(d) Pays a deputy registrar a service fee of ten dollars to 5331
compensate the deputy registrar for services performed under this 5332
section. The deputy registrar shall retain eight dollars of the 5333
service fee and shall transmit the reinstatement fee, any 5334
nonvoluntary compliance fee, and two dollars of the service fee to 5335
the registrar in the manner the registrar shall determine. 5336

~~(6) If the registrar issues an order under division (A)(2) of 5337~~

~~this section resulting from the failure of a person to respond to 5338
a financial responsibility random verification request under 5339
division (A)(3)(c) of this section and the person successfully 5340
maintains an affirmative defense to a violation of section 4510.16 5341
of the Revised Code or is determined by the registrar or a deputy 5342
registrar to have been in compliance with division (A)(1) of this 5343
section at the time of the initial financial responsibility random 5344
verification request, the registrar shall do both of the 5345
following: 5346~~

~~(a) Terminate the order of suspension or impoundment; 5347~~

~~(b) Restore the operating privileges and registration rights 5348
of the person without payment of the fees established in divisions 5349
(A)(5)(a) and (b) of this section and without a requirement to 5350
file proof of financial responsibility. 5351~~

(B)(1) Every party required to file an accident report under 5352
section 4509.06 of the Revised Code also shall include with the 5353
report a document described in division (G)(1)(a) of this section 5354
or shall present proof of financial responsibility through use of 5355
an electronic wireless communications device as permitted by 5356
division (G)(1)(b) of this section. 5357

If the registrar determines, within forty-five days after the 5358
report is filed, that an operator or owner has violated division 5359
(A)(1) of this section, the registrar shall do all of the 5360
following: 5361

(a) Order the impoundment, with respect to the motor vehicle 5362
involved, required under division (A)(2)(d) of this section, of 5363
the certificate of registration and license plates of any owner 5364
who has violated division (A)(1) of this section; 5365

(b) Order the suspension required under division (A)(2)(a), 5366
(b), or (c) of this section of the license of any operator or 5367
owner who has violated division (A)(1) of this section; 5368

(c) Record the name and address of the person whose 5369
certificate of registration and license plates have been impounded 5370
or are under an order of impoundment, or whose license has been 5371
suspended or is under an order of suspension; the serial number of 5372
the person's license; the serial numbers of the person's 5373
certificate of registration and license plates; and the person's 5374
social security account number, if assigned, or, where the motor 5375
vehicle is used for hire or principally in connection with any 5376
established business, the person's federal taxpayer identification 5377
number. The information shall be recorded in such a manner that it 5378
becomes a part of the person's permanent record, and assists the 5379
registrar in monitoring compliance with the orders of suspension 5380
or impoundment. 5381

(d) Send written notification to every person to whom the 5382
order pertains, at the person's last known address as shown on the 5383
records of the bureau. The person, within ten days after the date 5384
of the mailing of the notification, shall surrender to the 5385
registrar, in a manner set forth in division (A)(4) of this 5386
section, any certificate of registration and registration plates 5387
under an order of impoundment, or any license under an order of 5388
suspension. 5389

(2) The registrar shall issue any order under division (B)(1) 5390
of this section without a hearing. Any person adversely affected 5391
by the order, within ten days after the issuance of the order, may 5392
request an administrative hearing before the registrar, who shall 5393
provide the person with an opportunity for a hearing in accordance 5394
with this paragraph. A request for a hearing does not operate as a 5395
suspension of the order. The scope of the hearing shall be limited 5396
to whether the person in fact demonstrated to the registrar proof 5397
of financial responsibility in accordance with this section. The 5398
registrar shall determine the date, time, and place of any 5399
hearing, provided that the hearing shall be held, and an order 5400

issued or findings made, within thirty days after the registrar 5401
receives a request for a hearing. If requested by the person in 5402
writing, the registrar may designate as the place of hearing the 5403
county seat of the county in which the person resides or a place 5404
within fifty miles of the person's residence. The person shall pay 5405
the cost of the hearing before the registrar, if the registrar's 5406
order of suspension or impoundment is upheld. 5407

(C) Any order of suspension or impoundment issued under this 5408
section or division (B) of section 4509.37 of the Revised Code may 5409
be terminated at any time if the registrar determines upon a 5410
showing of proof of financial responsibility that the operator or 5411
owner of the motor vehicle was in compliance with division (A)(1) 5412
of this section at the time of the traffic offense, motor vehicle 5413
inspection, or accident that resulted in the order against the 5414
person. A determination may be made without a hearing. This 5415
division does not apply unless the person shows good cause for the 5416
person's failure to present satisfactory proof of financial 5417
responsibility to the registrar prior to the issuance of the 5418
order. 5419

(D)(1)(a) For the purpose of enforcing this section, every 5420
peace officer is deemed an agent of the registrar. 5421

~~(a) Except as provided in division (D)(1)(b) of this section,~~ 5422
any (b) Any peace officer who, in the performance of the peace 5423
officer's duties as authorized by law, becomes aware of a person 5424
whose license is under an order of suspension, or whose 5425
certificate of registration and license plates are under an order 5426
of impoundment, pursuant to this section, may confiscate the 5427
license, certificate of registration, and license plates, and 5428
return them to the registrar. 5429

~~(b) Any peace officer who, in the performance of the peace~~ 5430
~~officer's duties as authorized by law, becomes aware of a person~~ 5431
~~whose license is under an order of suspension, or whose~~ 5432

~~certificate of registration and license plates are under an order 5433
of impoundment resulting from failure to respond to a financial 5434
responsibility random verification, shall not, for that reason, 5435
arrest the owner or operator or seize the vehicle or license 5436
plates. Instead, the peace officer shall issue a citation for a 5437
violation of section 4510.16 of the Revised Code specifying the 5438
circumstances as failure to respond to a financial responsibility 5439
random verification. 5440~~

(2) A peace officer shall request the owner or operator of a 5441
motor vehicle to produce proof of financial responsibility in a 5442
manner described in division (G) of this section at the time the 5443
peace officer acts to enforce the traffic laws of this state and 5444
during motor vehicle inspections conducted pursuant to section 5445
4513.02 of the Revised Code. 5446

(3) A peace officer shall indicate on every traffic ticket 5447
whether the person receiving the traffic ticket produced proof of 5448
the maintenance of financial responsibility in response to the 5449
officer's request under division (D)(2) of this section. The peace 5450
officer shall inform every person who receives a traffic ticket 5451
and who has failed to produce proof of the maintenance of 5452
financial responsibility that the person must submit proof to the 5453
traffic violations bureau with any payment of a fine and costs for 5454
the ticketed violation or, if the person is to appear in court for 5455
the violation, the person must submit proof to the court. 5456

(4)(a) If a person who has failed to produce proof of the 5457
maintenance of financial responsibility appears in court for a 5458
ticketed violation, the court may permit the defendant to present 5459
evidence of proof of financial responsibility to the court at such 5460
time and in such manner as the court determines to be necessary or 5461
appropriate. In a manner prescribed by the registrar, the clerk of 5462
courts shall provide the registrar with the identity of any person 5463
who fails to submit proof of the maintenance of financial 5464

responsibility pursuant to division (D)(3) of this section. 5465

(b) If a person who has failed to produce proof of the 5466
maintenance of financial responsibility also fails to submit that 5467
proof to the traffic violations bureau with payment of a fine and 5468
costs for the ticketed violation, the traffic violations bureau, 5469
in a manner prescribed by the registrar, shall notify the 5470
registrar of the identity of that person. 5471

(5)(a) Upon receiving notice from a clerk of courts or 5472
traffic violations bureau pursuant to division (D)(4) of this 5473
section, the registrar shall order the suspension of the license 5474
of the person required under division (A)(2)(a), (b), or (c) of 5475
this section and the impoundment of the person's certificate of 5476
registration and license plates required under division (A)(2)(d) 5477
of this section, effective thirty days after the date of the 5478
mailing of notification. The registrar also shall notify the 5479
person that the person must present the registrar with proof of 5480
financial responsibility in accordance with this section, 5481
surrender to the registrar the person's certificate of 5482
registration, license plates, and license, or submit a statement 5483
subject to section 2921.13 of the Revised Code that the person did 5484
not operate or permit the operation of the motor vehicle at the 5485
time of the offense. Notification shall be in writing and shall be 5486
sent to the person at the person's last known address as shown on 5487
the records of the bureau of motor vehicles. The person, within 5488
fifteen days after the date of the mailing of notification, shall 5489
present proof of financial responsibility, surrender the 5490
certificate of registration, license plates, and license to the 5491
registrar in a manner set forth in division (A)(4) of this 5492
section, or submit the statement required under this section 5493
together with other information the person considers appropriate. 5494

If the registrar does not receive proof or the person does 5495
not surrender the certificate of registration, license plates, and 5496

license, in accordance with this division, the registrar shall 5497
permit the order for the suspension of the license of the person 5498
and the impoundment of the person's certificate of registration 5499
and license plates to take effect. 5500

(b) In the case of a person who presents, within the 5501
fifteen-day period, proof of financial responsibility, the 5502
registrar shall terminate the order of suspension and the 5503
impoundment of the registration and license plates required under 5504
division (A)(2)(d) of this section and shall send written 5505
notification to the person, at the person's last known address as 5506
shown on the records of the bureau. 5507

(c) Any person adversely affected by the order of the 5508
registrar under division (D)(5)(a) or (b) of this section, within 5509
ten days after the issuance of the order, may request an 5510
administrative hearing before the registrar, who shall provide the 5511
person with an opportunity for a hearing in accordance with this 5512
paragraph. A request for a hearing does not operate as a 5513
suspension of the order. The scope of the hearing shall be limited 5514
to whether, at the time of the hearing, the person presents proof 5515
of financial responsibility covering the vehicle and whether the 5516
person is eligible for an exemption in accordance with this 5517
section or any rule adopted under it. The registrar shall 5518
determine the date, time, and place of any hearing; provided, that 5519
the hearing shall be held, and an order issued or findings made, 5520
within thirty days after the registrar receives a request for a 5521
hearing. If requested by the person in writing, the registrar may 5522
designate as the place of hearing the county seat of the county in 5523
which the person resides or a place within fifty miles of the 5524
person's residence. Such person shall pay the cost of the hearing 5525
before the registrar, if the registrar's order of suspension or 5526
impoundment under division (D)(5)(a) or (b) of this section is 5527
upheld. 5528

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

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

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

(9) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section.

Of each financial responsibility reinstatement fee the 5561
registrar collects pursuant to division (A)(5)(a) of this section 5562
or receives from a deputy registrar under division (A)(5)(d) of 5563
this section, the registrar shall deposit twenty-five dollars of 5564
each one-hundred-dollar reinstatement fee, fifty dollars of each 5565
three-hundred-dollar reinstatement fee, and one hundred dollars of 5566
each six-hundred-dollar reinstatement fee into the state treasury 5567
to the credit of the indigent defense support fund created by 5568
section 120.08 of the Revised Code. 5569

(F) Chapter 119. of the Revised Code applies to this section 5570
only to the extent that any provision in that chapter is not 5571
clearly inconsistent with this section. 5572

(G)(1)(a) The registrar, court, traffic violations bureau, or 5573
peace officer may require proof of financial responsibility to be 5574
demonstrated by use of a standard form prescribed by the 5575
registrar. If the use of a standard form is not required, a person 5576
may demonstrate proof of financial responsibility under this 5577
section by presenting to the traffic violations bureau, court, 5578
registrar, or peace officer any of the following documents or a 5579
copy of the documents: 5580

(i) A financial responsibility identification card as 5581
provided in section 4509.103 of the Revised Code; 5582

(ii) A certificate of proof of financial responsibility on a 5583
form provided and approved by the registrar for the filing of an 5584
accident report required to be filed under section 4509.06 of the 5585
Revised Code; 5586

(iii) A policy of liability insurance, a declaration page of 5587
a policy of liability insurance, or liability bond, if the policy 5588
or bond complies with section 4509.20 or sections 4509.49 to 5589
4509.61 of the Revised Code; 5590

(iv) A bond or certification of the issuance of a bond as 5591

provided in section 4509.59 of the Revised Code; 5592

(v) A certificate of deposit of money or securities as 5593
provided in section 4509.62 of the Revised Code; 5594

(vi) A certificate of self-insurance as provided in section 5595
4509.72 of the Revised Code. 5596

(b) A person also may present proof of financial 5597
responsibility under this section to the traffic violations 5598
bureau, court, registrar, or peace officer through use of an 5599
electronic wireless communications device as specified under 5600
section 4509.103 of the Revised Code. 5601

(2) If a person fails to demonstrate proof of financial 5602
responsibility in a manner described in division (G)(1) of this 5603
section, the person may demonstrate proof of financial 5604
responsibility under this section by any other method that the 5605
court or the bureau, by reason of circumstances in a particular 5606
case, may consider appropriate. 5607

(3) A motor carrier certificated by the interstate commerce 5608
commission or by the public utilities commission may demonstrate 5609
proof of financial responsibility by providing a statement 5610
designating the motor carrier's operating authority and averring 5611
that the insurance coverage required by the certificating 5612
authority is in full force and effect. 5613

(4)(a) A finding by the registrar or court that a person is 5614
covered by proof of financial responsibility in the form of an 5615
insurance policy or surety bond is not binding upon the named 5616
insurer or surety or any of its officers, employees, agents, or 5617
representatives and has no legal effect except for the purpose of 5618
administering this section. 5619

(b) The preparation and delivery of a financial 5620
responsibility identification card or any other document 5621
authorized to be used as proof of financial responsibility and the 5622

generation and delivery of proof of financial responsibility to an 5623
electronic wireless communications device that is displayed on the 5624
device as text or images does not do any of the following: 5625

(i) Create any liability or estoppel against an insurer or 5626
surety, or any of its officers, employees, agents, or 5627
representatives; 5628

(ii) Constitute an admission of the existence of, or of any 5629
liability or coverage under, any policy or bond; 5630

(iii) Waive any defenses or counterclaims available to an 5631
insurer, surety, agent, employee, or representative in an action 5632
commenced by an insured or third-party claimant upon a cause of 5633
action alleged to have arisen under an insurance policy or surety 5634
bond or by reason of the preparation and delivery of a document 5635
for use as proof of financial responsibility or the generation and 5636
delivery of proof of financial responsibility to an electronic 5637
wireless communications device. 5638

(c) Whenever it is determined by a final judgment in a 5639
judicial proceeding that an insurer or surety, which has been 5640
named on a document or displayed on an electronic wireless 5641
communications device accepted by a court or the registrar as 5642
proof of financial responsibility covering the operation of a 5643
motor vehicle at the time of an accident or offense, is not liable 5644
to pay a judgment for injuries or damages resulting from such 5645
operation, the registrar, notwithstanding any previous contrary 5646
finding, shall forthwith suspend the operating privileges and 5647
registration rights of the person against whom the judgment was 5648
rendered as provided in division (A)(2) of this section. 5649

(H) In order for any document or display of text or images on 5650
an electronic wireless communications device described in division 5651
(G)(1) of this section to be used for the demonstration of proof 5652
of financial responsibility under this section, the document or 5653

words or images shall state the name of the insured or obligor, 5654
the name of the insurer or surety company, and the effective and 5655
expiration dates of the financial responsibility, and designate by 5656
explicit description or by appropriate reference all motor 5657
vehicles covered which may include a reference to fleet insurance 5658
coverage. 5659

(I) For purposes of this section, "owner" does not include a 5660
licensed motor vehicle leasing dealer as defined in section 5661
4517.01 of the Revised Code, but does include a motor vehicle 5662
renting dealer as defined in section 4549.65 of the Revised Code. 5663
Nothing in this section or in section 4509.51 of the Revised Code 5664
shall be construed to prohibit a motor vehicle renting dealer from 5665
entering into a contractual agreement with a person whereby the 5666
person renting the motor vehicle agrees to be solely responsible 5667
for maintaining proof of financial responsibility, in accordance 5668
with this section, with respect to the operation, maintenance, or 5669
use of the motor vehicle during the period of the motor vehicle's 5670
rental. 5671

(J) The purpose of this section is to require the maintenance 5672
of proof of financial responsibility with respect to the operation 5673
of motor vehicles on the highways of this state, so as to minimize 5674
those situations in which persons are not compensated for injuries 5675
and damages sustained in motor vehicle accidents. The general 5676
assembly finds that this section contains reasonable civil 5677
penalties and procedures for achieving this purpose. 5678

(K) Nothing in this section shall be construed to be subject 5679
to section 4509.78 of the Revised Code. 5680

(L)(1) The registrar may terminate any suspension imposed 5681
under this section and not require the owner to comply with 5682
divisions (A)(5)(a), (b), and (c) of this section if the registrar 5683
with or without a hearing determines that the owner of the vehicle 5684
has established by clear and convincing evidence that all of the 5685

following apply: 5686

(a) The owner customarily maintains proof of financial 5687
responsibility. 5688

(b) Proof of financial responsibility was not in effect for 5689
the vehicle on the date in question for one of the following 5690
reasons: 5691

(i) The vehicle was inoperable. 5692

(ii) The vehicle is operated only seasonally, and the date in 5693
question was outside the season of operation. 5694

(iii) A person other than the vehicle owner or driver was at 5695
fault for the lapse of proof of financial responsibility through 5696
no fault of the owner or driver. 5697

(iv) The lapse of proof of financial responsibility was 5698
caused by excusable neglect under circumstances that are not 5699
likely to recur and do not suggest a purpose to evade the 5700
requirements of this chapter. 5701

(2) ~~The registrar may grant an owner or driver relief for a 5702
reason specified in division (L)(1)(b)(i) or (ii) of this section 5703
whenever the owner or driver is randomly selected to verify the 5704
existence of proof of financial responsibility for such a vehicle. 5705
However, the registrar may grant an owner or driver relief for a 5706
reason specified in division (L)(1)(b)(iii) or (iv) of this 5707
section only if the owner or driver has not previously been 5708
granted relief under division (L)(1)(b)(iii) or (iv) of this 5709
section. 5710~~

(M) The registrar shall adopt rules in accordance with 5711
Chapter 119. of the Revised Code that are necessary to administer 5712
and enforce this section. The rules shall include procedures for 5713
the surrender of license plates upon failure to maintain proof of 5714
financial responsibility and provisions relating to reinstatement 5715

of registration rights, acceptable forms of proof of financial 5716
responsibility, the use of an electronic wireless communications 5717
device to present proof of financial responsibility, and 5718
verification of the existence of financial responsibility during 5719
the period of registration. 5720

(N)(1) When a person utilizes an electronic wireless 5721
communications device to present proof of financial 5722
responsibility, only the evidence of financial responsibility 5723
displayed on the device shall be viewed by the registrar, peace 5724
officer, employee or official of the traffic violations bureau, or 5725
the court. No other content of the device shall be viewed for 5726
purposes of obtaining proof of financial responsibility. 5727

(2) When a person provides an electronic wireless 5728
communications device to the registrar, a peace officer, an 5729
employee or official of a traffic violations bureau, or the court, 5730
the person assumes the risk of any resulting damage to the device 5731
unless the registrar, peace officer, employee, or official, or 5732
court personnel purposely, knowingly, or recklessly commits an 5733
action that results in damage to the device. 5734

Sec. 4510.04. It is an affirmative defense to any prosecution 5735
brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the 5736
Revised Code or under any substantially equivalent municipal 5737
ordinance that the alleged offender drove under suspension, 5738
without a valid permit or driver's or commercial driver's license, 5739
or in violation of a restriction because of a substantial 5740
emergency, and because no other person was reasonably available to 5741
drive in response to the emergency. 5742

~~It is an affirmative defense to any prosecution brought under 5743
section 4510.16 of the Revised Code that the order of suspension 5744
resulted from the failure of the alleged offender to respond to a 5745
financial responsibility random verification request under 5746~~

~~division (A)(3)(c) of section 4509.101 of the Revised Code and 5747
that, at the time of the initial financial responsibility random 5748
verification request, the alleged offender was in compliance with 5749
division (A)(1) of section 4509.101 of the Revised Code as shown 5750
by proof of financial responsibility that was in effect at the 5751
time of that request. 5752~~

Sec. 4511.21. (A) No person shall operate a motor vehicle, 5753
trackless trolley, or streetcar at a speed greater or less than is 5754
reasonable or proper, having due regard to the traffic, surface, 5755
and width of the street or highway and any other conditions, and 5756
no person shall drive any motor vehicle, trackless trolley, or 5757
streetcar in and upon any street or highway at a greater speed 5758
than will permit the person to bring it to a stop within the 5759
assured clear distance ahead. 5760

(B) It is prima-facie lawful, in the absence of a lower limit 5761
declared or established pursuant to this section by the director 5762
of transportation or local authorities, for the operator of a 5763
motor vehicle, trackless trolley, or streetcar to operate the same 5764
at a speed not exceeding the following: 5765

(1)(a) Twenty miles per hour in school zones during school 5766
recess and while children are going to or leaving school during 5767
the opening or closing hours, and when twenty miles per hour 5768
school speed limit signs are erected; except that, on 5769
controlled-access highways and expressways, if the right-of-way 5770
line fence has been erected without pedestrian opening, the speed 5771
shall be governed by division (B)(4) of this section and on 5772
freeways, if the right-of-way line fence has been erected without 5773
pedestrian opening, the speed shall be governed by divisions 5774
(B)(10) and (11) of this section. The end of every school zone may 5775
be marked by a sign indicating the end of the zone. Nothing in 5776
this section or in the manual and specifications for a uniform 5777

system of traffic control devices shall be construed to require 5778
school zones to be indicated by signs equipped with flashing or 5779
other lights, or giving other special notice of the hours in which 5780
the school zone speed limit is in effect. 5781

(b) As used in this section and in section 4511.212 of the 5782
Revised Code, "school" means any school chartered under section 5783
3301.16 of the Revised Code and any nonchartered school that 5784
during the preceding year filed with the department of education 5785
in compliance with rule 3301-35-08 of the Ohio Administrative 5786
Code, a copy of the school's report for the parents of the 5787
school's pupils certifying that the school meets Ohio minimum 5788
standards for nonchartered, nontax-supported schools and presents 5789
evidence of this filing to the jurisdiction from which it is 5790
requesting the establishment of a school zone. "School" also 5791
includes a special elementary school that in writing requests the 5792
county engineer of the county in which the special elementary 5793
school is located to create a school zone at the location of that 5794
school. Upon receipt of such a written request, the county 5795
engineer shall create a school zone at that location by erecting 5796
the appropriate signs. 5797

(c) As used in this section, "school zone" means that portion 5798
of a street or highway passing a school fronting upon the street 5799
or highway that is encompassed by projecting the school property 5800
lines to the fronting street or highway, and also includes that 5801
portion of a state highway. Upon request from local authorities 5802
for streets and highways under their jurisdiction and that portion 5803
of a state highway under the jurisdiction of the director of 5804
transportation or a request from a county engineer in the case of 5805
a school zone for a special elementary school, the director may 5806
extend the traditional school zone boundaries. The distances in 5807
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 5808
exceed three hundred feet per approach per direction and are 5809

bounded by whichever of the following distances or combinations 5810
thereof the director approves as most appropriate: 5811

(i) The distance encompassed by projecting the school 5812
building lines normal to the fronting highway and extending a 5813
distance of three hundred feet on each approach direction; 5814

(ii) The distance encompassed by projecting the school 5815
property lines intersecting the fronting highway and extending a 5816
distance of three hundred feet on each approach direction; 5817

(iii) The distance encompassed by the special marking of the 5818
pavement for a principal school pupil crosswalk plus a distance of 5819
three hundred feet on each approach direction of the highway. 5820

Nothing in this section shall be construed to invalidate the 5821
director's initial action on August 9, 1976, establishing all 5822
school zones at the traditional school zone boundaries defined by 5823
projecting school property lines, except when those boundaries are 5824
extended as provided in divisions (B)(1)(a) and (c) of this 5825
section. 5826

(d) As used in this division, "crosswalk" has the meaning 5827
given that term in division (LL)(2) of section 4511.01 of the 5828
Revised Code. 5829

The director may, upon request by resolution of the 5830
legislative authority of a municipal corporation, the board of 5831
trustees of a township, or a county board of developmental 5832
disabilities created pursuant to Chapter 5126. of the Revised 5833
Code, and upon submission by the municipal corporation, township, 5834
or county board of such engineering, traffic, and other 5835
information as the director considers necessary, designate a 5836
school zone on any portion of a state route lying within the 5837
municipal corporation, lying within the unincorporated territory 5838
of the township, or lying adjacent to the property of a school 5839
that is operated by such county board, that includes a crosswalk 5840

customarily used by children going to or leaving a school during 5841
recess and opening and closing hours, whenever the distance, as 5842
measured in a straight line, from the school property line nearest 5843
the crosswalk to the nearest point of the crosswalk is no more 5844
than one thousand three hundred twenty feet. Such a school zone 5845
shall include the distance encompassed by the crosswalk and 5846
extending three hundred feet on each approach direction of the 5847
state route. 5848

(e) As used in this section, "special elementary school" 5849
means a school that meets all of the following criteria: 5850

(i) It is not chartered and does not receive tax revenue from 5851
any source. 5852

(ii) It does not educate children beyond the eighth grade. 5853

(iii) It is located outside the limits of a municipal 5854
corporation. 5855

(iv) A majority of the total number of students enrolled at 5856
the school are not related by blood. 5857

(v) The principal or other person in charge of the special 5858
elementary school annually sends a report to the superintendent of 5859
the school district in which the special elementary school is 5860
located indicating the total number of students enrolled at the 5861
school, but otherwise the principal or other person in charge does 5862
not report any other information or data to the superintendent. 5863

(2) Twenty-five miles per hour in all other portions of a 5864
municipal corporation, except on state routes outside business 5865
districts, through highways outside business districts, and 5866
alleys; 5867

(3) Thirty-five miles per hour on all state routes or through 5868
highways within municipal corporations outside business districts, 5869
except as provided in divisions (B)(4) and (6) of this section; 5870

- (4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B)(12), (13), (14), (15), and (16) of this section; 5871
5872
5873
- (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in divisions (B)(9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)~~(16) of this section; 5874
5875
5876
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5879
- (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section; 5880
5881
5882
- (7) Fifteen miles per hour on all alleys within the municipal corporation; 5883
5884
- (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction; 5885
5886
- (9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties; 5887
5888
5889
5890
- (10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section; 5891
5892
5893
- (11) Fifty-five miles per hour ~~at all times~~ on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)~~(15)~~(14) and ~~(17)~~(16) of this section; 5894
5895
5896
- (12) ~~Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B)(15) and (17) of this section;~~ 5897
5898
5899
- ~~(13)~~ Sixty miles per hour ~~for operators of any motor vehicle~~ 5900

~~at all times on rural expressways with traffic control signals and~~ 5901
on all portions of rural divided highways, except as provided in 5902
divisions (B)(13) and (14) of this section; 5903

~~(14)(13) Sixty-five miles per hour for operators of any motor~~ 5904
~~vehicle at all times~~ on all rural expressways without traffic 5905
control signals; 5906

~~(15)(14) Seventy miles per hour for operators of any motor~~ 5907
~~vehicle at all times~~ on all rural freeways; 5908

~~(16)(15) Fifty-five miles per hour for operators of any motor~~ 5909
~~vehicle at all times~~ on all portions of freeways or expressways in 5910
congested areas as determined by the director ~~and that are part of~~ 5911
~~the interstate system~~ and that are located within a municipal 5912
corporation or within an interstate freeway outerbelt, except as 5913
provided in division (B)(16) of this section; 5914

~~(17)(16) Sixty-five miles per hour for operators of any motor~~ 5915
~~vehicle at all times~~ on all portions of freeways or expressways 5916
without traffic control signals in ~~urban~~ urbanized areas ~~as~~ 5917
~~determined by the director and that are part of the interstate~~ 5918
~~system and are part of an interstate freeway outerbelt.~~ 5919

(C) It is prima-facie unlawful for any person to exceed any 5920
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 5921
(6), (7), (8), and (9) of this section, or any declared or 5922
established pursuant to this section by the director or local 5923
authorities and it is unlawful for any person to exceed any of the 5924
speed limitations in division (D) of this section. No person shall 5925
be convicted of more than one violation of this section for the 5926
same conduct, although violations of more than one provision of 5927
this section may be charged in the alternative in a single 5928
affidavit. 5929

(D) No person shall operate a motor vehicle, trackless 5930
trolley, or streetcar upon a street or highway as follows: 5931

(1) At a speed exceeding fifty-five miles per hour, except 5932
upon a two-lane state route as provided in division (B)(10) of 5933
this section and upon a highway, expressway, or freeway as 5934
provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)~~(16) of 5935
this section; 5936

(2) At a speed exceeding sixty miles per hour upon a two-lane 5937
state route as provided in division (B)(10) of this section and 5938
upon a highway as provided in division (B)~~(13)~~(12) of this 5939
section; 5940

(3) At a speed exceeding sixty-five miles per hour upon an 5941
expressway as provided in division (B)~~(14)~~(13) or upon a freeway 5942
as provided in division (B)~~(17)~~(16) of this section, except upon a 5943
freeway as provided in division (B)~~(15)~~(14) of this section; 5944

(4) At a speed exceeding seventy miles per hour upon a 5945
freeway as provided in division (B)~~(15)~~(14) of this section; 5946

(5) At a speed exceeding the posted speed limit upon a 5947
highway, expressway, or freeway for which the director has 5948
determined and declared a speed limit pursuant to division (I)(2) 5949
or (L)(2) of this section. 5950

(E) In every charge of violation of this section the 5951
affidavit and warrant shall specify the time, place, and speed at 5952
which the defendant is alleged to have driven, and in charges made 5953
in reliance upon division (C) of this section also the speed which 5954
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 5955
limit declared or established pursuant to, this section declares 5956
is prima-facie lawful at the time and place of such alleged 5957
violation, except that in affidavits where a person is alleged to 5958
have driven at a greater speed than will permit the person to 5959
bring the vehicle to a stop within the assured clear distance 5960
ahead the affidavit and warrant need not specify the speed at 5961
which the defendant is alleged to have driven. 5962

(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of this section, or of a limit declared or established pursuant to this section by the director or local authorities, and of the limitation in division (D) of this section. If the court finds a violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D) of this section. If it finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section, it shall then consider whether the evidence supports a conviction under division (D) of this section.

(G) Points shall be assessed for violation of a limitation under division (D) of this section in accordance with section 4510.036 of the Revised Code.

(H)(1) Whenever the director determines upon the basis of a ~~geometric and traffic characteristic~~ criteria established by an engineering study, as defined by the director, that any speed limit set forth in divisions (B)(1)(a) to (D) of this section is greater or less than is reasonable or safe under the conditions found to exist at any portion of a street or highway under the jurisdiction of the director, the director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice of it are erected at the location.

(2) Whenever the director determines upon the basis of a ~~geometric and traffic characteristic~~ criteria established by an engineering study, as defined by the director, that the speed

limit of fifty-five miles per hour on a two-lane state route 5995
outside a municipal corporation is less than is reasonable or safe 5996
under the conditions found to exist at that portion of the state 5997
route, the director may determine and declare a speed limit of 5998
sixty miles per hour for that portion of the state route, which 5999
shall be effective when appropriate signs giving notice of it are 6000
erected at the location. 6001

(3) For purposes of the safe and orderly movement of traffic 6002
upon any portion of a street or highway under the jurisdiction of 6003
the director, the director may establish a variable speed limit 6004
that is different than the speed limit established by or under 6005
this section on all or portions of interstate six hundred seventy, 6006
interstate two hundred seventy-five, and interstate ninety 6007
commencing at the intersection of that interstate with interstate 6008
seventy-one and continuing to the border of the state of Ohio with 6009
the state of Pennsylvania. The director shall establish criteria 6010
for determining the appropriate use of variable speed limits and 6011
shall establish variable speed limits in accordance with the 6012
criteria. The director may establish variable speed limits based 6013
upon the time of day, weather conditions, traffic incidents, or 6014
other factors that affect the safe speed on a street or highway. 6015
The director shall not establish a variable speed limit that is 6016
based on a particular type or class of vehicle. A variable speed 6017
limit established by the director under this section is effective 6018
when appropriate signs giving notice of the speed limit are 6019
displayed at the location. 6020

(4) Nothing in this section shall be construed to limit the 6021
authority of the director to establish speed limits within a 6022
construction zone as authorized under section 4511.98 of the 6023
Revised Code. 6024

(I)(1) Except as provided in divisions (I)(2) ~~and (J), (K),~~ 6025
and (N) of this section, whenever local authorities determine upon 6026

the basis of criteria established by an engineering and traffic 6027
investigation study, as defined by the director, that the speed 6028
permitted by divisions (B)(1)(a) to (D) of this section, on any 6029
part of a highway under their jurisdiction, is greater than is 6030
reasonable and safe under the conditions found to exist at such 6031
location, the local authorities may by resolution request the 6032
director to determine and declare a reasonable and safe 6033
prima-facie speed limit. Upon receipt of such request the director 6034
may determine and declare a reasonable and safe prima-facie speed 6035
limit at such location, and if the director does so, then such 6036
declared speed limit shall become effective only when appropriate 6037
signs giving notice thereof are erected at such location by the 6038
local authorities. The director may withdraw the declaration of a 6039
prima-facie speed limit whenever in the director's opinion the 6040
altered prima-facie speed limit becomes unreasonable. Upon such 6041
withdrawal, the declared prima-facie speed limit shall become 6042
ineffective and the signs relating thereto shall be immediately 6043
removed by the local authorities. 6044

(2) A local authority may determine on the basis of a 6045
~~geometric and traffic characteristic~~ criteria established by an 6046
engineering study, as defined by the director, that the speed 6047
limit of sixty-five or seventy miles per hour on a portion of a 6048
freeway under its jurisdiction ~~that was established through the~~ 6049
~~operation of division (L)(3) of this section~~ is greater than is 6050
reasonable or safe under the conditions found to exist at that 6051
portion of the freeway. If the local authority makes such a 6052
determination, the local authority by resolution may request the 6053
director to determine and declare a reasonable and safe speed 6054
limit of not less than fifty-five miles per hour for that portion 6055
of the freeway. If the director takes such action, the declared 6056
speed limit becomes effective only when appropriate signs giving 6057
notice of it are erected at such location by the local authority. 6058

(J) Local authorities in their respective jurisdictions may 6059
authorize by ordinance higher prima-facie speeds than those stated 6060
in this section upon through highways, or upon highways or 6061
portions thereof where there are no intersections, or between 6062
widely spaced intersections, provided signs are erected giving 6063
notice of the authorized speed, but local authorities shall not 6064
modify or alter the basic rule set forth in division (A) of this 6065
section or in any event authorize by ordinance a speed in excess 6066
of ~~fifty miles per hour~~ the maximum speed permitted by division 6067
(D) of this section for the specified type of highway. 6068

Alteration of prima-facie limits on state routes by local 6069
authorities shall not be effective until the alteration has been 6070
approved by the director. The director may withdraw approval of 6071
any altered prima-facie speed limits whenever in the director's 6072
opinion any altered prima-facie speed becomes unreasonable, and 6073
upon such withdrawal, the altered prima-facie speed shall become 6074
ineffective and the signs relating thereto shall be immediately 6075
removed by the local authorities. 6076

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 6077
section, "unimproved highway" means a highway consisting of any of 6078
the following: 6079

- (a) Unimproved earth; 6080
- (b) Unimproved graded and drained earth; 6081
- (c) Gravel. 6082

(2) Except as otherwise provided in divisions (K)(4) and (5) 6083
of this section, whenever a board of township trustees determines 6084
upon the basis of criteria established by an engineering and 6085
traffic investigation study, as defined by the director, that the 6086
speed permitted by division (B)(5) of this section on any part of 6087
an unimproved highway under its jurisdiction and in the 6088
unincorporated territory of the township is greater than is 6089

reasonable or safe under the conditions found to exist at the 6090
location, the board may by resolution declare a reasonable and 6091
safe prima-facie speed limit of fifty-five but not less than 6092
twenty-five miles per hour. An altered speed limit adopted by a 6093
board of township trustees under this division becomes effective 6094
when appropriate traffic control devices, as prescribed in section 6095
4511.11 of the Revised Code, giving notice thereof are erected at 6096
the location, which shall be no sooner than sixty days after 6097
adoption of the resolution. 6098

(3)(a) Whenever, in the opinion of a board of township 6099
trustees, any altered prima-facie speed limit established by the 6100
board under this division becomes unreasonable, the board may 6101
adopt a resolution withdrawing the altered prima-facie speed 6102
limit. Upon the adoption of such a resolution, the altered 6103
prima-facie speed limit becomes ineffective and the traffic 6104
control devices relating thereto shall be immediately removed. 6105

(b) Whenever a highway ceases to be an unimproved highway and 6106
the board has adopted an altered prima-facie speed limit pursuant 6107
to division (K)(2) of this section, the board shall, by 6108
resolution, withdraw the altered prima-facie speed limit as soon 6109
as the highway ceases to be unimproved. Upon the adoption of such 6110
a resolution, the altered prima-facie speed limit becomes 6111
ineffective and the traffic control devices relating thereto shall 6112
be immediately removed. 6113

(4)(a) If the boundary of two townships rests on the 6114
centerline of an unimproved highway in unincorporated territory 6115
and both townships have jurisdiction over the highway, neither of 6116
the boards of township trustees of such townships may declare an 6117
altered prima-facie speed limit pursuant to division (K)(2) of 6118
this section on the part of the highway under their joint 6119
jurisdiction unless the boards of township trustees of both of the 6120
townships determine, upon the basis of criteria established by an 6121

engineering ~~and traffic investigation~~ study, as defined by the 6122
director, that the speed permitted by division (B)(5) of this 6123
section is greater than is reasonable or safe under the conditions 6124
found to exist at the location and both boards agree upon a 6125
reasonable and safe prima-facie speed limit of less than 6126
fifty-five but not less than twenty-five miles per hour for that 6127
location. If both boards so agree, each shall follow the procedure 6128
specified in division (K)(2) of this section for altering the 6129
prima-facie speed limit on the highway. Except as otherwise 6130
provided in division (K)(4)(b) of this section, no speed limit 6131
altered pursuant to division (K)(4)(a) of this section may be 6132
withdrawn unless the boards of township trustees of both townships 6133
determine that the altered prima-facie speed limit previously 6134
adopted becomes unreasonable and each board adopts a resolution 6135
withdrawing the altered prima-facie speed limit pursuant to the 6136
procedure specified in division (K)(3)(a) of this section. 6137

(b) Whenever a highway described in division (K)(4)(a) of 6138
this section ceases to be an unimproved highway and two boards of 6139
township trustees have adopted an altered prima-facie speed limit 6140
pursuant to division (K)(4)(a) of this section, both boards shall, 6141
by resolution, withdraw the altered prima-facie speed limit as 6142
soon as the highway ceases to be unimproved. Upon the adoption of 6143
the resolution, the altered prima-facie speed limit becomes 6144
ineffective and the traffic control devices relating thereto shall 6145
be immediately removed. 6146

(5) As used in division (K)(5) of this section: 6147

(a) "Commercial subdivision" means any platted territory 6148
outside the limits of a municipal corporation and fronting a 6149
highway where, for a distance of three hundred feet or more, the 6150
frontage is improved with buildings in use for commercial 6151
purposes, or where the entire length of the highway is less than 6152
three hundred feet long and the frontage is improved with 6153

buildings in use for commercial purposes. 6154

(b) "Residential subdivision" means any platted territory 6155
outside the limits of a municipal corporation and fronting a 6156
highway, where, for a distance of three hundred feet or more, the 6157
frontage is improved with residences or residences and buildings 6158
in use for business, or where the entire length of the highway is 6159
less than three hundred feet long and the frontage is improved 6160
with residences or residences and buildings in use for business. 6161

Whenever a board of township trustees finds upon the basis of 6162
criteria established by an engineering and traffic investigation 6163
study, as defined by the director, that the prima-facie speed 6164
permitted by division (B)(5) of this section on any part of a 6165
highway under its jurisdiction that is located in a commercial or 6166
residential subdivision, except on highways or portions thereof at 6167
the entrances to which vehicular traffic from the majority of 6168
intersecting highways is required to yield the right-of-way to 6169
vehicles on such highways in obedience to stop or yield signs or 6170
traffic control signals, is greater than is reasonable and safe 6171
under the conditions found to exist at the location, the board may 6172
by resolution declare a reasonable and safe prima-facie speed 6173
limit of less than fifty-five but not less than twenty-five miles 6174
per hour at the location. An altered speed limit adopted by a 6175
board of township trustees under this division shall become 6176
effective when appropriate signs giving notice thereof are erected 6177
at the location by the township. Whenever, in the opinion of a 6178
board of township trustees, any altered prima-facie speed limit 6179
established by it under this division becomes unreasonable, it may 6180
adopt a resolution withdrawing the altered prima-facie speed, and 6181
upon such withdrawal, the altered prima-facie speed shall become 6182
ineffective, and the signs relating thereto shall be immediately 6183
removed by the township. 6184

(L)(1) ~~On September 29, 2013, the~~ The director of 6185

transportation, based upon an engineering study, as defined by the 6186
director, of a highway, expressway, or freeway described in 6187
division (B)~~(12)~~, (13), (14), (15), or (16)~~, or (17)~~ of this 6188
section, in consultation with the director of public safety and, 6189
if applicable, the local authority having jurisdiction over the 6190
studied highway, expressway, or freeway, may determine and declare 6191
that the speed limit established on such highway, expressway, or 6192
freeway under division (B)~~(12)~~, (13), (14), (15), or (16)~~, or (17)~~ 6193
of this section either is reasonable and safe or is more or less 6194
than that which is reasonable and safe. 6195

(2) If the established speed limit for a highway, expressway, 6196
or freeway studied pursuant to division (L)(1) of this section is 6197
determined to be more or less than that which is reasonable and 6198
safe, the director of transportation, in consultation with the 6199
director of public safety and, if applicable, the local authority 6200
having jurisdiction over the studied highway, expressway, or 6201
freeway, shall determine and declare a reasonable and safe speed 6202
limit for that highway, expressway, or freeway. 6203

(M)(1)(a) If the boundary of two local authorities rests on 6204
the centerline of a highway and both authorities have jurisdiction 6205
over the highway, the speed limit for the part of the highway 6206
within their joint jurisdiction shall be either one of the 6207
following as agreed to by both authorities: 6208

(i) Either prima-facie speed limit permitted by division (B) 6209
of this section; 6210

(ii) An altered speed limit determined and posted in 6211
accordance with this section. 6212

(b) If the local authorities are unable to reach an 6213
agreement, the speed limit shall remain as established and posted 6214
under this section. 6215

(2) Neither local authority may declare an altered 6216

prima-facie speed limit pursuant to this section on the part of 6217
the highway under their joint jurisdiction unless both of the 6218
local authorities determine, upon the basis of criteria 6219
established by an engineering and traffic investigation study, as 6220
defined by the director, that the speed permitted by this section 6221
is greater than is reasonable or safe under the conditions found 6222
to exist at the location and both authorities agree upon a uniform 6223
reasonable and safe prima-facie speed limit of less than 6224
fifty-five but not less than twenty-five miles per hour for that 6225
location. If both authorities so agree, each shall follow the 6226
procedure specified in this section for altering the prima-facie 6227
speed limit on the highway, and the speed limit for the part of 6228
the highway within their joint jurisdiction shall be uniformly 6229
altered. No altered speed limit may be withdrawn unless both local 6230
authorities determine that the altered prima-facie speed limit 6231
previously adopted becomes unreasonable and each adopts a 6232
resolution withdrawing the altered prima-facie speed limit 6233
pursuant to the procedure specified in this section. 6234

(N) The legislative authority of a municipal corporation or 6235
township in which a boarding school is located, by resolution or 6236
ordinance, may establish a boarding school zone. The legislative 6237
authority may alter the speed limit on any street or highway 6238
within the boarding school zone and shall specify the hours during 6239
which the altered speed limit is in effect. For purposes of 6240
determining the boundaries of the boarding school zone, the 6241
altered speed limit within the boarding school zone, and the hours 6242
the altered speed limit is in effect, the legislative authority 6243
shall consult with the administration of the boarding school and 6244
with the county engineer or other appropriate engineer, as 6245
applicable. A boarding school zone speed limit becomes effective 6246
only when appropriate signs giving notice thereof are erected at 6247
the appropriate locations. 6248

- (0) As used in this section: 6249
- (1) "Interstate system" has the same meaning as in 23 6250
U.S.C.A. 101. 6251
- (2) "Commercial bus" means a motor vehicle designed for 6252
carrying more than nine passengers and used for the transportation 6253
of persons for compensation. 6254
- (3) "Noncommercial bus" includes but is not limited to a 6255
school bus or a motor vehicle operated solely for the 6256
transportation of persons associated with a charitable or 6257
nonprofit organization. 6258
- (4) "Outerbelt" means a portion of a freeway that is part of 6259
the interstate system and is located in the outer vicinity of a 6260
major municipal corporation or group of municipal corporations, as 6261
designated by the director. 6262
- (5) "Rural" means an area outside urbanized areas, ~~as~~ 6263
~~designated in accordance with 23 U.S.C. 101,~~ and outside of a 6264
business or urban district, and areas that extend within urbanized 6265
areas where the roadway characteristics remain mostly unchanged 6266
from those outside the urbanized areas. 6267
- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 6268
101. 6269
- (7) "Divided" means a roadway having two or more travel lanes 6270
for vehicles moving in opposite directions and that is separated 6271
by a median of more than four feet, excluding turn lanes. 6272
- (P)(1) A violation of any provision of this section is one of 6273
the following: 6274
- (a) Except as otherwise provided in divisions (P)(1)(b), 6275
(1)(c), (2), and (3) of this section, a minor misdemeanor; 6276
- (b) If, within one year of the offense, the offender 6277
previously has been convicted of or pleaded guilty to two 6278

violations of any provision of this section or of any provision of 6279
a municipal ordinance that is substantially similar to any 6280
provision of this section, a misdemeanor of the fourth degree; 6281

(c) If, within one year of the offense, the offender 6282
previously has been convicted of or pleaded guilty to three or 6283
more violations of any provision of this section or of any 6284
provision of a municipal ordinance that is substantially similar 6285
to any provision of this section, a misdemeanor of the third 6286
degree. 6287

(2) If the offender has not previously been convicted of or 6288
pleaded guilty to a violation of any provision of this section or 6289
of any provision of a municipal ordinance that is substantially 6290
similar to this section and operated a motor vehicle faster than 6291
thirty-five miles an hour in a business district of a municipal 6292
corporation, faster than fifty miles an hour in other portions of 6293
a municipal corporation, or faster than thirty-five miles an hour 6294
in a school zone during recess or while children are going to or 6295
leaving school during the school's opening or closing hours, a 6296
misdemeanor of the fourth degree. 6297

(3) Notwithstanding division (P)(1) of this section, if the 6298
offender operated a motor vehicle in a construction zone where a 6299
sign was then posted in accordance with section 4511.98 of the 6300
Revised Code, the court, in addition to all other penalties 6301
provided by law, shall impose upon the offender a fine of two 6302
times the usual amount imposed for the violation. No court shall 6303
impose a fine of two times the usual amount imposed for the 6304
violation upon an offender if the offender alleges, in an 6305
affidavit filed with the court prior to the offender's sentencing, 6306
that the offender is indigent and is unable to pay the fine 6307
imposed pursuant to this division and if the court determines that 6308
the offender is an indigent person and unable to pay the fine. 6309

(4) If the offender commits the offense while distracted and 6310

the distracting activity is a contributing factor to the 6311
commission of the offense, the offender is subject to the 6312
additional fine established under section 4511.991 of the Revised 6313
Code. 6314

Sec. 4511.521. (A) No person shall operate a motorized 6315
bicycle upon a highway or any public or private property used by 6316
the public for purposes of vehicular travel or parking, unless all 6317
of the following conditions are met: 6318

(1) The person is fourteen or fifteen years of age and holds 6319
a valid probationary motorized bicycle license issued after the 6320
person has passed the test provided for in this section, or the 6321
person is sixteen years of age or older and holds either a valid 6322
commercial driver's license issued under Chapter 4506. or a 6323
driver's license issued under Chapter 4507. of the Revised Code or 6324
a valid motorized bicycle license issued after the person has 6325
passed the test provided for in this section, except that if a 6326
person is sixteen years of age, has a valid probationary motorized 6327
bicycle license and desires a motorized bicycle license, the 6328
person is not required to comply with the testing requirements 6329
provided for in this section; 6330

(2) The motorized bicycle is equipped in accordance with the 6331
rules adopted under division (B) of this section and is in proper 6332
working order; 6333

(3) The person, if under eighteen years of age, is wearing a 6334
protective helmet on the person's head with the chin strap 6335
properly fastened and the motorized bicycle is equipped with a 6336
rear-view mirror. 6337

(4) The person operates the motorized bicycle when 6338
practicable within three feet of the right edge of the roadway 6339
obeying all traffic rules applicable to vehicles. 6340

(B) The director of public safety, subject to sections 119.01 6341
to 119.13 of the Revised Code, shall adopt and promulgate rules 6342
concerning protective helmets, the equipment of motorized 6343
bicycles, and the testing and qualifications of persons who do not 6344
hold a valid driver's or commercial driver's license. The test 6345
shall be as near as practicable to the examination required for a 6346
motorcycle operator's endorsement under section 4507.11 of the 6347
Revised Code. The test shall also require the operator to give an 6348
actual demonstration of the operator's ability to operate and 6349
control a motorized bicycle by driving one under the supervision 6350
of an examining officer. 6351

(C) Every motorized bicycle license expires on the birthday 6352
of the applicant in the fourth year after the date it is issued, 6353
but in no event shall any motorized bicycle license be issued for 6354
a period longer than four years. 6355

(D) No person operating a motorized bicycle shall carry 6356
another person upon the motorized bicycle. 6357

(E) The protective helmet and rear-view mirror required by 6358
division (A)(3) of this section shall, on and after January 1, 6359
1985, conform with rules adopted by the director under division 6360
(B) of this section. 6361

~~(F) Each probationary motorized bicycle license or motorized 6362
bicycle license shall be laminated with a transparent plastic 6363
material. 6364~~

~~(G) Whoever violates division (A), (D), or (E) of this 6365
section is guilty of a minor misdemeanor. 6366~~

Sec. 4511.76. (A) The department of public safety, by and 6367
with the advice of the superintendent of public instruction, shall 6368
adopt and enforce rules relating to the construction, design, and 6369
equipment, including lighting equipment required by section 6370

4511.771 of the Revised Code, of all school buses both publicly 6371
and privately owned and operated in this state. 6372

(B) The department of education, by and with the advice of 6373
the director of public safety, shall adopt and enforce rules 6374
relating to the operation of all vehicles used for pupil 6375
transportation. 6376

(C) No person shall operate a vehicle used for pupil 6377
transportation within this state in violation of the rules of the 6378
department of education or the department of public safety. No 6379
person, being the owner thereof or having the supervisory 6380
responsibility therefor, shall permit the operation of a vehicle 6381
used for pupil transportation within this state in violation of 6382
the rules of the department of education or the department of 6383
public safety. 6384

(D) The department of public safety shall adopt and enforce 6385
rules relating to the issuance of a license under section 4511.763 6386
of the Revised Code. The rules may relate to the moral character 6387
of the applicant; the condition of the equipment to be operated; 6388
the liability and property damage insurance carried by the 6389
applicant; the posting of satisfactory and sufficient bond; and 6390
such other rules as the director of public safety determines 6391
reasonably necessary for the safety of the pupils to be 6392
transported. 6393

(E) A chartered nonpublic school may own and operate, or 6394
contract with a vendor that supplies, a vehicle originally 6395
designed for not more than nine passengers, not including the 6396
driver, to transport students to and from regularly scheduled 6397
school sessions when one of the following applies: 6398

(1) A student's school district of residence has declared the 6399
transportation of the student impractical pursuant to section 6400
3327.02 of the Revised Code; or 6401

(2) A student does not live within thirty minutes of the chartered nonpublic school and the student's school district is not required to transport the student under section 3327.01 of the Revised Code.

(F) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code.

~~(F)~~(G) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4513.263. (A) As used in this section and in section 4513.99 of the Revised Code:

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum federal vehicle safety standards established by the United States department of transportation.

(3) "Passenger" means any person in an automobile, other than

its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code.

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code.

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons.

(B) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all 6463
factory-equipped occupant restraining devices in the taxicab are 6464
maintained in usable form. 6465

(C)(1) Division (B)(3) of this section does not apply to a 6466
person who is required by section 4511.81 of the Revised Code to 6467
be secured in a child restraint device or booster seat. 6468

(2) Division (B)(1) of this section does not apply to a 6469
person who is an employee of the United States postal service or 6470
of a newspaper home delivery service, during any period in which 6471
the person is engaged in the operation of an automobile to deliver 6472
mail or newspapers to addressees. 6473

(3) Divisions (B)(1) and (3) of this section do not apply to 6474
a person who has an affidavit signed by a physician licensed to 6475
practice in this state under Chapter 4731. of the Revised Code or 6476
a chiropractor licensed to practice in this state under Chapter 6477
4734. of the Revised Code that states ~~that~~ the following: 6478

(a) That the person has a physical impairment that makes use 6479
of an occupant restraining device impossible or impractical; 6480

(b) Whether the physical impairment is temporary, permanent, 6481
or reasonably expected to be permanent; 6482

(c) If the physical impairment is temporary, how long the 6483
physical impairment is expected to make the use of an occupant 6484
restraining device impossible or impractical. 6485

(4) Divisions (B)(1) and (3) of this section do not apply to 6486
a person who has registered with the registrar of motor vehicles 6487
in accordance with division (C)(5) of this section. 6488

(5) A person who has received an affidavit under division 6489
(C)(3) of this section stating that the person has a permanent or 6490
reasonably expected to be permanent physical impairment that makes 6491
use of an occupant restraining device impossible or impracticable 6492

may register with the registrar attesting to that fact. Upon such 6493
registration, the registrar shall make that information available 6494
in the law enforcement automated data system. A person included in 6495
the database under division (C)(5) of this section is not required 6496
to have the affidavit obtained in accordance with division (C)(3) 6497
of this section in their possession while operating or occupying 6498
an automobile. 6499

(6) A physician or chiropractor who issues an affidavit for 6500
the purposes of division (C)(3) or (4) of this section is immune 6501
from civil liability arising from any injury or death sustained by 6502
the person who was issued the affidavit due to the failure of the 6503
person to wear an occupant restraining device unless the physician 6504
or chiropractor, in issuing the affidavit, acted in a manner that 6505
constituted willful, wanton, or reckless misconduct. 6506

(7) The registrar shall adopt rules in accordance with 6507
Chapter 119. of the Revised Code establishing a process for a 6508
person to be included in the database under division (C)(5) of 6509
this section. The information provided and included in the 6510
database under division (C)(5) of this section is not a public 6511
record subject to inspection or copying under section 149.43 of 6512
the Revised Code. 6513

(D) Notwithstanding any provision of law to the contrary, no 6514
law enforcement officer shall cause an operator of an automobile 6515
being operated on any street or highway to stop the automobile for 6516
the sole purpose of determining whether a violation of division 6517
(B) of this section has been or is being committed or for the sole 6518
purpose of issuing a ticket, citation, or summons for a violation 6519
of that nature or causing the arrest of or commencing a 6520
prosecution of a person for a violation of that nature, and no law 6521
enforcement officer shall view the interior or visually inspect 6522
any automobile being operated on any street or highway for the 6523
sole purpose of determining whether a violation of that nature has 6524

been or is being committed. 6525

(E) All fines collected for violations of division (B) of 6526
this section, or for violations of any ordinance or resolution of 6527
a political subdivision that is substantively comparable to that 6528
division, shall be forwarded to the treasurer of state for deposit 6529
into the state treasury to the credit of the trauma and emergency 6530
medical services fund, which is hereby created. In addition, the 6531
portion of the driver's license reinstatement fee described in 6532
division (F)(2)(g) of section 4511.191 of the Revised Code, plus 6533
all fees collected under section 4765.11 of the Revised Code, plus 6534
all fines imposed under section 4765.55 of the Revised Code, plus 6535
the fees and other moneys specified in section 4766.05 of the 6536
Revised Code, and plus five per cent of fines and moneys arising 6537
from bail forfeitures as directed by section 5503.04 of the 6538
Revised Code, also shall be deposited into the trauma and 6539
emergency medical services fund. All money deposited into the 6540
trauma and emergency medical services fund shall be used by the 6541
department of public safety for the administration and operation 6542
of the division of emergency medical services and the state board 6543
of emergency medical, fire, and transportation services, and by 6544
the state board of emergency medical, fire, and transportation 6545
services to make grants, in accordance with section 4765.07 of the 6546
Revised Code and rules the board adopts under section 4765.11 of 6547
the Revised Code. The director of budget and management may 6548
transfer excess money from the trauma and emergency medical 6549
services fund to the public safety - highway purposes fund 6550
established in section 4501.06 of the Revised Code if the director 6551
of public safety determines that the amount of money in the trauma 6552
and emergency medical services fund exceeds the amount required to 6553
cover such costs incurred by the emergency medical services agency 6554
and the grants made by the state board of emergency medical, fire, 6555
and transportation services and requests the director of budget 6556
and management to make the transfer. 6557

(F)(1) Subject to division (F)(2) of this section, the 6558
failure of a person to wear all of the available elements of a 6559
properly adjusted occupant restraining device in violation of 6560
division (B)(1) or (3) of this section or the failure of a person 6561
to ensure that each minor who is a passenger of an automobile 6562
being operated by that person is wearing all of the available 6563
elements of a properly adjusted occupant restraining device in 6564
violation of division (B)(2) of this section shall not be 6565
considered or used by the trier of fact in a tort action as 6566
evidence of negligence or contributory negligence. But, the trier 6567
of fact may determine based on evidence admitted consistent with 6568
the Ohio Rules of Evidence that the failure contributed to the 6569
harm alleged in the tort action and may diminish a recovery of 6570
compensatory damages that represents noneconomic loss, as defined 6571
in section 2307.011 of the Revised Code, in a tort action that 6572
could have been recovered but for the plaintiff's failure to wear 6573
all of the available elements of a properly adjusted occupant 6574
restraining device. Evidence of that failure shall not be used as 6575
a basis for a criminal prosecution of the person other than a 6576
prosecution for a violation of this section; and shall not be 6577
admissible as evidence in a criminal action involving the person 6578
other than a prosecution for a violation of this section. 6579

(2) If, at the time of an accident involving a passenger car 6580
equipped with occupant restraining devices, any occupant of the 6581
passenger car who sustained injury or death was not wearing an 6582
available occupant restraining device, was not wearing all of the 6583
available elements of such a device, or was not wearing such a 6584
device as properly adjusted, then, consistent with the Rules of 6585
Evidence, the fact that the occupant was not wearing the available 6586
occupant restraining device, was not wearing all of the available 6587
elements of such a device, or was not wearing such a device as 6588
properly adjusted is admissible in evidence in relation to any 6589
claim for relief in a tort action to the extent that the claim for 6590

relief satisfies all of the following: 6591

(a) It seeks to recover damages for injury or death to the 6592
occupant. 6593

(b) The defendant in question is the manufacturer, designer, 6594
distributor, or seller of the passenger car. 6595

(c) The claim for relief against the defendant in question is 6596
that the injury or death sustained by the occupant was enhanced or 6597
aggravated by some design defect in the passenger car or that the 6598
passenger car was not crashworthy. 6599

(G)(1) Whoever violates division (B)(1) of this section shall 6600
be fined thirty dollars. 6601

(2) Whoever violates division (B)(3) of this section shall be 6602
fined twenty dollars. 6603

(3) Except as otherwise provided in this division, whoever 6604
violates division (B)(4) of this section is guilty of a minor 6605
misdemeanor. If the offender previously has been convicted of or 6606
pleaded guilty to a violation of division (B)(4) of this section, 6607
whoever violates division (B)(4) of this section is guilty of a 6608
misdemeanor of the third degree. 6609

Sec. 4513.34. (A)(1) The director of transportation with 6610
respect to all highways that are a part of the state highway 6611
system and local authorities with respect to highways under their 6612
jurisdiction, upon application in writing, shall issue a special 6613
regional heavy hauling permit authorizing the applicant to operate 6614
or move a vehicle or combination of vehicles as follows: 6615

(a) At a size or weight of vehicle or load exceeding the 6616
maximum specified in sections 5577.01 to 5577.09 of the Revised 6617
Code, or otherwise not in conformity with sections 4513.01 to 6618
4513.37 of the Revised Code; 6619

(b) Upon any highway under the jurisdiction of the authority 6620

granting the permit except those highways with a condition 6621
insufficient to bear the weight of the vehicle or combination of 6622
vehicles as stated in the application. 6623

~~(c) For regional trips at distances of one hundred fifty 6624
miles or less from a facility stated on the application as the 6625
applicant's point of origin. 6626~~

Issuance of a special regional heavy hauling permit is 6627
subject to the payment of a fee established by the director or 6628
local authority in accordance with this section. 6629

(2) In circumstances where a person is not eligible to 6630
receive a permit under division (A)(1) of this section, the 6631
director of transportation with respect to all highways that are a 6632
part of the state highway system and local authorities with 6633
respect to highways under their jurisdiction, upon application in 6634
writing and for good cause shown, may issue a special permit in 6635
writing authorizing the applicant to operate or move a vehicle or 6636
combination of vehicles of a size or weight of vehicle or load 6637
exceeding the maximum specified in sections 5577.01 to 5577.09 of 6638
the Revised Code, or otherwise not in conformity with sections 6639
4513.01 to 4513.37 of the Revised Code, upon any highway under the 6640
jurisdiction of the authority granting the permit. 6641

(3) For purposes of this section, the director may designate 6642
certain state highways or portions of state highways as special 6643
economic development highways. If an application submitted to the 6644
director under this section involves travel of a nonconforming 6645
vehicle or combination of vehicles upon a special economic 6646
development highway, the director, in determining whether good 6647
cause has been shown that issuance of a permit is justified, shall 6648
consider the effect the travel of the vehicle or combination of 6649
vehicles will have on the economic development in the area in 6650
which the designated highway or portion of highway is located. 6651

(B) Notwithstanding sections 715.22 and 723.01 of the Revised Code, the holder of a permit issued by the director under this section may move the vehicle or combination of vehicles described in the permit on any highway that is a part of the state highway system when the movement is partly within and partly without the corporate limits of a municipal corporation. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway that is a part of the state highway system. The director shall not require the holder of a permit issued by a local authority to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the local authority. Permits may be issued for any period of time not to exceed one year, as the director in the director's discretion or a local authority in its discretion determines advisable, or for the duration of any public construction project.

(C)(1) The application for a permit issued under this section shall be in the form that the director or local authority prescribes. The director or local authority may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the director or local authority for the administrative costs incurred in issuing the permit, and also to cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The director, in accordance with Chapter 119. of the Revised Code, shall establish a schedule of fees for permits issued by the director under this section; however, the fee to operate a triple trailer unit, at locations authorized under federal law, shall be one hundred dollars.

(2) For the purposes of this section and of rules adopted by the director under this section, milk transported in bulk by vehicle is deemed a nondivisible load.

(3) For purposes of this section and of rules adopted by the director under this section, three or fewer aluminum coils, transported by a vehicle, are deemed a nondivisible load. The director shall adopt rules establishing requirements for an aluminum coil permit that are substantially similar to the 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 6716
shall be open to inspection by any police officer or authorized 6717
agent of any authority granting the permit. No person shall 6718
violate any of the terms of a permit. 6719

(F) The director may debar an applicant from applying for a 6720
permit under this section upon a finding based on a reasonable 6721
belief that the applicant has done any of the following: 6722

(1) Abused the process by repeatedly submitting false 6723
information or false travel plans or by using another company or 6724
individual's name, insurance, or escrow account without proper 6725
authorization; 6726

(2) Failed to comply with or substantially perform under a 6727
previously issued permit according to its terms, conditions, and 6728
specifications within specified time limits; 6729

(3) Failed to cooperate in the application process for the 6730
permit or in any other procedures that are related to the issuance 6731
of the permit by refusing to provide information or documents 6732
required in a permit or by failing to respond to and correct 6733
matters related to the permit; 6734

(4) Accumulated repeated justified complaints regarding 6735
performance under a permit that was previously issued to the 6736
applicant or previously failed to obtain a permit when such a 6737
permit was required; 6738

(5) Attempted to influence a public employee to breach 6739
ethical conduct standards; 6740

(6) Been convicted of a criminal offense related to the 6741
application for, or performance under, a permit, including, but 6742
not limited to, bribery, falsification, fraud or destruction of 6743
records, receiving stolen property, and any other offense that 6744
directly reflects on the applicant's integrity or commercial 6745
driver's license; 6746

(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;

(8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;

(9) Failed to pay any fees associated with any permitted operation or move;

(10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section.

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.

The director may adopt rules in accordance with Chapter 119. of the Revised Code governing the debarment of an applicant.

(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 6778
section to any partnership, association, or corporation that is 6779
affiliated with a debarred person. After the debarment period 6780
expires, the person, and any partnership, association, or 6781
corporation affiliated with the person, may reapply for a permit. 6782

(H)(1) No person shall violate the terms of a permit issued 6783
under this section that relate to gross load limits. 6784

(2) No person shall violate the terms of a permit issued 6785
under this section that relate to axle load by more than two 6786
thousand pounds per axle or group of axles. 6787

(3) No person shall violate the terms of a permit issued 6788
under this section that relate to an approved route except upon 6789
order of a law enforcement officer or authorized agent of the 6790
issuing authority. 6791

(I) Whoever violates division (H) of this section shall be 6792
punished as provided in section 4513.99 of the Revised Code. 6793

(J) A permit issued by the department of transportation or a 6794
local authority under this section for the operation of a vehicle 6795
or combination of vehicles is valid for the purposes of the 6796
vehicle operation in accordance with the conditions and 6797
limitations specified on the permit. Such a permit is voidable by 6798
law enforcement only for operation of a vehicle or combination of 6799
vehicles in violation of the weight, dimension, or route 6800
provisions of the permit. However, a permit is not voidable for 6801
operation in violation of a route provision of a permit if the 6802
operation is upon the order of a law enforcement officer. 6803

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 6804
police of a municipal corporation, township, port authority, or 6805
township or joint police district, within the sheriff's or chief's 6806
respective territorial jurisdiction, upon complaint of any person 6807

adversely affected, may order into storage any motor vehicle, 6808
other than an abandoned junk motor vehicle as defined in section 6809
4513.63 of the Revised Code, that has been left on private 6810
residential or private agricultural property for at least four 6811
hours without the permission of the person having the right to the 6812
possession of the property. The sheriff or chief of police, upon 6813
complaint of a repair garage or place of storage, may order into 6814
storage any motor vehicle, other than an abandoned junk motor 6815
vehicle, that has been left at the garage or place of storage for 6816
a longer period than that agreed upon. When ordering a motor 6817
vehicle into storage pursuant to this division, a sheriff or chief 6818
of police may arrange for the removal of the motor vehicle by a 6819
towing service and shall designate a storage facility. 6820

(2) A towing service towing a motor vehicle under division 6821
(A)(1) of this section shall remove the motor vehicle in 6822
accordance with that division. The towing service shall deliver 6823
the motor vehicle to the location designated by the sheriff or 6824
chief of police not more than two hours after the time it is 6825
removed from the private property, unless the towing service is 6826
unable to deliver the motor vehicle within two hours due to an 6827
uncontrollable force, natural disaster, or other event that is not 6828
within the power of the towing service. 6829

(3) Subject to division (B) of this section, the owner of a 6830
motor vehicle that has been removed pursuant to this division may 6831
recover the vehicle only in accordance with division (D) of this 6832
section. 6833

(4) As used in this section, "private residential property" 6834
means private property on which is located one or more structures 6835
that are used as a home, residence, or sleeping place by one or 6836
more persons, if no more than three separate households are 6837
maintained in the structure or structures. "Private residential 6838

property" does not include any private property on which is 6839
located one or more structures that are used as a home, residence, 6840
or sleeping place by two or more persons, if more than three 6841
separate households are maintained in the structure or structures. 6842

(B) If the owner or operator of a motor vehicle that has been 6843
ordered into storage pursuant to division (A)(1) of this section 6844
arrives after the motor vehicle has been prepared for removal, but 6845
prior to its actual removal from the property, the towing service 6846
shall give the owner or operator oral or written notification at 6847
the time of such arrival that the vehicle owner or operator may 6848
pay a fee of not more than one-half of the fee for the removal of 6849
the motor vehicle established by the public utilities commission 6850
in rules adopted under section 4921.25 of the Revised Code, in 6851
order to obtain release of the motor vehicle. However, if the 6852
vehicle is within a municipal corporation and the municipal 6853
corporation has established a vehicle removal fee, the towing 6854
service shall give the owner or operator oral or written 6855
notification that the owner or operator may pay not more than 6856
one-half of that fee to obtain release of the motor vehicle. That 6857
fee may be paid by use of a major credit card unless the towing 6858
service uses a mobile credit card processor and mobile service is 6859
not available at the time of the transaction. 6860

Upon payment of the applicable fee, the towing service shall 6861
give the vehicle owner or operator a receipt showing both the full 6862
amount normally assessed and the actual amount received and shall 6863
release the motor vehicle to the owner or operator. Upon its 6864
release, the owner or operator immediately shall move it so that 6865
it is not on the private residential or private agricultural 6866
property without the permission of the person having the right to 6867
possession of the property, or is not at the garage or place of 6868
storage without the permission of the owner, whichever is 6869
applicable. 6870

(C)(1) Each county sheriff and each chief of police of a 6871
municipal corporation, township, port authority, or township or 6872
joint police district shall maintain a record of motor vehicles 6873
that the sheriff or chief orders into storage pursuant to division 6874
(A)(1) of this section. The record shall include an entry for each 6875
such motor vehicle that identifies the motor vehicle's license 6876
number, make, model, and color, the location from which it was 6877
removed, the date and time of its removal, the telephone number of 6878
the person from whom it may be recovered, and the address of the 6879
place to which it has been taken and from which it may be 6880
recovered. A sheriff or chief of police shall provide any 6881
information in the record that pertains to a particular motor 6882
vehicle to any person who, either in person or pursuant to a 6883
telephone call, identifies self as the owner or operator of the 6884
motor vehicle and requests information pertaining to its location. 6885

(2) Any person who registers a complaint that is the basis of 6886
a sheriff's or police chief's order for the removal and storage of 6887
a motor vehicle under division (A)(1) of this section shall 6888
provide the identity of the law enforcement agency with which the 6889
complaint was registered to any person who identifies self as the 6890
owner or operator of the motor vehicle and requests information 6891
pertaining to its location. 6892

(D)(1) The owner or lienholder of a motor vehicle that is 6893
ordered into storage pursuant to division (A)(1) of this section 6894
may reclaim it upon both of the following: 6895

(a) Payment of all applicable fees established by the public 6896
utilities commission in rules adopted under section 4921.25 of the 6897
Revised Code or, if the vehicle was towed within a municipal 6898
corporation that has established fees for vehicle removal and 6899
storage, payment of all applicable fees established by the 6900
municipal corporation. 6901

(b) Presentation of proof of ownership, which may be 6902

evidenced by a certificate of title to the motor vehicle, a 6903
certificate of registration for the motor vehicle, or a lease 6904
agreement. 6905

When the owner of a vehicle towed under this section 6906
retrieves the vehicle, the towing service or storage facility in 6907
possession of the vehicle shall give the owner written notice that 6908
if the owner disputes that the motor vehicle was lawfully towed, 6909
the owner may be able to file a civil action under section 6910
4513.611 of the Revised Code. 6911

(2) Upon presentation of proof of ownership as required under 6912
division (D)(1)(b) of this section, the owner of a motor vehicle 6913
that is ordered into storage under division (A)(1) of this section 6914
may retrieve any personal items from the motor vehicle without 6915
retrieving the vehicle and without paying any fee. However, a 6916
towing service or storage facility may charge an after-hours 6917
retrieval fee established by the public utilities commission in 6918
rules adopted under section 4921.25 of the Revised Code if the 6919
owner retrieves the personal items after hours, unless the towing 6920
service or storage facility fails to provide the notice required 6921
under division (B)(3) of section 4513.69 of the Revised Code, if 6922
applicable. The owner of a motor vehicle shall not do either of 6923
the following: 6924

(a) Retrieve any personal item that has been determined by 6925
the sheriff or chief of police, as applicable, to be necessary to 6926
a criminal investigation; 6927

(b) Retrieve any personal item from a vehicle if it would 6928
endanger the safety of the owner, unless the owner agrees to sign 6929
a waiver of liability. 6930

For purposes of division (D)(2) of this section, "personal 6931
items" do not include any items that are attached to the motor 6932
vehicle. 6933

(3) If a motor vehicle that is ordered into storage pursuant to division (A)(1) of this section remains unclaimed by the owner for thirty days, the procedures established by sections 4513.61 and 4513.62 of the Revised Code apply.

(E)(1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (A)(1) of this section or sections 4513.61 to 4513.65 of the Revised Code.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(F) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with section 4513.601 of the Revised Code.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 4513.601. (A) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

(1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:

(a) A statement that the property is a tow-away zone;

(b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include

on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

(c) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

(d) The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101 of the Revised Code.

In order to comply with the requirements of division (A)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:

(a) It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.

(b) It is well-lighted.

(c) It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if

any public transportation is available in the municipal 6994
corporation or township in which the private tow-away zone is 6995
located. 6996

(B)(1) If a vehicle is parked on private property that is 6997
established as a private tow-away zone in accordance with division 6998
(A) of this section, without the consent of the owner of the 6999
private property or in violation of any posted parking condition 7000
or regulation, the owner of the private property may cause the 7001
removal of the vehicle by a towing service. The towing service 7002
shall remove the vehicle in accordance with this section. The 7003
vehicle owner and the operator of the vehicle are considered to 7004
have consented to the removal and storage of the vehicle, to the 7005
payment of the applicable fees established by the public utilities 7006
commission in rules adopted under section 4921.25 of the Revised 7007
Code, and to the right of a towing service to obtain title to the 7008
vehicle if it remains unclaimed as provided in section 4505.101 of 7009
the Revised Code. The owner or lienholder of a vehicle that has 7010
been removed under this section, subject to division (C) of this 7011
section, may recover the vehicle in accordance with division (G) 7012
of this section. 7013

(2) If a municipal corporation requires tow trucks and tow 7014
truck operators to be licensed, no owner of a private property 7015
located within the municipal corporation shall cause the removal 7016
and storage of any vehicle pursuant to division (B) of this 7017
section by an unlicensed tow truck or unlicensed tow truck 7018
operator. 7019

(3) No towing service shall remove a vehicle from a private 7020
tow-away zone except pursuant to a written contract for the 7021
removal of vehicles entered into with the owner of the private 7022
property on which the private tow-away zone is located. 7023

(C) If the owner or operator of a vehicle that is being 7024
removed under authority of division (B) of this section arrives 7025

after the vehicle has been prepared for removal, but prior to its 7026
actual removal from the property, the towing service shall give 7027
the vehicle owner or operator oral or written notification at the 7028
time of such arrival that the vehicle owner or operator may pay a 7029
fee of not more than one-half of the fee for the removal of the 7030
vehicle established by the public utilities commission in rules 7031
adopted under section 4921.25 of the Revised Code in order to 7032
obtain release of the vehicle. That fee may be paid by use of a 7033
major credit card unless the towing service uses a mobile credit 7034
card processor and mobile service is not available at the time of 7035
the transaction. Upon payment of that fee, the towing service 7036
shall give the vehicle owner or operator a receipt showing both 7037
the full amount normally assessed and the actual amount received 7038
and shall release the vehicle to the owner or operator. Upon its 7039
release, the owner or operator immediately shall move the vehicle 7040
so that the vehicle is not parked on the private property 7041
established as a private tow-away zone without the consent of the 7042
owner of the private property or in violation of any posted 7043
parking condition or regulation. 7044

(D)(1) Prior to towing a vehicle under division (B) of this 7045
section, a towing service shall make all reasonable efforts to 7046
take as many photographs as necessary to evidence that the vehicle 7047
is clearly parked on private property in violation of a private 7048
tow-away zone established under division (A) of this section. 7049

The towing service shall record the time and date of the 7050
photographs taken under this section. The towing service shall 7051
retain the photographs and the record of the time and date, in 7052
electronic or printed form, for at least thirty days after the 7053
date on which the vehicle is recovered by the owner or lienholder 7054
or at least two years after the date on which the vehicle was 7055
towed, whichever is earlier. 7056

(2) A towing service shall deliver a vehicle towed under 7057

division (B) of this section to the location from which it may be 7058
recovered not more than two hours after the time it was removed 7059
from the private tow-away zone, unless the towing service is 7060
unable to deliver the motor vehicle within two hours due to an 7061
uncontrollable force, natural disaster, or other event that is not 7062
within the power of the towing service. 7063

(E)(1) If an owner of a private property that is established 7064
as a private tow-away zone in accordance with division (A) of this 7065
section causes the removal of a vehicle from that property by a 7066
towing service under division (B) of this section, the towing 7067
service, within two hours of removing the vehicle, shall provide 7068
notice to the sheriff of the county or the police department of 7069
the municipal corporation, township, port authority, or township 7070
or joint police district in which the property is located 7071
concerning all of the following: 7072

(a) The vehicle's license number, make, model, and color; 7073

(b) The location from which the vehicle was removed; 7074

(c) The date and time the vehicle was removed; 7075

(d) The telephone number of the person from whom the vehicle 7076
may be recovered; 7077

(e) The address of the place from which the vehicle may be 7078
recovered. 7079

(2) Each county sheriff and each chief of police of a 7080
municipal corporation, township, port authority, or township or 7081
joint police district shall maintain a record of any vehicle 7082
removed from private property in the sheriff's or chief's 7083
jurisdiction that is established as a private tow-away zone of 7084
which the sheriff or chief has received notice under this section. 7085
The record shall include all information submitted by the towing 7086
service. The sheriff or chief shall provide any information in the 7087
record that pertains to a particular vehicle to a person who, 7088

either in person or pursuant to a telephone call, identifies self 7089
as the owner, operator, or lienholder of the vehicle and requests 7090
information pertaining to the vehicle. 7091

(F)(1) When a vehicle is removed from private property in 7092
accordance with this section, within three business days of the 7093
removal, the towing service or storage facility from which the 7094
vehicle may be recovered shall cause a search to be made of the 7095
records of the bureau of motor vehicles to ascertain the identity 7096
of the owner and any lienholder of the motor vehicle. The 7097
registrar of motor vehicles shall ensure that such information is 7098
provided in a timely manner. Subject to division (F)(4) of this 7099
section, the towing service or storage facility shall send notice 7100
to the vehicle owner and any known lienholder as follows: 7101

(a) Within five business days after the registrar of motor 7102
vehicles provides the identity of the owner and any lienholder of 7103
the motor vehicle, if the vehicle remains unclaimed, to the 7104
owner's and lienholder's last known address by certified or 7105
express mail with return receipt requested or by a commercial 7106
carrier service utilizing any form of delivery requiring a signed 7107
receipt; 7108

(b) If the vehicle remains unclaimed thirty days after the 7109
first notice is sent, in the manner required under division 7110
(F)(1)(a) of this section; 7111

(c) If the vehicle remains unclaimed forty-five days after 7112
the first notice is sent, in the manner required under division 7113
(F)(1)(a) of this section. 7114

(2) Sixty days after any notice sent pursuant to division 7115
(F)(1) of this section is received, as evidenced by a receipt 7116
signed by any person, or the towing service or storage facility 7117
has been notified that delivery was not possible, the towing 7118
service or storage facility, if authorized under division (B) of 7119

section 4505.101 of the Revised Code, may initiate the process for 7120
obtaining a certificate of title to the motor vehicle as provided 7121
in that section. 7122

(3) A towing service or storage facility that does not 7123
receive a signed receipt of notice, or a notification that 7124
delivery was not possible, shall not obtain, and shall not attempt 7125
to obtain, a certificate of title to the motor vehicle under 7126
division (B) of section 4505.101 of the Revised Code. 7127

(4) With respect to a vehicle concerning which a towing 7128
service or storage facility is not eligible to obtain title under 7129
section 4505.101 of the Revised Code, the towing service or 7130
storage facility need only comply with the initial notice required 7131
under division (F)(1)(a) of this section. 7132

(G)(1) The owner or lienholder of a vehicle that is removed 7133
under division (B) of this section may reclaim it upon both of the 7134
following: 7135

(a) Presentation of proof of ownership, which may be 7136
evidenced by a certificate of title to the vehicle, a certificate 7137
of registration for the motor vehicle, or a lease agreement; 7138

(b) Payment of the following fees: 7139

(i) All applicable fees established by the public utilities 7140
commission in rules adopted under section 4921.25 of the Revised 7141
Code, except that the lienholder of a vehicle may retrieve the 7142
vehicle without paying any storage fee for the period of time that 7143
the vehicle was in the possession of the towing service or storage 7144
facility prior to the date the lienholder received the notice sent 7145
under division (F)(1)(a) of this section; 7146

(ii) If notice has been sent to the owner and lienholder as 7147
described in division (F) of this section, a processing fee of 7148
twenty-five dollars. 7149

(2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (B) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (D) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code.

(4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (B) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (G)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(H) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this section or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(I) This section does not affect or limit the operation of section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code

as they relate to property other than private property that is 7182
established as a private tow-away zone under division (A) of this 7183
section. 7184

(J) Whoever violates division (H) of this section is guilty 7185
of a minor misdemeanor. 7186

(K) As used in this section, "owner of a private property" or 7187
"owner of the private property" includes, with respect to a 7188
private property, any of the following: 7189

(1) Any person who holds title to the property; 7190

(2) Any person who is a lessee or sublessee with respect to a 7191
lease or sublease agreement for the property; 7192

(3) A person who is authorized to manage the property; 7193

(4) A duly authorized agent of any person listed in divisions 7194
(K)(1) to (3) of this section. 7195

Sec. 4513.61. (A) The sheriff of a county or chief of police 7196
of a municipal corporation, township, port authority, or township 7197
or joint police district, within the sheriff's or chief's 7198
respective territorial jurisdiction, or a state highway patrol 7199
trooper, upon notification to the sheriff or chief of police of 7200
such action and of the location of the place of storage, may order 7201
into storage any motor vehicle, including an abandoned junk motor 7202
vehicle as defined in section 4513.63 of the Revised Code, that: 7203

(1) Has come into the possession of the sheriff, chief of 7204
police, or state highway patrol trooper as a result of the 7205
performance of the sheriff's, chief's, or trooper's duties; or 7206

(2) Has been left on a public street or other property open 7207
to the public for purposes of vehicular travel, or upon or within 7208
the right-of-way of any road or highway, for forty-eight hours or 7209
longer without notification to the sheriff or chief of police of 7210
the reasons for leaving the motor vehicle in such place. However, 7211

when such a motor vehicle constitutes an obstruction to traffic it 7212
may be ordered into storage immediately unless either of the 7213
following applies: 7214

(a) The vehicle was involved in an accident and is subject to 7215
section 4513.66 of the Revised Code; 7216

(b) The vehicle is a commercial motor vehicle. If the vehicle 7217
is a commercial motor vehicle, the sheriff, chief of police, or 7218
state highway patrol trooper shall allow the owner or operator of 7219
the vehicle the opportunity to arrange for the removal of the 7220
motor vehicle within a period of time specified by the sheriff, 7221
chief of police, or state highway patrol trooper. If the sheriff, 7222
chief of police, or state highway patrol trooper determines that 7223
the vehicle cannot be removed within the specified period of time, 7224
the sheriff, chief of police, or state highway patrol trooper 7225
shall order the removal of the vehicle. 7226

Subject to division (C) of this section, the sheriff or chief 7227
of police shall designate the place of storage of any motor 7228
vehicle so ordered removed. 7229

(B) If the sheriff, chief of police, or a state highway 7230
patrol trooper issues an order under division (A) of this section 7231
and arranges for the removal of a motor vehicle by a towing 7232
service, the towing service shall deliver the motor vehicle to the 7233
location designated by the sheriff or chief of police not more 7234
than two hours after the time it is removed. 7235

(C)(1) The sheriff or chief of police shall cause a search to 7236
be made of the records of the bureau of motor vehicles to 7237
ascertain the identity of the owner and any lienholder of a motor 7238
vehicle ordered into storage by the sheriff or chief of police, or 7239
by a state highway patrol trooper within five business days of the 7240
removal of the vehicle. Upon obtaining such identity, the sheriff 7241
or chief of police shall send or cause to be sent to the owner or 7242

lienholder at the owner's or lienholder's last known address by 7243
certified mail with return receipt requested, notice that informs 7244
the owner or lienholder that the motor vehicle will be declared a 7245
nuisance and disposed of if not claimed within ten days of the 7246
date of mailing of the notice. 7247

(2) The owner or lienholder of the motor vehicle may reclaim 7248
the motor vehicle upon payment of any expenses or charges incurred 7249
in its removal and storage, and presentation of proof of 7250
ownership, which may be evidenced by a certificate of title or 7251
memorandum certificate of title to the motor vehicle, a 7252
certificate of registration for the motor vehicle, or a lease 7253
agreement. Upon presentation of proof of ownership evidenced as 7254
provided above, the owner of the motor vehicle also may retrieve 7255
any personal items from the vehicle without retrieving the vehicle 7256
and without paying any fee. However, a towing service or storage 7257
facility may charge an after-hours retrieval fee established by 7258
the public utilities commission in rules adopted under section 7259
4921.25 of the Revised Code if the owner retrieves the personal 7260
items after hours, unless the towing service or storage facility 7261
fails to provide the notice required under division (B)(3) of 7262
section 4513.69 of the Revised Code, if applicable. However, the 7263
owner shall not do either of the following: 7264

(a) Retrieve any personal item that has been determined by 7265
the sheriff, chief of police, or a state highway patrol trooper, 7266
as applicable, to be necessary to a criminal investigation; 7267

(b) Retrieve any personal item from a vehicle if it would 7268
endanger the safety of the owner, unless the owner agrees to sign 7269
a waiver of liability. 7270

For purposes of division (C)(2) of this section, "personal 7271
items" do not include any items that are attached to the vehicle. 7272

(3) If the owner or lienholder of the motor vehicle reclaims 7273

it after a search of the records of the bureau has been conducted 7274
and after notice has been sent to the owner or lienholder as 7275
described in this section, and the search was conducted by the 7276
place of storage, and the notice was sent to the motor vehicle 7277
owner by the place of storage, the owner or lienholder shall pay 7278
to the place of storage a processing fee of twenty-five dollars, 7279
in addition to any expenses or charges incurred in the removal and 7280
storage of the vehicle. 7281

(D) If the owner or lienholder makes no claim to the motor 7282
vehicle within ten days of the date of mailing of the notice, and 7283
if the vehicle is to be disposed of at public auction as provided 7284
in section 4513.62 of the Revised Code, the sheriff or chief of 7285
police, without charge to any party, shall file with the clerk of 7286
courts of the county in which the place of storage is located an 7287
affidavit showing compliance with the requirements of this 7288
section. Upon presentation of the affidavit, the clerk, without 7289
charge, shall issue a salvage certificate of title, free and clear 7290
of all liens and encumbrances, to the sheriff or chief of police. 7291
If the vehicle is to be disposed of to a motor vehicle salvage 7292
dealer or other facility as provided in section 4513.62 of the 7293
Revised Code, the sheriff or chief of police shall execute in 7294
triplicate an affidavit, as prescribed by the registrar of motor 7295
vehicles, describing the motor vehicle and the manner in which it 7296
was disposed of, and that all requirements of this section have 7297
been complied with. The sheriff or chief of police shall retain 7298
the original of the affidavit for the sheriff's or chief's 7299
records, and shall furnish two copies to the motor vehicle salvage 7300
dealer or other facility. Upon presentation of a copy of the 7301
affidavit by the motor vehicle salvage dealer, the clerk of 7302
courts, within thirty days of the presentation, shall issue a 7303
salvage certificate of title, free and clear of all liens and 7304
encumbrances. 7305

(E) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.

(F) No towing service or storage facility shall fail to comply with this section.

Sec. 4513.62. Unclaimed motor vehicles ordered into storage pursuant to division (A)(1) of section 4513.60 or section 4513.61 of the Revised Code shall be disposed of at the order of the sheriff of the county or the chief of police of the municipal corporation, township, port authority, or township or joint police district to a motor vehicle salvage dealer or scrap metal processing facility as defined in section 4737.05 of the Revised Code, or to any other facility owned by or under contract with the county, municipal corporation, port authority, or township, for the disposal of such motor vehicles, or shall be sold by the sheriff, chief of police, or licensed auctioneer at public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code. Any moneys accruing from the disposition of an unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the county, municipal corporation, port authority, township, or joint police district, as the case may be.

Sec. 4513.63. "Abandoned junk motor vehicle" means any motor vehicle meeting all of the following requirements:

(A) Left on private property for forty-eight hours or longer 7337
without the permission of the person having the right to the 7338
possession of the property, on a public street or other property 7339
open to the public for purposes of vehicular travel or parking, or 7340
upon or within the right-of-way of any road or highway, for 7341
forty-eight hours or longer; 7342

(B) Three years old, or older; 7343

(C) Extensively damaged, such damage including but not 7344
limited to any of the following: missing wheels, tires, motor, or 7345
transmission; 7346

(D) Apparently inoperable; 7347

(E) Having a fair market value of one thousand five hundred 7348
dollars or less. 7349

The sheriff of a county or chief of police of a municipal 7350
corporation, township, port authority, or township or joint police 7351
district, within the sheriff's or chief's respective territorial 7352
jurisdiction, or a state highway patrol trooper, upon notification 7353
to the sheriff or chief of police of such action, shall order any 7354
abandoned junk motor vehicle to be photographed by a law 7355
enforcement officer. The officer shall record the make of motor 7356
vehicle, the serial number when available, and shall also detail 7357
the damage or missing equipment to substantiate the value of one 7358
thousand five hundred dollars or less. The sheriff or chief of 7359
police shall thereupon immediately dispose of the abandoned junk 7360
motor vehicle to a motor vehicle salvage dealer as defined in 7361
section 4738.01 of the Revised Code or a scrap metal processing 7362
facility as defined in section 4737.05 of the Revised Code which 7363
is under contract to the county, township, port authority, or 7364
municipal corporation, or to any other facility owned by or under 7365
contract with the county, township, port authority, or municipal 7366
corporation for the destruction of such motor vehicles. The 7367

records and photograph relating to the abandoned junk motor 7368
vehicle shall be retained by the law enforcement agency ordering 7369
the disposition of such vehicle for a period of at least two 7370
years. The law enforcement agency shall execute in quadruplicate 7371
an affidavit, as prescribed by the registrar of motor vehicles, 7372
describing the motor vehicle and the manner in which it was 7373
disposed of, and that all requirements of this section have been 7374
complied with, and, within thirty days of disposing of the 7375
vehicle, shall sign and file the affidavit with the clerk of 7376
courts of the county in which the motor vehicle was abandoned. The 7377
clerk of courts shall retain the original of the affidavit for the 7378
clerk's files, shall furnish one copy thereof to the registrar, 7379
one copy to the motor vehicle salvage dealer or other facility 7380
handling the disposal of the vehicle, and one copy to the law 7381
enforcement agency ordering the disposal, who shall file such copy 7382
with the records and photograph relating to the disposal. Any 7383
moneys arising from the disposal of an abandoned junk motor 7384
vehicle shall be deposited in the general fund of the county, 7385
township, or the municipal corporation, as the case may be. 7386

Notwithstanding section 4513.61 of the Revised Code, any 7387
motor vehicle meeting the requirements of divisions (C), (D), and 7388
(E) of this section which has remained unclaimed by the owner or 7389
lienholder for a period of ten days or longer following 7390
notification as provided in section 4513.61 of the Revised Code 7391
may be disposed of as provided in this section. 7392

Sec. 4513.64. (A) No person shall willfully leave an 7393
abandoned junk motor vehicle as defined in section 4513.63 of the 7394
Revised Code on private property for more than seventy-two hours 7395
without the permission of the person having the right to the 7396
possession of the property, or on a public street or other 7397
property open to the public for purposes of vehicular travel or 7398
parking, or upon or within the right-of-way of any road or 7399

highway, for forty-eight hours or longer without notification to 7400
the sheriff of the county or chief of police of the municipal 7401
corporation, township, port authority, or township or joint police 7402
district of the reasons for leaving the motor vehicle in such 7403
place. 7404

For purposes of this section, the fact that a motor vehicle 7405
has been so left without permission or notification is prima-facie 7406
evidence of abandonment. 7407

Nothing contained in sections 4513.60, 4513.61, and 4513.63 7408
of the Revised Code shall invalidate the provisions of municipal 7409
ordinances or township resolutions regulating or prohibiting the 7410
abandonment of motor vehicles on streets, highways, public 7411
property, or private property within municipal corporations or 7412
townships. 7413

(B) Whoever violates this section is guilty of a minor 7414
misdemeanor and shall also be assessed any costs incurred by the 7415
county, township, joint police district, port authority, or 7416
municipal corporation in disposing of the abandoned junk motor 7417
vehicle that is the basis of the violation, less any money 7418
accruing to the county, township, joint police district, port 7419
authority, or municipal corporation from this disposal of the 7420
vehicle. 7421

Sec. 4513.65. (A) For purposes of this section, "junk motor 7422
vehicle" means any motor vehicle meeting the requirements of 7423
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 7424
Code that is left uncovered in the open on private property for 7425
more than seventy-two hours with the permission of the person 7426
having the right to the possession of the property, except if the 7427
person is operating a junk yard or scrap metal processing facility 7428
licensed under authority of sections 4737.05 to 4737.12 of the 7429

Revised Code, or regulated under authority of a political 7430
subdivision; or if the property on which the motor vehicle is left 7431
is not subject to licensure or regulation by any governmental 7432
authority, unless the person having the right to the possession of 7433
the property can establish that the motor vehicle is part of a 7434
bona fide commercial operation; or if the motor vehicle is a 7435
collector's vehicle. 7436

No political subdivision shall prevent a person from storing 7437
or keeping, or restrict a person in the method of storing or 7438
keeping, any collector's vehicle on private property with the 7439
permission of the person having the right to the possession of the 7440
property; except that a political subdivision may require a person 7441
having such permission to conceal, by means of buildings, fences, 7442
vegetation, terrain, or other suitable obstruction, any unlicensed 7443
collector's vehicle stored in the open. 7444

The sheriff of a county, or chief of police of a municipal 7445
corporation or port authority, within the sheriff's or chief's 7446
respective territorial jurisdiction, a state highway patrol 7447
trooper, a board of township trustees, the legislative authority 7448
of a municipal corporation or port authority, or the zoning 7449
authority of a township or a municipal corporation, may send 7450
notice, by certified mail with return receipt requested, to the 7451
person having the right to the possession of the property on which 7452
a junk motor vehicle is left, that within ten days of receipt of 7453
the notice, the junk motor vehicle either shall be covered by 7454
being housed in a garage or other suitable structure, or shall be 7455
removed from the property. 7456

No person shall willfully leave a junk motor vehicle 7457
uncovered in the open for more than ten days after receipt of a 7458
notice as provided in this section. The fact that a junk motor 7459
vehicle is so left is prima-facie evidence of willful failure to 7460

comply with the notice, and each subsequent period of thirty days 7461
that a junk motor vehicle continues to be so left constitutes a 7462
separate offense. 7463

(B) Whoever violates this section is guilty of a minor 7464
misdemeanor. 7465

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 7466
highway, public street, or other property open to the public for 7467
purposes of vehicular travel and if any motor vehicle, cargo, or 7468
personal property that has been damaged or spilled as a result of 7469
the motor vehicle accident is blocking the highway, street, or 7470
other property or is otherwise endangering public safety, a public 7471
safety official may do either of the following without the consent 7472
of the owner but with the approval of the law enforcement agency 7473
conducting any investigation of the accident: 7474

(1) Remove, or order the removal of, the motor vehicle if the 7475
motor vehicle is unoccupied, cargo, or personal property from the 7476
portion of the highway, public street, or property ordinarily used 7477
for vehicular travel on the highway, public street, or other 7478
property open to the public for purposes of vehicular travel. 7479

(2) If the motor vehicle is a commercial motor vehicle, allow 7480
the owner or operator of the vehicle the opportunity to arrange 7481
for the removal of the motor vehicle within a period of time 7482
specified by the public safety official. If the public safety 7483
official determines that the motor vehicle cannot be removed 7484
within the specified period of time, the public safety official 7485
shall remove or order the removal of the motor vehicle. 7486

(B)(1) Except as provided in division (B)(2) of this section, 7487
the department of transportation, any employee of the department 7488
of transportation, or a public safety official who authorizes or 7489
participates in the removal of any unoccupied motor vehicle, 7490
cargo, or personal property as authorized by division (A) of this 7491

section, regardless of whether the removal is executed by a 7492
private towing service, is not liable for civil damages for any 7493
injury, death, or loss to person or property that results from the 7494
removal of that unoccupied motor vehicle, cargo, or personal 7495
property. Further, except as provided in division (B)(2) of this 7496
section, if a public safety official authorizes, employs, or 7497
arranges to have a private towing service remove any unoccupied 7498
motor vehicle, cargo, or personal property as authorized by 7499
division (A) of this section, that private towing service is not 7500
liable for civil damages for any injury, death, or loss to person 7501
or property that results from the removal of that unoccupied motor 7502
vehicle, cargo, or personal property. 7503

(2) Division (B)(1) of this section does not apply to any of 7504
the following: 7505

(a) Any person or entity involved in the removal of an 7506
unoccupied motor vehicle, cargo, or personal property pursuant to 7507
division (A) of this section if that removal causes or contributes 7508
to the release of a hazardous material or to structural damage to 7509
the roadway; 7510

(b) A private towing service that was not authorized, 7511
employed, or arranged by a public safety official to remove an 7512
unoccupied motor vehicle, cargo, or personal property under this 7513
section; 7514

(c) Except as provided in division (B)(2)(d) of this section, 7515
a private towing service that was authorized, employed, or 7516
arranged by a public safety official to perform the removal of the 7517
unoccupied motor vehicle, cargo, or personal property but the 7518
private towing service performed the removal in a negligent 7519
manner; 7520

(d) A private towing service that was authorized, employed, 7521
or arranged by a public safety official to perform the removal of 7522

the unoccupied motor vehicle, cargo, or personal property that was 7523
endangering public safety but the private towing service performed 7524
the removal in a reckless manner. 7525

(C) As used in this section: 7526

(1) "Public safety official" means any of the following: 7527

(a) The sheriff of the county, or the chief of police in the 7528
municipal corporation, township, port authority, or township or 7529
joint police district, in which the accident occurred; 7530

(b) A state highway patrol trooper; 7531

(c) The chief of the fire department having jurisdiction 7532
where the accident occurred; 7533

(d) A duly authorized subordinate acting on behalf of an 7534
official specified in divisions (C)(1)(a) to (c) of this section. 7535

(2) "Hazardous material" has the same meaning as in section 7536
2305.232 of the Revised Code. 7537

Sec. 4513.69. (A) A storage facility shall ensure that the 7538
facility remains open during both of the following periods of time 7539
to allow a vehicle owner or lienholder to retrieve a vehicle in 7540
the possession of the storage facility: 7541

(1) Any time during which a towing service is towing a 7542
vehicle pursuant to section 4513.601 of the Revised Code and the 7543
vehicle will be held by the storage facility; 7544

(2) Between nine o'clock in the morning and noon on the day 7545
after any day during which the storage facility accepted for 7546
storage a vehicle towed under section 4513.60, 4513.601, or 7547
4513.61 of the Revised Code. 7548

(B)(1) A storage facility that accepts for storage vehicles 7549
towed under section 4513.60, 4513.601, or 4513.61 of the Revised 7550
Code shall ensure that a notice is conspicuously posted at the 7551

entrance to the storage facility that states the telephone number 7552
at which the owner or lienholder of a vehicle may contact the 7553
owner or a representative of the storage facility for the purpose 7554
of determining whether the person may retrieve a vehicle or 7555
personal items when the storage facility is closed. The storage 7556
facility also shall provide that telephone number to the sheriff 7557
of a county or chief of police of a municipal corporation, 7558
township, port authority, or township or joint police district. 7559
The storage facility shall ensure that a process is in place for 7560
purposes of answering calls at all times day or night. 7561

(2) After receiving a call from the owner or lienholder of a 7562
vehicle who seeks to recover a vehicle that was towed pursuant to 7563
section 4513.601 of the Revised Code, the storage facility shall 7564
ensure that, within three hours of receiving the phone call, a 7565
representative of the storage facility is available to release the 7566
vehicle upon being presented with proof of ownership of the 7567
vehicle, which may be evidenced by a certificate of title to the 7568
vehicle, a certificate of registration for the motor vehicle, or a 7569
lease agreement, and payment of an after-hours vehicle retrieval 7570
fee established under section 4921.25 of the Revised Code along 7571
with all other applicable fees. 7572

(3) If a storage facility receives a call from a person who 7573
seeks to recover personal items from a vehicle that was towed 7574
pursuant to section 4513.60 or 4513.61 of the Revised Code and the 7575
storage facility is not open to the public, the storage facility 7576
shall notify the person that an after-hours retrieval fee applies 7577
and shall state the amount of the fee as established by the public 7578
utilities commission in rules adopted under section 4921.25 of the 7579
Revised Code. The storage facility shall allow the person to 7580
retrieve personal items in accordance with division (D)(2) of 7581
section 4513.60 or division (C)(2) of section 4513.61 of the 7582
Revised Code, but shall not charge an after-hours retrieval fee 7583

unless notice is provided in accordance with this division. 7584

(C) No storage facility shall fail to comply with division 7585

(A) or (B) of this section. 7586

Sec. 4582.12. (A)(1) Except as otherwise provided in division 7587

(E) of section 307.671 of the Revised Code, division (A) of this 7588

section does not apply to a port authority educational and 7589

cultural facility acquired, constructed, and equipped pursuant to 7590

a cooperative agreement entered into under section 307.671 of the 7591

Revised Code. 7592

(2) Except as provided in division (C) of this section or 7593

except when the port authority elects to construct a building, 7594

structure, or other improvement pursuant to a contract made with a 7595

construction manager at risk under sections 9.33 to 9.335 of the 7596

Revised Code or with a design-build firm under sections 153.65 to 7597

153.73 of the Revised Code, when the cost of a contract for the 7598

construction of any building, structure, or other improvement 7599

undertaken by a port authority involves an expenditure exceeding 7600

one hundred fifty thousand dollars and the port authority is the 7601

contracting entity, the port authority shall make a written 7602

contract after notice calling for bids for the award of the 7603

contract has been given by publication twice, with at least seven 7604

days between publications, in a newspaper of general circulation 7605

in the area of the jurisdiction of the port authority. Each such 7606

contract shall be let to the lowest responsive and responsible 7607

bidder in accordance with section 9.312 of the Revised Code. Every 7608

contract let shall be in writing and if the contract involves work 7609

or construction, it shall be accompanied by or shall refer to 7610

plans and specifications for the work to be done, prepared for and 7611

approved by the port authority, and signed by an authorized 7612

officer of the port authority and by the contractor, ~~and shall be~~ 7613

~~executed in triplicate.~~ 7614

Each bid shall be awarded in accordance with sections 153.54, 7615
153.57, and 153.571 of the Revised Code. 7616

The port authority may reject any and all bids. 7617

(B) The board of directors of a port authority by rule may 7618
provide criteria for the negotiation and award without competitive 7619
bidding of any contract as to which the port authority is the 7620
contracting entity for the construction of any building, 7621
structure, or other improvement under any of the following 7622
circumstances: 7623

(1) There exists a real and present emergency that threatens 7624
damage or injury to persons or property of the port authority or 7625
other persons, provided that a statement specifying the nature of 7626
the emergency that is the basis for the negotiation and award of a 7627
contract without competitive bidding shall be signed by the 7628
officer of the port authority that executes that contract at the 7629
time of the contract's execution and shall be attached to the 7630
contract. 7631

(2) A commonly recognized industry or other standard or 7632
specification does not exist and cannot objectively be articulated 7633
for the improvement. 7634

(3) The contract is for any energy conservation measure as 7635
defined in section 307.041 of the Revised Code. 7636

(4) With respect to material to be incorporated into the 7637
improvement, only a single source or supplier exists for the 7638
material. 7639

(5) A single bid is received by the port authority after 7640
complying with the provisions of division (A) of this section. 7641

(C)(1) If a contract is to be negotiated and awarded without 7642
competitive bidding for the reason set forth in division (B)(2) of 7643
this section, the port authority shall publish a notice calling 7644

for technical proposals at least twice, with at least seven days 7645
between publications, in a newspaper of general circulation in the 7646
area of the port authority. After receipt of the technical 7647
proposals, the port authority may negotiate with and award a 7648
contract for the improvement to the proposer making the proposal 7649
considered to be the most advantageous to the port authority. 7650

(2) If a contract is to be negotiated and awarded without 7651
competitive bidding for the reason set forth in division (B)(4) of 7652
this section, any construction activities related to the 7653
incorporation of the material into the improvement also may be 7654
provided without competitive bidding by the source or supplier of 7655
that material. 7656

Sec. 4582.31. (A) A port authority created in accordance with 7657
section 4582.22 of the Revised Code may: 7658

(1) Adopt bylaws for the regulation of its affairs and the 7659
conduct of its business; 7660

(2) Adopt an official seal; 7661

(3) Maintain a principal office within its jurisdiction, and 7662
maintain such branch offices as it may require; 7663

(4) Acquire, construct, furnish, equip, maintain, repair, 7664
sell, exchange, lease to or from, or lease with an option to 7665
purchase, convey other interests in real or personal property, or 7666
any combination thereof, related to, useful for, or in furtherance 7667
of any authorized purpose and operate any property in connection 7668
with transportation, recreational, governmental operations, or 7669
cultural activities; 7670

(5) Straighten, deepen, and improve any channel, river, 7671
stream, or other water course or way which may be necessary or 7672
proper in the development of the facilities of a port authority; 7673

(6) Make available the use or services of any port authority 7674

facility to one or more persons, one or more governmental 7675
agencies, or any combination thereof; 7676

(7) Issue bonds or notes for the acquisition, construction, 7677
furnishing, or equipping of any port authority facility or other 7678
permanent improvement that a port authority is authorized to 7679
acquire, construct, furnish, or equip, in compliance with Chapter 7680
133. of the Revised Code, except that such bonds or notes may only 7681
be issued pursuant to a vote of the electors residing within the 7682
area of jurisdiction of the port authority. The net indebtedness 7683
incurred by a port authority shall never exceed two per cent of 7684
the total value of all property within the territory comprising 7685
the port authority as listed and assessed for taxation. 7686

(8) Issue port authority revenue bonds beyond the limit of 7687
bonded indebtedness provided by law, payable solely from revenues 7688
as provided in section 4582.48 of the Revised Code, for the 7689
purpose of providing funds to pay the costs of any port authority 7690
facility or facilities or parts thereof; 7691

(9) Apply to the proper authorities of the United States 7692
pursuant to appropriate law for the right to establish, operate, 7693
and maintain foreign trade zones and establish, operate, and 7694
maintain foreign trade zones and to acquire, exchange, sell, lease 7695
to or from, lease with an option to purchase, or operate 7696
facilities, land, or property therefor in accordance with the 7697
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 7698
81u; 7699

(10) Enjoy and possess the same rights, privileges, and 7700
powers granted municipal corporations under sections 721.04 to 7701
721.11 of the Revised Code; 7702

(11) Maintain such funds as it considers necessary; 7703

(12) Direct its agents or employees, when properly identified 7704
in writing, and after at least five days' written notice, to enter 7705

upon lands within the confines of its jurisdiction in order to 7706
make surveys and examinations preliminary to location and 7707
construction of works for the purposes of the port authority, 7708
without liability of the port authority or its agents or employees 7709
except for actual damage done; 7710

(13) Promote, advertise, and publicize the port authority and 7711
its facilities; provide information to shippers and other 7712
commercial interests; and appear before rate-making authorities to 7713
represent and promote the interests of the port authority; 7714

(14) Adopt rules, not in conflict with general law, it finds 7715
necessary or incidental to the performance of its duties and the 7716
execution of its powers under sections 4582.21 to 4582.54 of the 7717
Revised Code. Any such rule shall be posted at no less than five 7718
public places in the port authority, as determined by the board of 7719
directors, for a period of not fewer than fifteen days, and shall 7720
be available for public inspection at the principal office of the 7721
port authority during regular business hours. No person shall 7722
violate any lawful rule adopted and posted as provided in this 7723
division. 7724

(15) Do any of the following, in regard to any interests in 7725
any real or personal property, or any combination thereof, 7726
including, without limitation, machinery, equipment, plants, 7727
factories, offices, and other structures and facilities related 7728
to, useful for, or in furtherance of any authorized purpose, for 7729
such consideration and in such manner, consistent with Article 7730
VIII of the Ohio Constitution, as the board in its sole discretion 7731
may determine: 7732

(a) Loan moneys to any person or governmental entity for the 7733
acquisition, construction, furnishing, and equipping of the 7734
property; 7735

(b) Acquire, construct, maintain, repair, furnish, and equip 7736

the property; 7737

(c) Sell to, exchange with, lease, convey other interests in, 7738
or lease with an option to purchase the same or any lesser 7739
interest in the property to the same or any other person or 7740
governmental entity; 7741

(d) Guarantee the obligations of any person or governmental 7742
entity. 7743

A port authority may accept and hold as consideration for the 7744
conveyance of property or any interest therein such property or 7745
interests therein as the board in its discretion may determine, 7746
notwithstanding any restrictions that apply to the investment of 7747
funds by a port authority. 7748

(16) Sell, lease, or convey other interests in real and 7749
personal property, and grant easements or rights-of-way over 7750
property of the port authority. The board of directors shall 7751
specify the consideration and any terms for the sale, lease, or 7752
conveyance of other interests in real and personal property. Any 7753
determination made by the board under this division shall be 7754
conclusive. The sale, lease, or conveyance may be made without 7755
advertising and the receipt of bids. 7756

(17) Exercise the right of eminent domain to appropriate any 7757
land, rights, rights-of-way, franchises, easements, or other 7758
property, necessary or proper for any authorized purpose, pursuant 7759
to the procedure provided in sections 163.01 to 163.22 of the 7760
Revised Code, if funds equal to the appraised value of the 7761
property to be acquired as a result of such proceedings are 7762
available for that purpose. However, nothing contained in sections 7763
4582.201 to 4582.59 of the Revised Code shall authorize a port 7764
authority to take or disturb property or facilities belonging to 7765
any agency or political subdivision of this state, public utility, 7766
cable operator, or common carrier, which property or facilities 7767

are necessary and convenient in the operation of the agency or 7768
political subdivision, public utility, cable operator, or common 7769
carrier, unless provision is made for the restoration, relocation, 7770
or duplication of such property or facilities, or upon the 7771
election of the agency or political subdivision, public utility, 7772
cable operator, or common carrier, for the payment of 7773
compensation, if any, at the sole cost of the port authority, 7774
provided that: 7775

(a) If any restoration or duplication proposed to be made 7776
under this section involves a relocation of the property or 7777
facilities, the new facilities and location shall be of at least 7778
comparable utilitarian value and effectiveness and shall not 7779
impair the ability of the public utility, cable operator, or 7780
common carrier to compete in its original area of operation; 7781

(b) If any restoration or duplication made under this section 7782
involves a relocation of the property or facilities, the port 7783
authority shall acquire no interest or right in or to the 7784
appropriated property or facilities, except as provided in 7785
division (A)(15) of this section, until the relocated property or 7786
facilities are available for use and until marketable title 7787
thereto has been transferred to the public utility, cable 7788
operator, or common carrier. 7789

As used in division (A)(17) of this section, "cable operator" 7790
has the same meaning as in the "Cable Communications Policy Act of 7791
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 7792
amended by the "Telecommunications Act of 1996," Pub. L. No. 7793
104-104, 110 Stat. 56. 7794

(18)(a) Make and enter into all contracts and agreements and 7795
execute all instruments necessary or incidental to the performance 7796
of its duties and the execution of its powers under sections 7797
4582.21 to 4582.59 of the Revised Code. 7798

(b) Except as provided in division (A)(18)(c) of this section 7799
or except when the port authority elects to construct a building, 7800
structure, or other improvement pursuant to a contract made with a 7801
construction manager at risk under sections 9.33 to 9.335 of the 7802
Revised Code or with a design-build firm under section 153.65 to 7803
153.73 of the Revised Code, when the cost of a contract for the 7804
construction of any building, structure, or other improvement 7805
undertaken by a port authority involves an expenditure exceeding 7806
one hundred fifty thousand dollars and the port authority is the 7807
contracting entity, the port authority shall make a written 7808
contract after notice calling for bids for the award of the 7809
contract has been given by publication twice, with at least seven 7810
days between publications, in a newspaper of general circulation 7811
in the area of the port authority or as provided in section 7.16 7812
of the Revised Code. Each such contract shall be let to the lowest 7813
responsive and responsible bidder in accordance with section 9.312 7814
of the Revised Code. Every contract shall be accompanied by or 7815
shall refer to plans and specifications for the work to be done, 7816
prepared for and approved by the port authority, and signed by an 7817
authorized officer of the port authority and by the contractor, 7818
~~and shall be executed in triplicate.~~ 7819

Each bid shall be awarded in accordance with sections 153.54, 7820
153.57, and 153.571 of the Revised Code. The port authority may 7821
reject any and all bids. 7822

(c) The board of directors by rule may provide criteria for 7823
the negotiation and award without competitive bidding of any 7824
contract as to which the port authority is the contracting entity 7825
for the construction of any building or structure or other 7826
improvement under any of the following circumstances: 7827

(i) There exists a real and present emergency that threatens 7828
damage or injury to persons or property of the port authority or 7829
other persons, provided that a statement specifying the nature of 7830

the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(ii) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code.

(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.

(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section.

(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or

supplier of that material. 7862

(e)(i) Any purchase, exchange, sale, lease, lease with an 7863
option to purchase, conveyance of other interests in, or other 7864
contract with a person or governmental entity that pertains to the 7865
acquisition, construction, maintenance, repair, furnishing, 7866
equipping, or operation of any real or personal property, or any 7867
combination thereof, related to, useful for, or in furtherance of 7868
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 7869
Constitution, shall be made in such manner and subject to such 7870
terms and conditions as may be determined by the board of 7871
directors in its discretion. 7872

(ii) Division (A)(18)(e)(i) of this section applies to all 7873
contracts that are subject to the division, notwithstanding any 7874
other provision of law that might otherwise apply, including, 7875
without limitation, any requirement of notice, any requirement of 7876
competitive bidding or selection, or any requirement for the 7877
provision of security. 7878

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 7879
apply to either of the following: any contract secured by or to be 7880
paid from moneys raised by taxation or the proceeds of obligations 7881
secured by a pledge of moneys raised by taxation; or any contract 7882
secured exclusively by or to be paid exclusively from the general 7883
revenues of the port authority. For the purposes of this section, 7884
any revenues derived by the port authority under a lease or other 7885
agreement that, by its terms, contemplates the use of amounts 7886
payable under the agreement either to pay the costs of the 7887
improvement that is the subject of the contract or to secure 7888
obligations of the port authority issued to finance costs of such 7889
improvement, are excluded from general revenues. 7890

(19) Employ managers, superintendents, and other employees 7891
and retain or contract with consulting engineers, financial 7892
consultants, accounting experts, architects, attorneys, and any 7893

other consultants and independent contractors as are necessary in 7894
its judgment to carry out this chapter, and fix the compensation 7895
thereof. All expenses thereof shall be payable from any available 7896
funds of the port authority or from funds appropriated for that 7897
purpose by a political subdivision creating or participating in 7898
the creation of the port authority. 7899

(20) Receive and accept from any state or federal agency 7900
grants and loans for or in aid of the construction of any port 7901
authority facility or for research and development with respect to 7902
port authority facilities, and receive and accept aid or 7903
contributions from any source of money, property, labor, or other 7904
things of value, to be held, used, and applied only for the 7905
purposes for which the grants and contributions are made; 7906

(21) Engage in research and development with respect to port 7907
authority facilities; 7908

(22) Purchase fire and extended coverage and liability 7909
insurance for any port authority facility and for the principal 7910
office and branch offices of the port authority, insurance 7911
protecting the port authority and its officers and employees 7912
against liability for damage to property or injury to or death of 7913
persons arising from its operations, and any other insurance the 7914
port authority may agree to provide under any resolution 7915
authorizing its port authority revenue bonds or in any trust 7916
agreement securing the same; 7917

(23) Charge, alter, and collect rentals and other charges for 7918
the use or services of any port authority facility as provided in 7919
section 4582.43 of the Revised Code; 7920

(24) Provide coverage for its employees under Chapters 145., 7921
4123., and 4141. of the Revised Code; 7922

(25) Establish and administer one or more payment card 7923
programs for purposes of paying expenses related to port authority 7924

business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(26) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code.

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

(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor.

Sec. 4926.01. As used in this chapter:

(A) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, with the car sharing start time, in accordance with the peer-to-peer car sharing program agreement, and ends with the car sharing termination time.

(B) "Car sharing delivery period" means the period of time in which a shared vehicle is being delivered to the agreed upon location for the shared vehicle driver to take over possession of the vehicle, in accordance with the peer-to-peer car sharing program agreement.

(C) "Car sharing start time" means either the point in time when the shared vehicle driver takes possession of the shared vehicle or the point in time when the shared vehicle driver was scheduled to take possession of the shared vehicle, whichever occurs first.

(D) "Car sharing termination time" means the point in time when the shared vehicle is returned to the location designated by the shared vehicle owner, in accordance with the peer-to-peer car

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| <u>sharing program agreement, and any of the following occur:</u> | 7955 |
| <u>(1) The period of time established in the agreement expires.</u> | 7956 |
| <u>(2) The shared vehicle driver notifies the shared vehicle</u> | 7957 |
| <u>owner through the peer-to-peer car sharing program that the driver</u> | 7958 |
| <u>is finished using the shared vehicle.</u> | 7959 |
| <u>(3) The shared vehicle owner or the owner's designee takes</u> | 7960 |
| <u>possession of the shared vehicle.</u> | 7961 |
| <u>(E) "Motor vehicle" has the same meaning as in section</u> | 7962 |
| <u>3937.30 of the Revised Code.</u> | 7963 |
| <u>(F) "Motor vehicle renting dealer" has the same meaning as in</u> | 7964 |
| <u>section 4549.65 of the Revised Code.</u> | 7965 |
| <u>(G) "Peer-to-peer car sharing" means the authorized use of a</u> | 7966 |
| <u>private motor vehicle by an individual other than the motor</u> | 7967 |
| <u>vehicle's owner through a peer-to-peer car sharing program.</u> | 7968 |
| <u>(H) "Peer-to-peer car sharing program" means a person who</u> | 7969 |
| <u>operates a business platform that connects a shared vehicle owner</u> | 7970 |
| <u>to a shared vehicle driver to enable the sharing of vehicles for</u> | 7971 |
| <u>financial consideration.</u> | 7972 |
| <u>(I) "Peer-to-peer car sharing program agreement" means an</u> | 7973 |
| <u>agreement established through the peer-to-peer car sharing program</u> | 7974 |
| <u>that serves as a contract between the peer-to-peer car sharing</u> | 7975 |
| <u>program, the shared vehicle owner, and the shared vehicle driver</u> | 7976 |
| <u>and describes the specific terms and conditions of the agreement,</u> | 7977 |
| <u>including the car sharing period and the location or locations for</u> | 7978 |
| <u>transfer of possession.</u> | 7979 |
| <u>(J) "Primary insurer" means any insurer issuing a primary</u> | 7980 |
| <u>policy of automobile insurance for a shared vehicle.</u> | 7981 |
| <u>(K) "Primary policy of automobile insurance" means a policy</u> | 7982 |
| <u>of automobile insurance covering a shared vehicle for any period</u> | 7983 |
| <u>of time outside a vehicle sharing period.</u> | 7984 |

(L) "Private motor vehicle" means a motor vehicle owned and registered in this state to an individual. "Private motor vehicle" does not include any vehicle owned or registered by a motor vehicle renting dealer. 7985
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(M) "Shared vehicle" means a private motor vehicle that is enrolled in a peer-to-peer car sharing program. 7989
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(N) "Shared vehicle driver" means a person authorized by a shared vehicle owner, in accordance with the terms and conditions of a peer-to-peer car sharing program agreement, to operate a shared vehicle during a vehicle sharing period. 7991
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(O) "Shared vehicle owner" means a registered owner of a shared vehicle. 7995
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Sec. 4926.02. (A) A peer-to-peer car sharing program shall collect all of the following information before entering into a peer-to-peer car sharing program agreement: 7997
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(1) The name and address of the shared vehicle owner and the shared vehicle driver; 8000
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(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; 8002
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(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; 8006
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(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; 8009
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(5) Whether the shared vehicle owner is aware of any safety recalls regarding the shared vehicle; 8013
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(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. 8015
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(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. 8019
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(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 policy of automobile insurance. 8025
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Sec. 4926.03. A peer-to-peer car sharing program shall disclose all of the following to the shared vehicle owner and the shared vehicle driver in the peer-to-peer car sharing program agreement: 8030
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(A) Any right of the program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the program resulting from a breach of the terms and conditions of the agreement; 8034
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(B) That any primary policy of automobile insurance for the shared vehicle does not provide a defense against or indemnification for any claim asserted by the program; 8038
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(C) That the program's motor vehicle insurance coverage on the shared vehicle owner, the shared vehicle driver, and the shared vehicle is in effect only during the car sharing period and that any use of the shared vehicle by the shared vehicle driver 8041
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after the car sharing termination time may not be covered by 8045
either the program's insurance or any primary policy of automobile 8046
insurance; 8047

(D) The daily rate, fees, and any insurance or protection 8048
package costs that are charged to the shared vehicle owner or the 8049
shared vehicle driver; 8050

(E) That the shared vehicle owner's primary policy of 8051
automobile insurance may not provide coverage for a shared vehicle 8052
during the car sharing period or for any use outside of the 8053
policy's stated terms and conditions; 8054

(F) Emergency contact information for roadside assistance and 8055
other customer service inquiries. 8056

Sec. 4926.04. A peer-to-peer car sharing program shall have 8057
sole responsibility for any equipment, including a global 8058
positioning system or other special equipment that is installed in 8059
or on the shared vehicle to monitor or facilitate peer-to-peer car 8060
sharing. The program shall agree to indemnify and hold harmless 8061
the shared vehicle owner for any damage or theft of the system or 8062
equipment during the car sharing period that is not caused by the 8063
shared vehicle owner. The program may seek indemnity from the 8064
shared vehicle driver for any loss or damage to the system or 8065
equipment that occurs during the car sharing period that is caused 8066
by the shared vehicle driver. 8067

Sec. 4926.05. (A) When a motor vehicle owner registers as a 8068
shared vehicle owner with a peer-to-peer car sharing program and 8069
before the shared vehicle owner makes the shared vehicle available 8070
for peer-to-peer car sharing, the peer-to-peer car sharing program 8071
shall do all of the following: 8072

(1) Verify that the shared vehicle does not have any 8073
outstanding safety recalls on the vehicle; 8074

(2) Provide notice to the shared vehicle owner of the owner's responsibilities under division (B) of this section. 8075
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(B)(1) If a shared vehicle owner receives actual notice of a safety recall on the shared vehicle, the shared vehicle owner shall not make the shared vehicle available through a peer-to-peer car sharing program until the safety recall repair is made. 8077
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(2) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle after the shared vehicle is available through a peer-to-peer car sharing program but while the shared vehicle is not currently possessed by a shared vehicle driver, the shared vehicle owner shall remove the shared vehicle from availability until the safety recall repair is made. 8081
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(3) If the shared vehicle owner receives actual notice of a safety recall on the shared vehicle while the vehicle is possessed by a shared vehicle driver, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall, so that the car sharing period can be terminated to allow the shared vehicle owner to address the safety recall repair. 8087
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Sec. 4926.06. (A) A peer-to-peer car sharing program is a vendor for purposes of Chapter 5739. of the Revised Code and therefore is responsible for collecting and remitting any sales taxes required under that chapter. 8093
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(B) Whoever violates this section is subject to any applicable penalties for such violation. 8097
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Sec. 4926.07. (A) Peer-to-peer car sharing and a peer-to-peer car sharing program agreement are a consumer transaction for purposes of sections 1345.01 to 1345.13 of the Revised Code. The peer-to-peer car sharing program is the supplier and the shared vehicle owner and the shared vehicle driver are the consumers for purposes of those sections. 8099
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(B) Whoever violates sections 4926.02 to 4926.05 of the Revised Code is subject to any applicable penalties under Chapter 1345. of the Revised Code for such violation. 8105
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Sec. 4926.08. (A) As used in this section, "public-use airport" has the same meaning as in section 4563.30 of the Revised Code. 8108
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(B) The operator of a public-use airport shall adopt reasonable standards, regulations, procedures, and fees that are applicable to peer-to-peer car sharing programs. The operator may enter into such agreements, including concession agreements, with a peer-to-peer car sharing program. A peer-to-peer car sharing program, shared vehicle owner, and shared vehicle driver shall comply with any applicable standards, regulations, procedures, fees, and agreements adopted by a public-use airport, and shall pay any applicable fees in a timely manner. 8111
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Sec. 4926.09. It is not the intent of the General Assembly that any provision in Chapter 4926. of the Revised Code be interpreted as either limiting or restricting an insurer's ability to exclude insurance coverage from an insurance policy or an insurer's ability to underwrite an insurance policy. 8120
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Sec. 5501.21. The director of transportation shall provide a seal of the department of transportation, which shall be inscribed: "State of Ohio, Department of Transportation." 8125
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Copies of records or parts thereof, and copies of any plan, drawing, document, or paper writing in the department when certified by the director to be true and correct copies of the record, plan, drawing, document, or paper writing and attested by the seal of the department shall be received in evidence in the courts of the state in the same manner and with the same effect as though the record, plan, drawing, document, or paper writing were 8128
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offered. Any such copy as may be required by any party to any 8135
suit, upon request of such party, shall be furnished by the 8136
director. 8137

The director need not produce in any court an original paper 8138
or electronic record, plan, drawing, or other document, ~~or paper~~ 8139
~~writing.~~ 8140

~~Any party to any suit pending in any court may take the~~ 8141
~~deposition of the director, provided it is taken at the office of~~ 8142
~~the director.~~ All records, plans, and other documents and drawings 8143
of the department shall be open to the inspection of any 8144
interested person, subject to such reasonable rules as to the time 8145
of inspection and as to supervision, as the director prescribes. 8146

Sec. 5501.41. (A) The director of transportation may remove 8147
snow and ice from state highways, purchase the necessary equipment 8148
including snow fences, employ the necessary labor, and make all 8149
contracts necessary to enable such removal. The director may 8150
remove snow and ice from the state highways within municipal 8151
corporations, but before doing so ~~he~~ the director must obtain the 8152
consent of the legislative authority of such municipal 8153
corporation. The board of county commissioners on county highways, 8154
and the board of township trustees on township roads, shall have 8155
the same authority to purchase equipment for the removal of and to 8156
remove snow and ice as the director has on the state highway 8157
system. 8158

(B)(1) The director may provide road salt to a political 8159
subdivision if all of the following apply: 8160

(a) The director has excess road salt. 8161

(b) The political subdivision is otherwise unable to acquire 8162
road salt. 8163

(c) The political subdivision is in an emergency situation. 8164

(2) The director shall seek reimbursement from a political subdivision for road salt provided under this division. The reimbursement amount shall equal the price at which the director purchased the road salt. 8165
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Sec. 5517.07. If the director of transportation determines it is appropriate, the department of transportation shall install, if not already present, signs and other traffic control devices designed to slow down the flow of traffic in construction and similar work zones. The signs and devices may include arrow boards, channelizing devices, temporary raise pavement markers, portable changeable message signs, temporary traffic barriers, screens, rumble strips, and any other signs or devices the director of transportation determines are appropriate for the highway and local conditions. 8169
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Sec. 5534.014. In addition to any other name prescribed by the Revised Code or otherwise, the road known as state route number one hundred twenty-two, running in an easterly and westerly direction, commencing at the intersection of that route and Wicoff street in Butler county and extending to the intersection of that route and Towne boulevard in Warren county, shall be known as the "SFC Charles E. Carpenter Memorial Highway." 8179
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The director of transportation may erect suitable markers along the highway indicating its name. 8186
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Sec. 5534.407. In addition to any other name prescribed in the Revised Code or otherwise, the portion of the road known as state route number two, running in a northeasterly and southwesterly direction, between the intersection of that route and state route number three hundred six and the intersection of that route and state route number six hundred fifteen, in Lake county only, shall be known as the "Patrolman Mathew J. Mazany 8188
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Memorial Highway." 8195

The director of transportation may erect suitable markers 8196

along the highway indicating its name. 8197

Sec. 5534.807. In addition to any other name prescribed by 8198

the Revised Code or otherwise, the eastbound and westbound lanes 8199

of state route number sixty-three between the intersection of that 8200

route with state route number seven hundred forty-one and the 8201

intersection of that route with Neil Armstrong way, in Warren 8202

county only, shall be known as the "SFC John E. Conger, Jr. 8203

Memorial Highway." 8204

The director of transportation may erect suitable markers 8205

along the highway indicating its name. 8206

Sec. 5577.15. (A) The size and weight provisions of this 8207

chapter do not apply to a any of the following: 8208

(1) A person who is engaged in the initial towing or removal 8209

of a wrecked or disabled motor vehicle from the site of an 8210

emergency on a public highway where the vehicle became wrecked or 8211

disabled to the nearest site where the vehicle can be brought into 8212

conformance with the requirements of this chapter, to the nearest 8213

storage facility, or to the nearest qualified repair facility; 8214

(2) A person who is en route to the site of an emergency on a 8215

public highway to remove a wrecked or disabled motor vehicle; 8216

(3) A person who is returning from delivering a wrecked or 8217

disabled motor vehicle to a site, storage facility, or repair 8218

facility as specified in division (A)(1) of this section. 8219

(B) Any subsequent towing of a wrecked or disabled vehicle 8220

shall comply with the size and weight provisions of this chapter. 8221

(C) No court shall impose any penalty prescribed in section 8222

5577.99 of the Revised Code or the civil liability established in 8223

section 5577.12 of the Revised Code upon a person ~~towing or~~ 8224
~~removing~~ who is operating a vehicle in the manner described in 8225
division (A) of this section. 8226

Sec. 5735.01. As used in this chapter: 8227

(A) "Motor vehicles" includes all vehicles, vessels, 8228
watercraft, engines, machines, or mechanical contrivances which 8229
are powered by internal combustion engines or motors. 8230

(B) "Motor fuel" means gasoline, diesel fuel, kerosene, 8231
compressed natural gas, or any other liquid motor fuel, including, 8232
but not limited to, liquid petroleum gas or liquid natural gas, 8233
but excluding substances prepackaged and sold in containers of 8234
five gallons or less. 8235

(C) "Kerosene" means all grades of kerosene, including, but 8236
not limited to, the two grades of kerosene, no. 1-K and no. 2-K, 8237
commonly known as K-1 kerosene and K-2 kerosene, respectively, 8238
described in the American Society for Testing Materials Standard 8239
D-3699, in effect on January 1, 1999, and aviation grade kerosene. 8240

(D) "Diesel fuel" means any liquid fuel capable of use in 8241
discrete form or as a blend component in the operation of engines 8242
of the diesel type, including transmix when mixed with diesel 8243
fuel. 8244

(E) "Gasoline" means any of the following: 8245

(1) All products, commonly or commercially known or sold as 8246
gasoline; 8247

(2) Any blend stocks or additives, including alcohol, that 8248
are sold for blending with gasoline, other than products typically 8249
sold in containers of five gallons or less; 8250

(3) Transmix when mixed with gasoline, unless certified, as 8251
required by the tax commissioner, for withdrawal from terminals 8252
for reprocessing at refineries; 8253

(4) Alcohol that is offered for sale or sold for use as, or
commonly and commercially used as, a fuel for internal combustion
engines.

Gasoline does not include diesel fuel, commercial or
industrial naphthas or solvents manufactured, imported, received,
stored, distributed, sold, or used exclusively for purposes other
than as a motor fuel for a motor vehicle or vessel. The blending
of any of the products listed in the preceding sentence,
regardless of name or characteristics, is conclusively presumed to
have been done to produce gasoline, unless the product obtained by
the blending is entirely incapable for use as fuel to operate a
motor vehicle. An additive, blend stock, or alcohol is presumed to
be sold for blending unless a certification is obtained as
required by the tax commissioner.

(F) "Public highways" means lands and lots over which the
public, either as user or owner, generally has a right to pass,
even though the same are closed temporarily by the authorities for
the purpose of construction, reconstruction, maintenance, or
repair.

(G) "Waters within the boundaries of this state" 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.

(H) "Person" includes individuals, partnerships, firms,
associations, corporations, receivers, trustees in bankruptcy,
estates, joint-stock companies, joint ventures, the state and its
political subdivisions, and any combination of persons of any
form.

(I)(1) "Motor fuel dealer" means any person who satisfies any
of the following:

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| (a) The person imports from another state or foreign country | 8285 |
| or acquires motor fuel by any means into a terminal in this state; | 8286 |
| (b) The person imports motor fuel from another state or | 8287 |
| foreign country in bulk lot vehicles for subsequent sale and | 8288 |
| distribution in this state from bulk lot vehicles; | 8289 |
| (c) The person refines motor fuel in this state; | 8290 |
| (d) The person acquires motor fuel from a motor fuel dealer | 8291 |
| for subsequent sale and distribution by that person in this state | 8292 |
| from bulk lot vehicles; | 8293 |
| (e) The person possesses an unrevoked permissive motor fuel | 8294 |
| dealer's license. | 8295 |
| (2) Any person who obtains dyed diesel fuel for use other | 8296 |
| than the operation of motor vehicles upon the public highways or | 8297 |
| upon waters within the boundaries of this state, but later uses | 8298 |
| that motor fuel for the operation of motor vehicles upon the | 8299 |
| public highways or upon waters within the boundaries of this | 8300 |
| state, is deemed a motor fuel dealer as regards any unpaid motor | 8301 |
| fuel taxes levied on the motor fuel so used. | 8302 |
| (J) As used in section 5735.05 of the Revised Code only: | 8303 |
| (1) With respect to gasoline, "received" or "receipt" shall | 8304 |
| be construed as follows: | 8305 |
| (a) Gasoline produced at a refinery in this state or | 8306 |
| delivered to a terminal in this state is deemed received when it | 8307 |
| is disbursed through a loading rack at that refinery or terminal; | 8308 |
| (b) Except as provided in division (J)(1)(a) of this section, | 8309 |
| gasoline imported into this state or purchased or otherwise | 8310 |
| acquired in this state by any person is deemed received within | 8311 |
| this state by that person when the gasoline is withdrawn from the | 8312 |
| container in which it was transported; | 8313 |
| (c) Gasoline delivered or disbursed by any means from a | 8314 |

terminal directly to another terminal is not deemed received. 8315

(2) With respect to motor fuel other than gasoline, 8316
"received" or "receipt" means distributed or sold for use or used 8317
to generate power for the operation of motor vehicles upon the 8318
public highways or upon waters within the boundaries of this 8319
state. All diesel fuel that is not dyed diesel fuel, regardless of 8320
its use, shall be considered as used to generate power for the 8321
operation of motor vehicles upon the public highways or upon 8322
waters within the boundaries of this state when the fuel is sold 8323
or distributed to a person other than a licensed motor fuel dealer 8324
or to a person licensed under section 5735.026 of the Revised 8325
Code. 8326

(K) Motor fuel used for the operation of licensed motor 8327
vehicles employed in the maintenance, construction, or repair of 8328
public highways is deemed to be used for the operation of motor 8329
vehicles upon the public highways. 8330

(L) "Licensed motor fuel dealer" means any dealer possessing 8331
an unrevoked motor fuel dealer's license issued by the tax 8332
commissioner as provided in section 5735.02 of the Revised Code. 8333

(M) "Licensed retail dealer" means any retail dealer 8334
possessing an unrevoked retail dealer's license issued by the tax 8335
commissioner as provided in section 5735.022 of the Revised Code. 8336

(N) "Refinery" means a facility used to produce motor fuel 8337
and from which motor fuel may be removed by pipeline, by vessel, 8338
or at a rack. 8339

(O) "Retail dealer" means any person that sells or 8340
distributes motor fuel at a retail service station located in this 8341
state. 8342

(P) "Retail service station" means a location from which 8343
motor fuel is sold to the general public and is dispensed or 8344
pumped directly into motor vehicle fuel tanks for consumption. 8345

(Q) "Transit bus" means a motor vehicle that is operated for public transit or paratransit service on a regular and continuing basis within the state by or for a county, a municipal corporation, a county transit board pursuant to sections 306.01 to 306.13 of the Revised Code, a regional transit authority pursuant to sections 306.30 to 306.54 of the Revised Code, or a regional transit commission pursuant to sections 306.80 to 306.90 of the Revised Code. Public transit or paratransit service may include fixed route, demand-responsive, or subscription bus service transportation, but does not include shared-ride taxi service, carpools, vanpools, jitney service, school bus transportation, or charter or sightseeing services.

(R) "Export" means to obtain motor fuel in this state for sale or other distribution outside this state. For the purposes of this division, motor fuel delivered outside this state by or for the seller constitutes an export by the seller, and motor fuel delivered outside this state by or for the purchaser constitutes an export by the purchaser.

(S) "Import" means motor fuel delivered into this state from outside this state. Motor fuel delivered into this state from outside this state by or for the seller constitutes an import by the seller. Motor fuel delivered into this state from outside this state by or for the purchaser constitutes an import by the purchaser.

(T) "Terminal" means a motor fuel storage or distribution facility that is supplied by pipeline or marine vessel.

(U) "Consumer" means a buyer of motor fuel for purposes other than resale in any form.

(V) "Bulk lot vehicle" means railroad tank cars, transport tank trucks, and tank wagons with a capacity of at least 1,400 gallons.

(W) "Licensed permissive motor fuel dealer" means any person 8377
possessing an unrevoked permissive motor fuel dealer's license 8378
issued by the tax commissioner under section 5735.021 of the 8379
Revised Code. 8380

(X) "Licensed terminal operator" means any person possessing 8381
an unrevoked terminal operator's license issued by the tax 8382
commissioner under section ~~5735.026~~ 5735.027 of the Revised Code. 8383

(Y) "Licensed exporter" means any person possessing an 8384
unrevoked exporter's license issued by the tax commissioner under 8385
section 5735.026 of the Revised Code. 8386

(Z) "Dyed diesel fuel" means diesel fuel satisfying the 8387
requirements of 26 U.S.C. 4082. 8388

(AA) "Gross gallons" means U.S. gallons without temperature 8389
or barometric adjustments. 8390

(BB) "Bulk plant" means a motor fuel storage and distribution 8391
facility, other than a terminal, from which motor fuel may be 8392
withdrawn by railroad car, transport trucks, tank wagons, or 8393
marine vessels. 8394

(CC) "Transporter" means either of the following: 8395

(1) A railroad company, street, suburban, or interurban 8396
railroad company, a pipeline company, or water transportation 8397
company that transports motor fuel, either in interstate or 8398
intrastate commerce, to points in this state; 8399

(2) A person that transports motor fuel by any manner to a 8400
point in this state. 8401

(DD) "Exporter" means either of the following: 8402

(1) A person that is licensed to collect and remit motor fuel 8403
taxes in a specified state of destination; 8404

(2) A person that is statutorily prohibited from obtaining a 8405
license to collect and remit motor fuel taxes in a specified state 8406

of destination, and is licensed to sell or distribute tax-paid 8407
motor fuel in the specified state of destination. 8408

(EE) "Report" means a report or return required to be filed 8409
under this chapter and may be used interchangeably with, and for 8410
all purposes has the same meaning as, "return." 8411

(FF) "Aviation fuel" means aviation gasoline or aviation 8412
grade kerosene or any other fuel that is used in aircraft. 8413

(GG) "Aviation gasoline" means fuel specifically compounded 8414
for use in reciprocating aircraft engines. 8415

(HH) "Aviation grade kerosene" means any kerosene type jet 8416
fuel covered by ASTM Specification D1655 or meeting specification 8417
MIL-DTL-5624T (Grade JP-5) or MTL-DTL-83133E (Grade JP-8). 8418

(II) "Aviation fuel dealer" means a person that acquires 8419
aviation fuel from a supplier or from another aviation fuel dealer 8420
for subsequent sale to a person other than an end user. 8421

(JJ) "Compressed natural gas" means natural gas compressed to 8422
a level at or above two thousand nine hundred pounds per square 8423
inch and stored in high pressure containers. 8424

Sec. 5735.011. For the purposes of this chapter, amounts of 8425
liquid natural gas and compressed natural gas shall be measured in 8426
gallon equivalents. ~~The~~ as follows: 8427

(A) The diesel gallon equivalent standard for liquid natural 8428
gas shall be the equivalent of one gallon of motor fuel; 8429

(B) The diesel gallon equivalent standard for compressed 8430
natural gas is one hundred thirty-nine and thirty one-hundredths 8431
cubic feet, which equals six and thirty-eight one-hundredths 8432
pounds. 8433

Sec. 5735.05. (A) There is hereby levied a motor fuel excise 8434
tax on each motor fuel dealer, measured by gross gallons, upon the 8435

receipt of motor fuel within this state. 8436

~~The~~ Except as provided in division (F) of this section, the 8437
tax is levied at the total rate of ~~twenty-eight~~ thirty-four cents 8438
per gallon ~~to provide revenue for.~~ Twenty-eight thirty-fourths of 8439
the revenue from the tax shall be distributed under divisions (A), 8440
(B), (C), and (D) of section 5735.051 of the Revised Code to fund 8441
the following purposes ~~and~~ in the following amounts: 8442

(1) Seventeen twenty-eighths of the revenue ~~from the tax~~ 8443
shall be used solely to provide revenue for maintaining the state 8444
highway system; to widen existing surfaces on such highways; to 8445
resurface such highways; to pay that portion of the construction 8446
cost of a highway project which a county, township, or municipal 8447
corporation normally would be required to pay, but which the 8448
director of transportation, pursuant to division (B) of section 8449
5531.08 of the Revised Code, determines instead will be paid from 8450
moneys in the highway operating fund; to enable the counties of 8451
the state properly to plan, maintain, and repair their roads and 8452
to pay principal, interest, and charges on bonds and other 8453
obligations issued pursuant to Chapter 133. of the Revised Code or 8454
incurred pursuant to section 5531.09 of the Revised Code for 8455
highway improvements; to enable the municipal corporations to 8456
plan, construct, reconstruct, repave, widen, maintain, repair, 8457
clear, and clean public highways, roads, and streets, and to pay 8458
the principal, interest, and charges on bonds and other 8459
obligations issued pursuant to Chapter 133. of the Revised Code or 8460
incurred pursuant to section 5531.09 of the Revised Code for 8461
highway improvements; to enable the Ohio turnpike and 8462
infrastructure commission to construct, reconstruct, maintain, and 8463
repair turnpike projects; to maintain and repair bridges and 8464
viaducts; to purchase, erect, and maintain street and traffic 8465
signs and markers; to purchase, erect, and maintain traffic lights 8466
and signals; to pay the costs apportioned to the public under 8467

sections 4907.47 and 4907.471 of the Revised Code and to 8468
supplement revenue already available for such purposes; to pay the 8469
costs incurred by the public utilities commission in administering 8470
sections 4907.47 to 4907.476 of the Revised Code; to distribute 8471
equitably among those persons using the privilege of driving motor 8472
vehicles upon such highways and streets the cost of maintaining 8473
and repairing them; to pay the interest, principal, and charges on 8474
highway capital improvements bonds and other obligations issued 8475
pursuant to Section 2m of Article VIII, Ohio Constitution, and 8476
section 151.06 of the Revised Code; to pay the interest, 8477
principal, and charges on highway obligations issued pursuant to 8478
Section 2i of Article VIII, Ohio Constitution, and sections 8479
5528.30 and 5528.31 of the Revised Code; to pay the interest, 8480
principal, and charges on major new state infrastructure bonds and 8481
other obligations of the state issued pursuant to Section 13 of 8482
Article VIII, Ohio Constitution, and section 5531.10 of the 8483
Revised Code; to provide revenue for the purposes of sections 8484
1547.71 to 1547.77 of the Revised Code; and to pay the expenses of 8485
the department of taxation incident to the administration of the 8486
motor fuel laws. 8487

(2) Two twenty-eighths of the revenue ~~from the tax~~ shall be 8488
used solely to pay the expenses of administering and enforcing the 8489
state law relating to the registration and operation of motor 8490
vehicles; to supply the state's share of the cost of planning, 8491
constructing, widening, and reconstructing the state highways; to 8492
supply the state's share of the cost of eliminating railway grade 8493
crossings upon such highways; to pay that portion of the 8494
construction cost of a highway project that a county, township, or 8495
municipal corporation normally would be required to pay, but that 8496
the director of transportation, pursuant to division (B) of 8497
section 5531.08 of the Revised Code, determines instead will be 8498
paid from moneys in the highway operating fund; to enable counties 8499
and townships to properly plan, construct, widen, reconstruct, and 8500

maintain their public highways, roads, and streets; to enable 8501
counties to pay principal, interest, and charges on bonds and 8502
other obligations issued pursuant to Chapter 133. of the Revised 8503
Code or incurred pursuant to section 5531.09 of the Revised Code 8504
for highway improvements; to enable municipal corporations to 8505
plan, construct, reconstruct, repave, widen, maintain, repair, 8506
clear, and clean public highways, roads, and streets; to enable 8507
municipal corporations to pay the principal, interest, and charges 8508
on bonds and other obligations issued pursuant to Chapter 133. of 8509
the Revised Code or incurred pursuant to section 5531.09 of the 8510
Revised Code for highway improvements; to maintain and repair 8511
bridges and viaducts; to purchase, erect, and maintain street and 8512
traffic signs and markers; to purchase, erect, and maintain 8513
traffic lights and signals; to pay the costs apportioned to the 8514
public under section 4907.47 of the Revised Code; to provide 8515
revenue for the purposes of sections 1547.71 to 1547.77 of the 8516
Revised Code and to supplement revenue already available for such 8517
purposes; to pay the expenses of the department of taxation 8518
incident to the administration of the motor fuel laws and to 8519
supplement revenue already available for such purposes; to pay the 8520
interest, principal, and charges on bonds and other obligations 8521
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 8522
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 8523
the interest, principal, and charges on highway obligations issued 8524
pursuant to Section 2i of Article VIII, Ohio Constitution, and 8525
sections 5528.30 and 5528.31 of the Revised Code. 8526

(3) Eight twenty-eighths of the revenue ~~from the tax~~ shall be 8527
used solely to supply the state's share of the cost of 8528
constructing, widening, maintaining, and reconstructing the state 8529
highways; to maintain and repair bridges and viaducts; to 8530
purchase, erect, and maintain street and traffic signs and 8531
markers; to purchase, erect, and maintain traffic lights and 8532
signals; to pay the expense of administering and enforcing the 8533

state law relative to the registration and operation of motor 8534
vehicles; to make road improvements associated with retaining or 8535
attracting business for this state; to pay that portion of the 8536
construction cost of a highway project that a county, township, or 8537
municipal corporation normally would be required to pay, but that 8538
the director of transportation, pursuant to division (B) of 8539
section 5531.08 of the Revised Code, determines instead will be 8540
paid from moneys in the highway operating fund; to provide revenue 8541
for the purposes of sections 1547.71 to 1547.77 of the Revised 8542
Code and to supplement revenue already available for such 8543
purposes; to pay the expenses of the department of taxation 8544
incident to the administration of the motor fuel laws and to 8545
supplement revenue already available for such purposes; to pay the 8546
interest, principal, and charges on highway obligations issued 8547
pursuant to Section 2i of Article VIII, Ohio Constitution, and 8548
sections 5528.30 and 5528.31 of the Revised Code; to enable 8549
counties and townships to properly plan, construct, widen, 8550
reconstruct, and maintain their public highways, roads, and 8551
streets; to enable counties to pay principal, interest, and 8552
charges on bonds and other obligations issued pursuant to Chapter 8553
133. of the Revised Code or incurred pursuant to section 5531.09 8554
of the Revised Code for highway improvements; to enable municipal 8555
corporations to plan, construct, reconstruct, repave, widen, 8556
maintain, repair, clear, and clean public highways, roads, and 8557
streets; to enable municipal corporations to pay the principal, 8558
interest, and charges on bonds and other obligations issued 8559
pursuant to Chapter 133. of the Revised Code or incurred pursuant 8560
to section 5531.09 of the Revised Code for highway improvements; 8561
and to pay the costs apportioned to the public under section 8562
4907.47 of the Revised Code. 8563

(4) One twenty-eighth of the revenue ~~from the tax~~ shall be 8564
used solely to pay the state's share of the cost of constructing 8565
and reconstructing highways and eliminating railway grade 8566

crossings on the major thoroughfares of the state highway system 8567
and urban extensions thereof; to pay that portion of the 8568
construction cost of a highway project that a county, township, or 8569
municipal corporation normally would be required to pay, but that 8570
the director of transportation, pursuant to division (B) of 8571
section 5531.08 of the Revised Code, determines instead will be 8572
paid from moneys in the highway operating fund; to pay the 8573
interest, principal, and charges on bonds and other obligations 8574
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 8575
and sections 5528.10 and 5528.11 of the Revised Code; to pay the 8576
interest, principal, and charges on highway obligations issued 8577
pursuant to Section 2i of Article VIII, Ohio Constitution, and 8578
sections 5528.30 and 5528.31 of the Revised Code; to provide 8579
revenues for the purposes of sections 1547.71 to 1547.77 of the 8580
Revised Code; and to pay the expenses of the department of 8581
taxation incident to the administration of the motor fuel laws. 8582

(B) Six thirty-fourths of the revenue from the tax shall be 8583
distributed under division (E) of section 5735.051 of the Revised 8584
Code to fund the purposes described in division (A) of this 8585
section, as provided in divisions (A) and (B) of section 5735.27 8586
of the Revised Code. 8587

(C) The tax imposed by this section does not apply to the 8588
following transactions: 8589

(1) The sale of dyed diesel fuel by a licensed motor fuel 8590
dealer from a location other than a retail service station 8591
provided the licensed motor fuel dealer places on the face of the 8592
delivery document or invoice, or both if both are used, a 8593
conspicuous notice stating that the fuel is dyed and is not for 8594
taxable use, and that taxable use of that fuel is subject to a 8595
penalty. The tax commissioner, by rule, may provide that any 8596
notice conforming to rules or regulations issued by the United 8597
States department of the treasury or the Internal Revenue Service 8598

is sufficient notice for the purposes of division ~~(B)~~(C)(1) of 8599
this section. 8600

(2) The sale of K-1 kerosene to a retail service station, 8601
except when placed directly in the fuel supply tank of a motor 8602
vehicle. Such sale shall be rebuttably presumed to not be 8603
distributed or sold for use or used to generate power for the 8604
operation of motor vehicles upon the public highways or upon the 8605
waters within the boundaries of this state. 8606

(3) The sale of motor fuel by a licensed motor fuel dealer to 8607
another licensed motor fuel dealer; 8608

(4) The exportation of motor fuel by a licensed motor fuel 8609
dealer from this state to any other state or foreign country; 8610

(5) The sale of motor fuel to the United States government or 8611
any of its agencies, except such tax as is permitted by it, where 8612
such sale is evidenced by an exemption certificate, in a form 8613
approved by the tax commissioner, executed by the United States 8614
government or an agency thereof certifying that the motor fuel 8615
therein identified has been purchased for the exclusive use of the 8616
United States government or its agency; 8617

(6) The sale of motor fuel that is in the process of 8618
transportation in foreign or interstate commerce, except insofar 8619
as it may be taxable under the Constitution and statutes of the 8620
United States, and except as may be agreed upon in writing by the 8621
dealer and the commissioner; 8622

(7) The sale of motor fuel when sold exclusively for use in 8623
the operation of aircraft, where such sale is evidenced by an 8624
exemption certificate prescribed by the commissioner and executed 8625
by the purchaser certifying that the motor fuel purchased has been 8626
purchased for exclusive use in the operation of aircraft; 8627

(8) The sale for exportation of motor fuel by a licensed 8628
motor fuel dealer to a licensed exporter described in division 8629

(DD)(1) of section 5735.01 of the Revised Code; 8630

(9) The sale for exportation of motor fuel by a licensed 8631
motor fuel dealer to a licensed exporter described in division 8632
(DD)(2) of section 5735.01 of the Revised Code, provided that the 8633
destination state motor fuel tax has been paid or will be accrued 8634
and paid by the licensed motor fuel dealer. 8635

(10) The sale to a consumer of diesel fuel, by a motor fuel 8636
dealer for delivery from a bulk lot vehicle, for consumption in 8637
operating a vessel when the use of such fuel in a vessel would 8638
otherwise qualify for a refund under section 5735.14 of the 8639
Revised Code. 8640

Division ~~(B)~~(C)(1) of this section does not apply to the sale 8641
or distribution of dyed diesel fuel used to operate a motor 8642
vehicle on the public highways or upon water within the boundaries 8643
of this state by persons permitted under regulations of the United 8644
States department of the treasury or of the Internal Revenue 8645
Service to so use dyed diesel fuel. 8646

~~(C)~~(D) The tax commissioner may adopt rules as necessary to 8647
administer this section. 8648

(E) The use of any revenue from the tax levied under this 8649
section shall be used for construction, maintenance, and repair of 8650
roads and bridges, the operational costs of applicable state 8651
agencies, or used to match other revenue for these purposes. 8652

(F) The tax on each gallon equivalent of compressed natural 8653
gas shall be: 8654

(1) Seven cents on and after July 1, 2019, and before July 1, 8655
2020; 8656

(2) Fourteen cents on and after July 1, 2020, and before July 8657
1, 2021; 8658

(3) Twenty-one cents on and after July 1, 2021, and before 8659

| | |
|--|------|
| <u>July 1, 2022;</u> | 8660 |
| <u>(4) Twenty-eight cents on and after July 1, 2022, and before</u> | 8661 |
| <u>July 1, 2023;</u> | 8662 |
| <u>(5) Thirty-four cents on and after July 1, 2023.</u> | 8663 |
| | |
| Sec. 5735.051. Out of revenue from the tax levied by section | 8664 |
| 5735.05 of the Revised Code, the treasurer of state shall place to | 8665 |
| the credit of the tax refund fund established by section 5703.052 | 8666 |
| of the Revised Code amounts equal to the refunds certified by the | 8667 |
| tax commissioner pursuant to sections 5735.13, 5735.14, and | 8668 |
| 5735.142 of the Revised Code. The treasurer of state shall then | 8669 |
| transfer seven-eighths per cent of the revenue to the waterways | 8670 |
| safety fund to be used for the purposes of sections 1547.71 to | 8671 |
| 1547.77 of the Revised Code, one-eighth per cent to the wildlife | 8672 |
| boater angler fund to be used for the purposes specified by | 8673 |
| section 1531.35 of the Revised Code, and the amount required by | 8674 |
| <u>described in</u> section 5735.053 of the Revised Code to the motor | 8675 |
| fuel tax administration fund. Revenue remaining after such | 8676 |
| crediting and transfers shall be distributed each month as | 8677 |
| provided in divisions (A) to (D) <u>(E)</u> of this section. | 8678 |
| | |
| (A) The portion of revenue described in division (A)(1) of | 8679 |
| section 5735.05 of the Revised Code shall be credited as follows: | 8680 |
| | |
| (1) One hundred thousand dollars to the grade crossing | 8681 |
| protection fund for the purposes specified by section 4907.472 of | 8682 |
| the Revised Code; | 8683 |
| | |
| (2) Of such revenue remaining after crediting under division | 8684 |
| (A)(1) of this section, five and two thousand nine hundred | 8685 |
| forty-two ten thousandths per cent shall be credited to the | 8686 |
| highway operating fund, which is hereby created in the state | 8687 |
| treasury, and ninety-four and seven thousand fifty-eight ten | 8688 |
| thousandths per cent to the gasoline excise tax fund. | 8689 |

(a) Of the amount credited to the gasoline excise tax fund 8690
under division (A)(2) of this section, ninety-three and one 8691
thousand six hundred seventy-seven ten thousandths per cent shall 8692
be transferred as follows: 8693

(i) Six and seven-tenths per cent of the amount to be 8694
transferred under division (A)(2)(a) of this section to the local 8695
transportation improvement program fund created by section 164.14 8696
of the Revised Code; 8697

(ii) An amount equal to five cents multiplied by the number 8698
of gallons of motor fuel sold at stations operated by the Ohio 8699
turnpike and infrastructure commission, such gallonage to be 8700
certified by the commission to the treasurer of state not later 8701
than the last day of the month following. Such money shall be 8702
expended for the construction, reconstruction, maintenance, and 8703
repair of turnpike projects, except that the funds may not be 8704
expended for the construction of new interchanges. The funds also 8705
may be expended for the construction, reconstruction, maintenance, 8706
and repair of those portions of connecting public roads that serve 8707
existing interchanges and are determined by the commission and the 8708
director of transportation to be necessary for the safe merging of 8709
traffic between the turnpike and those public roads. 8710

(iii) The remainder of the amount to be transferred under 8711
division (A)(2)(a) of this section after the transfers under 8712
divisions (A)(2)(a)(i) and (ii) of this section shall be 8713
distributed on the fifteenth day of the following month as 8714
follows: 8715

(I) Ten and seven-tenths per cent for distribution among 8716
municipal corporations under division (A)(1) of section 5735.27 of 8717
the Revised Code, except that the sum of seven hundred forty-five 8718
thousand eight hundred seventy-five dollars shall be subtracted 8719
each month from the amount so computed and credited to the highway 8720
operating fund; 8721

(II) Nine and three-tenths per cent for distribution among 8722
counties under division (A)(2) of section 5735.27 of the Revised 8723
Code, except that the sum of seven hundred forty-five thousand 8724
eight hundred seventy-five dollars shall be subtracted each month 8725
from the amount so computed and credited to the highway operating 8726
fund; 8727

(III) Five per cent for distribution among townships under 8728
division (A)(3)(a) of section 5735.27 of the Revised Code, except 8729
that the sum of two hundred sixty-three thousand two hundred fifty 8730
dollars shall be subtracted each month from the amount so computed 8731
and credited to the highway operating fund; 8732

(IV) Except as provided in division (A)(3) of this section, 8733
the balance shall be transferred to the highway operating fund and 8734
used for the purposes set forth in division (B) of section 5735.27 8735
of the Revised Code. 8736

(b) Of the amount credited to the gasoline excise tax fund 8737
under division (A)(2) of this section, six and eight thousand 8738
three hundred twenty-three ten thousandths per cent shall be 8739
distributed on the fifteenth day of the following month as 8740
follows: 8741

(i) Forty-two and eighty-six hundredths per cent shall be 8742
distributed among municipal corporations in accordance with 8743
division (A)(1) of section 5735.27 of the Revised Code; 8744

(ii) Thirty-seven and fourteen hundredths per cent shall be 8745
distributed among counties in accordance with division (A)(2) of 8746
section 5735.27 of the Revised Code; 8747

(iii) Twenty per cent shall be combined with twenty per cent 8748
of any amounts transferred from the highway operating fund to the 8749
gasoline excise tax fund through biennial appropriations acts of 8750
the general assembly pursuant to the planned phase-in of a new 8751
source of funding for the state highway patrol, and shall be 8752

distributed among townships in accordance with division (A)(3)(b) 8753
of section 5735.27 of the Revised Code. 8754

(3) Monthly from September to February of each fiscal year, 8755
an amount equal to one-sixth of the amount certified in July of 8756
that year by the treasurer of state pursuant to division (Q) of 8757
section 151.01 of the Revised Code shall, from amounts required to 8758
be credited or transferred to the highway operating fund pursuant 8759
to division (A)(2)(a)(iii)(IV) of this section, be credited or 8760
transferred to the highway capital improvement bond service fund 8761
created in section 151.06 of the Revised Code. If, in any of those 8762
months, the amount available to be credited or transferred to the 8763
bond service fund is less than one-sixth of the amount so 8764
certified, the shortfall shall be added to the amount due the next 8765
succeeding month. Any amount still due at the end of the six-month 8766
period shall be credited or transferred as the money becomes 8767
available, until such time as the office of budget and management 8768
receives certification from the treasurer of state or the 8769
treasurer of state's designee that sufficient money has been 8770
credited or transferred to the bond service fund to meet in full 8771
all payments of debt service and financing costs due during the 8772
fiscal year from that fund. 8773

(B) The portion of revenue described in division (A)(2) of 8774
section 5735.05 of the Revised Code shall be credited each month 8775
as follows: 8776

(1) Sixty-seven and one-half per cent to the highway 8777
operating fund for distribution pursuant to division (B) of 8778
section 5735.27 of the Revised Code; 8779

(2) Thirty-two and one-half per cent to the gasoline excise 8780
tax fund for distribution under division (A) of section 5735.27 of 8781
the Revised Code in the same manner as money from that fund is 8782
distributed under division (A)(2)(b) of this section. 8783

(C)(1) The portion of revenue described in division (A)(3) of 8784
section 5735.05 of the Revised Code shall be credited each month 8785
as follows: 8786

(a) Three-sixteenths to the gasoline excise tax fund for 8787
distribution under division (C)(2) of this section; 8788

(b) Thirteen-sixteenths to the highway operating fund, 8789
subject to the deduction under division (C)(3) of this section. 8790

(2) The revenue credited to the gasoline excise tax fund 8791
under division (C)(1)(a) of this section shall be distributed in 8792
the same manner as in division (A)(2)(b) of this section, subject 8793
to the deductions under division (C)(3) of this section. Each 8794
municipal corporation, county, or township shall use at least 8795
ninety per cent of the revenue distributed to it under division 8796
(C)(2) of this section to supplement, rather than supplant, other 8797
local funds used for highway-related purposes. 8798

(3)(a) Before the distribution from the gasoline excise tax 8799
fund to municipal corporations as provided in division (C)(2) of 8800
this section, the department of taxation shall deduct thirty-three 8801
and one-third per cent of the amount specified in division 8802
(A)(3)(c) of section 5735.27 of the Revised Code and use it for 8803
distribution to townships pursuant to division (A)(3)(b) of that 8804
section. 8805

(b) Before the distribution from the gasoline excise tax fund 8806
to counties as provided in division (C)(2) of this section, the 8807
department of taxation shall deduct thirty-three and one-third per 8808
cent of the amount specified in division (A)(3)(c) of section 8809
5735.27 of the Revised Code and use it for distribution to 8810
townships pursuant to division (A)(3)(b) of that section. 8811

(c) Before crediting the portion of revenue described in 8812
division (A)(3) of section 5735.05 of the Revised Code to the 8813
highway operating fund under division (C)(1)(b) of this section, 8814

the department of taxation shall deduct thirty-three and one-third 8815
per cent of the amount specified in division (A)(3)(c) of section 8816
5735.27 of the Revised Code and use it for distribution to 8817
townships pursuant to division (A)(3)(b) of that section. 8818

(D) The portion of revenue described in division (A)(4) of 8819
section 5735.05 of the Revised Code shall be credited each month 8820
to the highway operating fund. 8821

(E) The portion of revenue described in division (B) of 8822
section 5735.05 of the Revised Code shall be credited each month 8823
as follows: 8824

(1) Fifty-five per cent of that revenue to the highway 8825
operating fund for distribution pursuant to division (B) of 8826
section 5735.27 of the Revised Code; 8827

(2) Forty-five per cent of that revenue to the gasoline 8828
excise tax fund to be divided each month as follows: 8829

(a) Forty-two and eighty-six hundredths per cent for 8830
distribution among municipal corporations under division (A)(1) of 8831
section 5735.27 of the Revised Code; 8832

(b) Thirty-seven and fourteen hundredths per cent for 8833
distribution among counties under division (A)(2) of section 8834
5735.27 of the Revised Code; 8835

(c) Twenty per cent for distribution among townships as 8836
follows: 8837

(i) Fifty-two per cent shall be distributed as provided under 8838
division (A)(3)(a) of section 5735.27 of the Revised Code; 8839

(ii) Forty-eight per cent shall be distributed as provided 8840
under division (A)(3)(b) of section 5735.27 of the Revised Code. 8841

Sec. 5735.053. There is hereby created in the state treasury 8842
the motor fuel tax administration fund for the purpose of paying 8843

the expenses of the department of taxation incident to the 8844
administration of the motor fuel laws. After the treasurer of 8845
state credits the tax refund fund out of tax receipts as required 8846
by section 5735.051 of the Revised Code, the treasurer of state 8847
shall transfer to the motor fuel tax administration fund ~~two~~ 8848
~~hundred seventy five one thousandths per cent of the receipts from~~ 8849
~~the taxes levied by section 5735.05 of the Revised Code~~ each month 8850
an amount not to exceed one twenty-fourth of the approved 8851
appropriation assigned to the fund for the biennium. 8852

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 8853
which the tax imposed by section 5735.05 of the Revised Code has 8854
been paid, for the purpose of operating a transit bus shall be 8855
reimbursed in the amount of ~~twenty seven cents per gallon of the~~ 8856
total tax paid on motor fuel so used by public transportation 8857
systems providing transit or paratransit service on a regular and 8858
continuing basis within the state, or by a person contracting with 8859
such a system and providing such services, less one cent per 8860
gallon of such fuel; 8861

(2) A city, exempted village, joint vocational, or local 8862
school district or educational service center that purchases any 8863
motor fuel for school district or service center operations, on 8864
which any tax imposed by section 5735.05 of the Revised Code has 8865
been paid, may, if an application is filed under this section, be 8866
reimbursed in the amount of ~~six cents per gallon of the total tax~~ 8867
imposed by that section and paid on motor fuel less twenty-two 8868
cents per gallon of such fuel. The reimbursement under division 8869
(A)(2) of this section also may be obtained, upon application 8870
under this section, by a person that purchases motor fuel on which 8871
the tax has been paid and uses that fuel to perform school 8872
district or service center operations pursuant to a contract with 8873
a city, exempted village, joint vocational, or local school 8874

district or an educational service center. 8875

(3) A county board of developmental disabilities that, ~~on or~~ 8876
~~after July 1, 2005,~~ purchases any motor fuel for county board 8877
operations, on which any tax imposed by section 5735.05 of the 8878
Revised Code has been paid may, if an application is filed under 8879
this section, be reimbursed in the amount ~~of six cents per gallon~~ 8880
of the total tax imposed by that section and paid on motor fuel 8881
less twenty-two cents per gallon of such fuel. The reimbursement 8882
under division (A)(3) of this section also may be obtained, upon 8883
application under this section, by a person that purchases motor 8884
fuel on which the tax has been paid and uses that fuel to perform 8885
county board operations pursuant to a contract with a county board 8886
of developmental disabilities. 8887

(B) Such person, school district, educational service center, 8888
or county board shall file with the tax commissioner an 8889
application for refund within one year from the date of purchase, 8890
stating the quantity of fuel used for operating transit buses used 8891
by local transit systems, or a contractor thereof, in furnishing 8892
scheduled common carrier, public passenger land transportation 8893
service along regular routes primarily in one or more municipal 8894
corporations, or for operating vehicles used for school district, 8895
service center, or county board operations. However, no claim 8896
shall be made for the tax on fewer than one hundred gallons of 8897
motor fuel. A school district, educational service center, or 8898
county board shall not apply for a refund for any tax paid on 8899
motor fuel that is sold by the district, service center, or county 8900
board. The application shall be accompanied by the statement 8901
described in section 5735.15 of the Revised Code showing the 8902
purchase, together with evidence of payment thereof. 8903

(C) After consideration of the application and statement, the 8904
commissioner shall determine the amount of refund to which the 8905
applicant is entitled. If the amount is not less than that 8906

claimed, the commissioner shall certify the amount to the director 8907
of budget and management and treasurer of state for payment from 8908
the tax refund fund created by section 5703.052 of the Revised 8909
Code. If the amount is less than that claimed, the commissioner 8910
shall proceed in accordance with section 5703.70 of the Revised 8911
Code. 8912

The commissioner may require that the application be 8913
supported by the affidavit of the claimant. No refund shall be 8914
authorized or ordered for any single claim for the tax on fewer 8915
than one hundred gallons of motor fuel. No refund shall be 8916
authorized or ordered on motor fuel that is sold by a school 8917
district, educational service center, or county board. 8918

(D) The right to receive any refund under this section or 8919
section 5703.70 of the Revised Code is not assignable. The payment 8920
of this refund shall not be made to any person or entity other 8921
than the person or entity originally entitled thereto who used the 8922
motor fuel upon which the claim for refund is based, except that 8923
the refund when allowed and certified, as provided in this 8924
section, may be paid to the executor, the administrator, the 8925
receiver, the trustee in bankruptcy, or the assignee in insolvency 8926
proceedings of the person. 8927

Sec. 5735.27. (A) There is hereby created in the state 8928
treasury the gasoline excise tax fund. All investment earnings of 8929
the fund shall be credited to the fund. Revenue credited to the 8930
fund under section 5735.051 from the tax levied under section 8931
5735.05 of the Revised Code shall be distributed to municipal 8932
corporations, counties, and townships as provided in divisions 8933
(A)(1), (2), and (3) of this section. 8934

(1) The amount distributed to each municipal corporation 8935
shall be that proportion of the amount to be distributed among 8936
municipal corporations that the number of motor vehicles 8937

registered within the municipal corporation bears to the total 8938
number of motor vehicles registered within all the municipal 8939
corporations of this state during the preceding motor vehicle 8940
registration year. When a new village is incorporated, the 8941
registrar of motor vehicles shall determine from the applications 8942
on file in the bureau of motor vehicles the number of motor 8943
vehicles located within the territory comprising the village 8944
during the entire registration year in which the municipal 8945
corporation was incorporated. The registrar shall forthwith 8946
certify the number of motor vehicles so determined to the tax 8947
commissioner for use in distributing motor vehicle fuel tax funds 8948
to the village until the village is qualified to participate in 8949
the distribution of the funds pursuant to this division. The 8950
number of motor vehicle registrations shall be determined by the 8951
official records of the bureau of motor vehicles. The amount 8952
received by each municipal corporation shall be used to plan, 8953
construct, reconstruct, repave, widen, maintain, repair, clear, 8954
and clean public highways, roads, and streets; to maintain and 8955
repair bridges and viaducts; to purchase, erect, and maintain 8956
street and traffic signs and markers; to pay the costs apportioned 8957
to the municipal corporation under section 4907.47 of the Revised 8958
Code; to purchase, erect, and maintain traffic lights and signals; 8959
to pay the principal, interest, and charges on bonds and other 8960
obligations issued pursuant to Chapter 133. of the Revised Code or 8961
incurred pursuant to section 5531.09 of the Revised Code for the 8962
purpose of acquiring or constructing roads, highways, bridges, or 8963
viaducts or acquiring or making other highway improvements for 8964
which the municipal corporation may issue bonds; and to supplement 8965
revenue already available for these purposes. 8966

(2) The amount distributed to counties shall be paid in equal 8967
proportions to the county treasurer of each county within the 8968
state and shall be used only for the purposes of planning, 8969
maintaining, and repairing the county system of public roads and 8970

highways within the county; the planning, construction, and repair 8971
of walks or paths along county roads in congested areas; the 8972
planning, construction, purchase, lease, and maintenance of 8973
suitable buildings for the housing and repair of county road 8974
machinery, housing of supplies, and housing of personnel 8975
associated with the machinery and supplies; the payment of costs 8976
apportioned to the county under section 4907.47 of the Revised 8977
Code; the payment of principal, interest, and charges on bonds and 8978
other obligations issued pursuant to Chapter 133. of the Revised 8979
Code or incurred pursuant to section 5531.09 of the Revised Code 8980
for the purpose of acquiring or constructing roads, highways, 8981
bridges, or viaducts or acquiring or making other highway 8982
improvements for which the board of county commissioners may issue 8983
bonds under that chapter; and the purchase, installation, and 8984
maintenance of traffic signal lights. 8985

(3)(a) The amounts described under divisions 8986
(A)(2)(a)(iii)(III) ~~and~~, (B)(2), and (E)(2)(c)(i) of section 8987
5735.051 of the Revised Code to be distributed among townships 8988
shall be divided in equal proportions among the townships. 8989

(b) As used in division (A)(3)(b) of this section, the 8990
"formula amount" for any township is the amount that would be 8991
allocated to that township if fifty per cent of the total amount 8992
credited to townships pursuant to ~~division~~ divisions 8993
(A)(2)(b)(iii), (C)(2), and (E)(2)(c)(ii) of section 5735.051 of 8994
the Revised Code were allocated among townships in the state 8995
proportionate to the number of centerline miles within the 8996
boundaries of the respective townships, as determined annually by 8997
the department of transportation, and the other fifty per cent of 8998
that amount were allocated among townships in the state 8999
proportionate to the number of motor vehicles registered within 9000
the respective townships, as determined annually by the records of 9001
the bureau of motor vehicles. The number of centerline miles 9002

within the boundaries of a township shall not include any 9003
centerline miles of township roads that have been placed on 9004
nonmaintained status by a board of township trustees pursuant to 9005
section 5571.20 of the Revised Code. 9006

The portion of the revenue of the tax levied by section 9007
5735.05 of the Revised Code that is described under ~~division~~ 9008
divisions (A)(3) and (B) of that section shall be partially 9009
allocated to provide funding for townships. Each township shall 9010
receive the greater of the following two calculations: 9011

(i) The total statewide amount credited to townships under 9012
~~division~~ divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c)(ii) of 9013
section 5735.051 of the Revised Code divided by the number of 9014
townships in the state at the time of the calculation; 9015

(ii) Seventy per cent of the formula amount for that 9016
township. 9017

(c) The total difference between the amount of money credited 9018
to townships under ~~division~~ divisions (A)(2)(b)(iii), (C)(2), and 9019
(E)(2)(c)(ii) of section 5735.051 of the Revised Code and the 9020
total amount of money required to make all the payments specified 9021
in division (A)(3)(b) of this section shall be deducted, in 9022
accordance with division (C)(3) of section 5735.051 of the Revised 9023
Code, from the revenues resulting from the portion of the revenue 9024
described in division (A)(3) of section 5735.05 of the Revised 9025
Code prior to crediting portions of such revenues to counties, 9026
municipal corporations, and the highway operating fund. 9027

(d) All amounts credited pursuant to divisions (A)(3)(a) and 9028
(b) of this section shall be paid to the county treasurer of each 9029
county for the total amount payable to the townships within each 9030
of the counties. The county treasurer shall pay to each township 9031
within the county its proportional share of the funds, which shall 9032
be expended by each township only for the purposes of planning, 9033

constructing, maintaining, widening, and reconstructing the public 9034
roads and highways within the township, paying principal, 9035
interest, and charges on bonds and other obligations issued 9036
pursuant to Chapter 133. or 505. of the Revised Code or incurred 9037
pursuant to section 5531.09 of the Revised Code for the purpose of 9038
acquiring or constructing roads, highways, bridges, or viaducts or 9039
acquiring or making other highway improvements for which the board 9040
of township trustees may issue bonds under those chapters, and 9041
paying costs apportioned to the township under section 4907.47 of 9042
the Revised Code. 9043

No part of the funds designated for road and highway purposes 9044
shall be used for any purpose except to pay in whole or part the 9045
contract price of any such work done by contract, or to pay the 9046
cost of labor in planning, constructing, widening, and 9047
reconstructing such roads and highways, and the cost of materials 9048
forming a part of the improvement; provided that the funds may be 9049
used for the purchase of road machinery and equipment, the 9050
planning, construction, and maintenance of suitable buildings for 9051
housing road machinery and equipment, and the payment of 9052
principal, interest, and charges on bonds and other obligations 9053
issued pursuant to Chapter 133. or 505. of the Revised Code for 9054
the purpose of purchasing road machinery and equipment or 9055
planning, constructing, and maintaining suitable buildings for 9056
housing road machinery and equipment; and provided that all such 9057
improvement of roads shall be under supervision and direction of 9058
the county engineer as provided in section 5575.07 of the Revised 9059
Code. No obligation against the funds shall be incurred unless 9060
plans and specifications for the improvement, approved by the 9061
county engineer, are on file in the office of the township fiscal 9062
officer, and all contracts for material and for work done by 9063
contract shall be approved by the county engineer before being 9064
signed by the board of township trustees. The board of township 9065
trustees of any township may pass a resolution permitting the 9066

board of county commissioners to expend the township's share of 9067
the funds, or any portion of it, for the improvement of the roads 9068
within the township as may be designated in the resolution. 9069

(B) Amounts credited to the highway operating fund under 9070
section 5735.051 and other sections of the Revised Code are 9071
subject to transfer to the sinking fund upon receipt by the 9072
treasurer of state of the certification by the commissioners of 9073
the sinking fund, as required by section 5528.15 of the Revised 9074
Code, that there are sufficient moneys to the credit of the 9075
highway improvement bond retirement fund to meet in full all 9076
payments of principal, interest, and charges for the retirement of 9077
bonds and other obligations issued pursuant to Section 2g of 9078
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 9079
of the Revised Code due and payable during the current calendar 9080
year. All remaining amounts credited to the highway operating fund 9081
shall be expended for the purposes of planning, maintaining, 9082
repairing, and keeping in passable condition for travel the roads 9083
and highways of the state required by law to be maintained by the 9084
department; paying the costs apportioned to the state under 9085
section 4907.47 of the Revised Code; paying that portion of the 9086
construction cost of a highway project which a county, township, 9087
or municipal corporation normally would be required to pay, but 9088
which the director of transportation, pursuant to division (B) of 9089
section 5531.08 of the Revised Code, determines instead will be 9090
paid from moneys in the highway operating fund; paying the costs 9091
of the department of public safety in administering and enforcing 9092
the state law relating to the registration and operation of motor 9093
vehicles; paying the state's share of the cost of planning, 9094
constructing, widening, maintaining, and reconstructing the state 9095
highways; paying that portion of the construction cost of a 9096
highway project which a county, township, or municipal corporation 9097
normally would be required to pay, but which the director of 9098
transportation, pursuant to division (B) of section 5531.08 of the 9099

Revised Code, determines instead will be paid from moneys in the 9100
highway operating fund; and also for supplying the state's share 9101
of the cost of eliminating railway grade crossings upon such 9102
highways and costs apportioned to the state under section 4907.47 9103
of the Revised Code. The director of transportation may expend 9104
portions of such amount upon extensions of state highways within 9105
municipal corporations or upon portions of state highways within 9106
municipal corporations, as is provided by law. 9107

All investment earnings of the highway operating fund shall 9108
be credited to the fund. 9109

Sec. 5735.50. (A) As used in this section: 9110

(1) "Rate of federal motor fuel tax" means the rate of tax 9111
levied under section 4081 of the Internal Revenue Code on one 9112
gallon of gasoline other than aviation gasoline or one gallon of 9113
diesel fuel, as those terms are defined in section 4083 of the 9114
Internal Revenue Code. 9115

(2) "Rate of state motor fuel tax" means the rate of tax 9116
levied under section 5735.05 of the Revised Code on one gallon of 9117
gasoline or one gallon of diesel fuel. 9118

(3) "Adjustment date" means a date on which a change in the 9119
rate of federal or state motor fuel tax takes effect or, if such a 9120
change occurs within six months after an adjustment date, the 9121
first day of the seventh month following that adjustment date. 9122

(4) "Fuel tax notice" means a notice described in division 9123
(B)(1) of this section. 9124

(5) "Retail pump" means a pump situated at a retail service 9125
station through which gasoline or diesel fuel is pumped directly 9126
into motor vehicle fuel tanks for consumption. 9127

(6) "Municipal sealer" means a sealer of weights and measures 9128
appointed under section 733.63 of the Revised Code. 9129

(B)(1) The director of agriculture shall, within ninety days after an adjustment date, design and cause to be produced a notice that displays, in readable font, the following information, which the director may obtain in consultation with the tax commissioner:

(a) The rate of federal and state motor fuel tax as of the adjustment date. The information required by division (B)(1)(a) of this section shall be categorized and arranged on the notice as such information is categorized and arranged on the following table:

| | <u>GASOLINE</u> | <u>DIESEL FUEL</u> | |
|--------------------|---|--|------|
| <u>FEDERAL TAX</u> | <u>[Rate of federal motor fuel tax on gasoline other than aviation gasoline]</u> | <u>[Rate of federal motor fuel tax on diesel fuel]</u> | 9139 |
| <u>STATE TAX</u> | <u>[Rate of state motor fuel tax on gasoline]</u> | <u>[Rate of state motor fuel tax on diesel fuel]</u> | 9140 |
| <u>TOTAL TAX</u> | <u>[sum of the rate of federal motor fuel tax on gasoline other than aviation gasoline plus the rate of state motor fuel tax on gasoline]</u> | <u>[sum of the rate of motor fuel tax on diesel fuel plus the rate of state motor fuel tax on diesel fuel]</u> | 9141 |
| | | | 9142 |

Each of the three columns in the table described in division (B)(1)(a) of this section shall be separated by a vertical line and each of the four rows shall be separated by a horizontal line. The table shall be enclosed within lines forming a box such that "federal tax," "state tax," "total tax," and the corresponding gasoline and diesel rates appear as individual cells within a grid pattern.

(b) The last date on which a change in the rate of state motor fuel tax took effect;

(c) Among the rate of motor fuel excise taxes levied by Ohio

and by other states on gasoline and diesel fuel, the relative 9153
numerical rank of Ohio's rates compared to the rates of other 9154
states in this format: "Among all states, Ohio has the ... highest 9155
state motor fuel tax rate on gasoline and the ... highest tax rate 9156
on diesel fuel." 9157

(d) A representation of the great seal of the state as 9158
described in section 5.10 of the Revised Code without regard to 9159
the minimum dimensions prescribed by that section; 9160

(e) At the bottom of the notice and in a font smaller than 9161
that used to display the information described in division 9162
(B)(1)(a) of this section, a statement that reads as follows: 9163
"THIS NOTICE IS REQUIRED BY THE OHIO FUEL TAX TRANSPARENCY ACT, 9164
O.R.C. 5735.50." 9165

(2) A fuel tax notice shall not display any information other 9166
than the information required under divisions (B)(1)(a) to (e) of 9167
this section, and shall not display the name of any public 9168
official, state employee, or state agency. No color shall be 9169
displayed on the notice other than red, white, or blue. The width 9170
and length of a fuel tax notice shall not be less than four inches 9171
and shall not exceed four and one-half inches. 9172

(3) The director shall, within ninety days after an 9173
adjustment date, distribute fuel tax notices to each county 9174
auditor or municipal sealer in the number requested by the auditor 9175
or sealer under division (C)(1) of this section. The director 9176
shall not charge a county auditor, municipal sealer, or any person 9177
for the creation or delivery of a fuel tax notice under this 9178
section. 9179

(C)(1) Within fifteen days after an adjustment date, the 9180
director of agriculture shall notify each county auditor and 9181
municipal sealer that the director is designing and causing to be 9182
produced fuel tax notices as required under division (B)(1) of 9183

this section. Within fifteen days after receipt of such a notice, 9184
a county auditor or municipal sealer shall notify the director of 9185
the number of fuel tax notices the auditor or sealer requires to 9186
perform the auditor's or sealer's duties under division (C)(2) of 9187
this section. 9188

(2) Except as otherwise provided in division (C)(3) of this 9189
section, each county auditor or municipal sealer or an employee 9190
thereof shall affix fuel tax notices received from the director of 9191
agriculture on each retail pump the auditor or sealer is required 9192
to inspect under the authority of section 1327.52 of the Revised 9193
Code. Each notice shall be affixed on or before the earlier of 9194
fourteen months following the most recent adjustment date or the 9195
date the auditor or sealer or an employee thereof arrives on the 9196
premises of a retail service station for the purposes of carrying 9197
out a required inspection or other official business, including 9198
the performance of the auditor's or sealer's duties under section 9199
1327.52 of the Revised Code. A fuel tax notice shall be displayed 9200
in a clear and prominent manner and shall be affixed on each face 9201
of a retail pump on which a meter measuring the volume of gasoline 9202
or diesel fuel dispensed is located. A notice shall not be affixed 9203
in a manner that obstructs or obscures any other notice or sticker 9204
required to be displayed pursuant to federal, state, or local law. 9205
A county auditor or municipal sealer or employee thereof shall 9206
replace any fuel tax notice that is no longer readable or is no 9207
longer affixed as required under division (C)(2) of this section 9208
or that has been affixed on a retail pump for more than three 9209
consecutive years. 9210

(3) In lieu of fuel tax notices being affixed on each retail 9211
pump as required by division (C)(2) of this section, the owner or 9212
operator of a retail service station may provide the information 9213
required to be displayed on the notice by any of the following 9214
means: 9215

(a) Displaying video messages via video displays visible to users of the retail pump; 9216
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(b) Printing the information on customer receipts; 9218

(c) Posting the information conspicuously at the public entrance to the premises of the service station. 9219
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(D) A county auditor or municipal sealer may notify the director of agriculture at any time if the auditor or sealer requires additional fuel tax notices to perform the auditor's or sealer's duties under this section. Upon receiving such a request, the director shall distribute the number of fuel tax notices so requested to the auditor or sealer. 9221
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(E) Nothing in this section makes the owner or operator of a retail service station liable for affixing or maintaining a fuel tax notice. 9227
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Sec. 5739.023. (A)(1) For the purpose of providing additional general revenues for a transit authority ~~or~~, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or ~~both~~ funding public infrastructure projects as described in section 306.353 of the Revised Code, and to pay the expenses of administering such levy, any transit authority ~~as defined in division (U) of section 5739.01 of the Revised Code~~ may levy a tax upon every retail sale made in the territory of the transit authority, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, at a rate of not more than one and one-half per cent and may increase the rate of an existing tax to not more than one and one-half per cent. The rate of any tax levied pursuant to this section shall be a multiple of one-fourth or one-tenth of one per cent. The tax shall be levied and the rate increased pursuant to a resolution of the legislative authority of the transit authority and a certified copy of the resolution shall 9230
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be delivered by the fiscal officer to the board of elections as 9247
provided in section 3505.071 of the Revised Code and to the tax 9248
commissioner. The resolution shall specify the number of years for 9249
which the tax is to be in effect or that the tax is for a 9250
continuing period of time, the purpose or purposes of the levy, 9251
and the date of the election on the question of the tax pursuant 9252
to section 306.70 of the Revised Code. The board of elections 9253
shall certify the results of the election to the transit authority 9254
and tax commissioner. 9255

A resolution adopted under this section may not specify that 9256
the sole purpose of the tax is to fund infrastructure projects as 9257
described in section 306.353 of the Revised Code; that purpose 9258
must be combined with the purpose of providing additional general 9259
revenues for the transit authority, funding a regional 9260
transportation improvement project under section 5595.06 of the 9261
Revised Code, or both. The resolution may specify the percentage 9262
of the proceeds of the tax that will be allocated among each of 9263
the purposes for which the tax is to be levied. If one of the 9264
purposes of the tax is to provide general revenue for the transit 9265
authority, the resolution may identify specific projects, 9266
functions, or other uses to which that general revenue will be 9267
allocated and the percentage of the tax proceeds to be allocated 9268
to each of those projects, functions, or other uses. 9269

(2) Except as provided in division (C) of this section, the 9270
tax levied by the resolution shall become effective on the first 9271
day of a calendar quarter next following the sixty-fifth day 9272
following the date the tax commissioner receives from the board of 9273
elections the certification of the results of the election on the 9274
question of the tax. 9275

(B) The legislative authority may, at any time while the tax 9276
is in effect, by resolution fix the rate of the tax at any rate 9277

authorized by this section and not in excess of that approved by 9278
the voters pursuant to section 306.70 of the Revised Code. Except 9279
as provided in division (C) of this section, any change in the 9280
rate of the tax shall be made effective on the first day of a 9281
calendar quarter next following the sixty-fifth day following the 9282
date the tax commissioner receives the certification of the 9283
resolution; provided, that in any case where bonds, or notes in 9284
anticipation of bonds, of a regional transit authority have been 9285
issued under section 306.40 of the Revised Code without a vote of 9286
the electors while the tax proposed to be reduced was in effect, 9287
the board of trustees of the regional transit authority shall 9288
continue to levy and collect under authority of the original 9289
election authorizing the tax a rate of tax that the board of 9290
trustees reasonably estimates will produce an amount in that year 9291
equal to the amount of principal of and interest on those bonds as 9292
is payable in that year. 9293

(C) Upon receipt from the board of elections of the 9294
certification of the results of the election required by division 9295
(A) of this section, or from the legislative authority of the 9296
certification of a resolution under division (B) of this section, 9297
the tax commissioner shall provide notice of a tax rate change in 9298
a manner that is reasonably accessible to all affected vendors. 9299
The commissioner shall provide this notice at least sixty days 9300
prior to the effective date of the rate change. The commissioner, 9301
by rule, may establish the method by which notice will be 9302
provided. 9303

(D) If a vendor makes a sale in this state by printed catalog 9304
and the consumer computed the tax on the sale based on local rates 9305
published in the catalog, any tax levied or rate changed under 9306
this section shall not apply to such a sale until the first day of 9307
a calendar quarter following the expiration of one hundred twenty 9308
days from the date of notice by the tax commissioner pursuant to 9309

division (C) of this section. 9310

(E) The tax on every retail sale subject to a tax levied 9311
pursuant to this section is in addition to the tax levied by 9312
section 5739.02 of the Revised Code and any tax levied pursuant to 9313
section 5739.021 or 5739.026 of the Revised Code. 9314

(F) The additional tax levied by the transit authority shall 9315
be collected pursuant to section 5739.025 of the Revised Code. 9316

(G) Any tax levied pursuant to this section is subject to the 9317
exemptions provided in section 5739.02 of the Revised Code and in 9318
addition shall not be applicable to sales not within the taxing 9319
power of a transit authority under the constitution of the United 9320
States or the constitution of this state. 9321

(H) The rate of a tax levied under this section is subject to 9322
reduction under section 5739.028 of the Revised Code, if a ballot 9323
question is approved by voters pursuant to that section. 9324

Sec. 5747.71. There is hereby allowed a nonrefundable credit 9325
against a taxpayer's aggregate tax liability under section 5747.02 9326
of the Revised Code for a taxpayer who is an "eligible individual" 9327
as defined in section 32 of the Internal Revenue Code. The credit 9328
shall equal ~~five per cent of the credit allowed on the taxpayer's~~ 9329
~~federal income tax return pursuant to section 32 of the Internal~~ 9330
~~Revenue Code for taxable years beginning in 2013, and ten thirty~~ 9331
per cent of the federal credit allowed for the taxable years 9332
~~beginning in or after 2014 year.~~ If the Ohio adjusted gross income 9333
~~of the taxpayer, or the taxpayer and the taxpayer's spouse if the~~ 9334
~~taxpayer and the taxpayer's spouse file a joint return under~~ 9335
~~section 5747.08 of the Revised Code, less applicable exemptions~~ 9336
~~under section 5747.025 of the Revised Code, exceeds twenty~~ 9337
~~thousand dollars, the credit authorized by this section shall not~~ 9338
~~exceed fifty per cent of the aggregate amount of tax otherwise due~~ 9339
~~under section 5747.02 of the Revised Code after deducting any~~ 9340

~~other nonrefundable credits that precede the credit allowed under~~ 9341
~~this section in the order prescribed by section 5747.98 of the~~ 9342
~~Revised Code except for the joint filing credit authorized under~~ 9343
~~division (E) of section 5747.05 of the Revised Code. In all other~~ 9344
~~eases, the~~ The ~~credit authorized by this section shall not exceed~~ 9345
the aggregate amount of tax otherwise due under section 5747.02 of 9346
the Revised Code after deducting any other nonrefundable credits 9347
that precede the credit allowed under this section in the order 9348
prescribed by section 5747.98 of the Revised Code. 9349

The credit shall be claimed in the order prescribed by 9350
section 5747.98 of the Revised Code. 9351

Section 101.02. That existing sections 9.54, 107.03, 119.14, 9352
122.14, 164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 1349.61, 9353
3327.07, 4111.03, 4111.14, 4121.01, 4123.01, 4141.01, 4301.62, 9354
4501.01, 4501.031, 4501.042, 4501.043, 4503.038, 4503.10, 9355
4503.103, 4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 4506.11, 9356
4506.17, 4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 9357
4510.04, 4511.21, 4511.521, 4511.76, 4513.263, 4513.34, 4513.60, 9358
4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 9359
4513.69, 4582.12, 4582.31, 5501.21, 5501.41, 5577.15, 5735.01, 9360
5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 5735.27, 9361
5739.023, and 5747.71 of the Revised Code are hereby repealed. 9362

Section 105.01. That section 9.57 of the Revised Code is 9363
hereby repealed. 9364

Section 201.10. Except as otherwise provided in this act, all 9365
appropriation items in this act are appropriated out of any moneys 9366
in the state treasury to the credit of the designated fund that 9367
are not otherwise appropriated. For all appropriations made in 9368
this act, the amounts in the first column are for fiscal year 2020 9369

and the amounts in the second column are for fiscal year 2021. 9370

| | | | | | |
|--------------------------------|--------|-----------------------|---------------|----------------------------------|------|
| Section 203.10. | | | | DOT DEPARTMENT OF TRANSPORTATION | 9371 |
| General Revenue Fund | | | | | 9372 |
| GRF | 775470 | Public Transportation | \$ 55,000,000 | \$ 55,000,000 | 9373 |
| | | - State | | | |
| TOTAL GRF General Revenue Fund | | | \$ 55,000,000 | \$ 55,000,000 | 9374 |
| Highway Operating Fund Group | | | | | 9375 |
| 2120 | 772426 | Highway | \$ 5,000,000 | \$ 5,000,000 | 9376 |
| | | Infrastructure Bank - | | | |
| | | Federal | | | |
| 2120 | 772427 | Highway | \$ 15,250,000 | \$ 15,250,000 | 9377 |
| | | Infrastructure Bank - | | | |
| | | State | | | |
| 2120 | 772430 | Infrastructure Debt | \$ 600,000 | \$ 600,000 | 9378 |
| | | Reserve Title 23-49 | | | |
| 2130 | 772431 | Roadway | \$ 3,500,000 | \$ 3,500,000 | 9379 |
| | | Infrastructure Bank - | | | |
| | | State | | | |
| 2130 | 772433 | Infrastructure Debt | \$ 650,000 | \$ 650,000 | 9380 |
| | | Reserve - State | | | |
| 2130 | 777477 | Aviation | \$ 2,000,000 | \$ 2,000,000 | 9381 |
| | | Infrastructure Bank - | | | |
| | | State | | | |
| 7002 | 770003 | Transportation | \$ 17,658,600 | \$ 20,798,000 | 9382 |
| | | Facilities Lease | | | |
| | | Rental Bond Payments | | | |
| 7002 | 771411 | Planning and Research | \$ 27,591,086 | \$ 28,089,039 | 9383 |
| | | - State | | | |
| 7002 | 771412 | Planning and Research | \$ 41,742,250 | \$ 41,742,251 | 9384 |
| | | - Federal | | | |

| | | | | | |
|------------------------------|--------|---|------------------|------------------|------|
| 7002 | 772421 | Highway Construction - State | \$ 668,734,023 | \$ 661,604,799 | 9385 |
| 7002 | 772422 | Highway Construction - Federal | \$ 1,228,078,291 | \$ 1,238,839,103 | 9386 |
| 7002 | 772424 | Highway Construction - Other | \$ 80,000,000 | \$ 80,000,000 | 9387 |
| 7002 | 772437 | Major New State Infrastructure Bond Debt Service - State | \$ 27,462,900 | \$ 24,972,600 | 9388 |
| 7002 | 772438 | Major New State Infrastructure Bond Debt Service - Federal | \$ 162,741,000 | \$ 151,352,500 | 9389 |
| 7002 | 773431 | Highway Maintenance - State | \$ 603,832,334 | \$ 595,209,104 | 9390 |
| 7002 | 775452 | Public Transportation - Federal | \$ 35,143,571 | \$ 35,846,442 | 9391 |
| 7002 | 775454 | Public Transportation - Other | \$ 1,500,000 | \$ 1,500,000 | 9392 |
| 7002 | 776462 | Grade Crossings - Federal | \$ 14,172,000 | \$ 14,172,000 | 9393 |
| 7002 | 777472 | Airport Improvements - Federal | \$ 405,000 | \$ 405,000 | 9394 |
| 7002 | 777475 | Aviation Administration | \$ 7,110,974 | \$ 7,304,945 | 9395 |
| 7002 | 779491 | Administration - State | \$ 107,815,669 | \$ 112,116,608 | 9396 |
| TOTAL HOF Highway Operating | | | | | 9397 |
| Fund Group | | | \$ 3,050,987,698 | \$ 3,040,952,391 | 9398 |
| Dedicated Purpose Fund Group | | | | | 9399 |
| 4N40 | 776664 | Rail Transportation - Other | \$ 2,875,800 | \$ 2,875,800 | 9400 |
| 5W90 | 777615 | County Airport | \$ 620,000 | \$ 620,000 | 9401 |

| | | | | |
|----------------------------------|----|---------------|------------------|------|
| Maintenance | | | | |
| TOTAL DPF Dedicated Purpose | | | | 9402 |
| Fund Group | \$ | 3,495,800 | \$ 3,495,800 | 9403 |
| Capital Projects Fund Group | | | | 9404 |
| 7042 772723 Highway Construction | \$ | 65,000,000 | \$ 65,000,000 | 9405 |
| - Bonds | | | | |
| 7045 772428 Highway | \$ | 67,652,556 | \$ 66,101,265 | 9406 |
| Infrastructure Bank - | | | | |
| Bonds | | | | |
| TOTAL CPF Capital Projects | | | | 9407 |
| Fund Group | \$ | 132,652,556 | \$ 131,101,265 | 9408 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 3,241,636,054 | \$ 3,230,549,456 | 9409 |

Section 203.12. HIGHWAY CONSTRUCTION AND MAINTENANCE FUNDING 9410
ALLOCATIONS 9411

Portions of the appropriations contained in Section 203.10 of 9412
this act shall be used to allocate the following minimum amounts 9413
of funding to specific programs under the Department of 9414
Transportation budget: 9415

(A) For the maintenance program, not less than \$1,832,000,000 9416
in fiscal year 2020 and \$1,831,000,000 in fiscal year 2021; 9417

(B) For the operating programs, not less than \$885,000,000 in 9418
fiscal year 2020 and \$890,000,000 in fiscal year 2021; 9419

(C) For the Major New program, not less than \$100,000,000 in 9420
each fiscal year from revenues received from the tax levied under 9421
section 5735.05 of the Revised Code; and 9422

(D) For the safety program, not less than \$25,000,000 in each 9423
fiscal year from revenues received from the tax levied under 9424
section 5735.05 of the Revised Code. 9425

The allocation under this division is supplemental to the 9426
\$108,500,000 in federal safety program funding allocated within 9427

the maintenance program under division (A) of this section. 9428

Section 203.15. PUBLIC TRANSPORTATION - STATE 9429

Of the foregoing appropriation item 775470, Public 9430
Transportation - State, \$48,500,000 in each fiscal year shall be 9431
used for the same purposes as funding allocated under the Federal 9432
Highway Administration (FHWA) flexible funding program in the 9433
biennium ending June 30, 2019, and \$6,500,000 in each fiscal year 9434
shall be used for the same purposes as funding allocated under 9435
appropriation item 775451, Public Transportation - State, in the 9436
biennium ending June 30, 2019. 9437

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 9438
PAYMENTS 9439

The foregoing appropriation item 770003, Transportation 9440
Facilities Lease Rental Bond Payments, shall be used to meet all 9441
payments during the period from July 1, 2019, through June 30, 9442
2021, by the Department of Transportation pursuant to the leases 9443
and agreements for facilities made under Chapter 154. of the 9444
Revised Code. These appropriations are the source of funds pledged 9445
for bond service charges on related obligations issued under 9446
Chapter 154. of the Revised Code. 9447

Should the appropriation in appropriation item 770003, 9448
Transportation Facilities Lease Rental Bond Payments, exceed the 9449
associated debt service payments in either fiscal year of the 9450
biennium ending June 30, 2021, then the balance may be transferred 9451
to appropriation item 772421, Highway Construction - State, 9452
773431, Highway Maintenance - State, or 779491, Administration - 9453
State, upon the written request of the Director of Transportation 9454
and with the approval of the Director of Budget and Management. 9455
The transfers are hereby appropriated and shall be reported to the 9456
Controlling Board. 9457

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 9458
COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 9459

(A) Notwithstanding section 5511.06 of the Revised Code, the 9460
Director of Transportation shall, in each fiscal year of the 9461
biennium ending June 30, 2021, determine portions of the foregoing 9462
appropriation item 772421, Highway Construction - State, which 9463
shall be used for the construction, reconstruction, or maintenance 9464
of public access roads, including support features, to and within 9465
state facilities owned or operated by the Department of Natural 9466
Resources. 9467

(B) Notwithstanding section 5511.06 of the Revised Code, of 9468
the foregoing appropriation item 772421, Highway Construction - 9469
State, \$2,562,000 in each fiscal year shall be used for the 9470
construction, reconstruction, or maintenance of park drives or 9471
park roads within the boundaries of metropolitan parks. 9472

(C) The Department of Transportation may use the foregoing 9473
appropriation item 772421, Highway Construction - State, to 9474
perform: 9475

(1) Related road work on behalf of the Ohio Expositions 9476
Commission at the state fairgrounds, including reconstruction or 9477
maintenance of public access roads and support features to and 9478
within fairgrounds facilities, as requested by the Commission and 9479
approved by the Director of Transportation; and 9480

(2) Related road work on behalf of the Ohio History 9481
Connection, including reconstruction or maintenance of public 9482
access roads and support features to and within Ohio History 9483
Connection facilities, as requested by the Ohio History Connection 9484
and approved by the Director of Transportation. 9485

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 9486

(A) Of the foregoing appropriation item 772421, Highway 9487

Construction - State, \$4,500,000 in each fiscal year shall be made 9488
available for distribution by the Director of Transportation to 9489
Transportation Improvement Districts that have facilitated funding 9490
for the cost of a project or projects in conjunction with and 9491
through other governmental agencies. 9492

(B) A Transportation Improvement District shall submit 9493
requests for project funding to the Ohio Department of 9494
Transportation not later than the first day of September in each 9495
fiscal year. The Ohio Department of Transportation shall notify 9496
the Transportation Improvement District whether the Department has 9497
approved or disapproved the project funding request within 90 days 9498
after the day the request was submitted by the Transportation 9499
Improvement District. 9500

(C) Any funding provided to a Transportation Improvement 9501
District specified in this section shall not be used for the 9502
purposes of administrative costs or administrative staffing and 9503
must be used to fund a specific project or projects within that 9504
District's area. The total amount of a specific project's cost 9505
shall not be fully funded by the amount of funds provided under 9506
this section. The total amount of funding provided for each 9507
project is limited to 25% of total project costs not to exceed 9508
\$250,000 per fiscal year. Transportation Improvement Districts 9509
that are co-sponsoring a specific project may individually apply 9510
for up to \$250,000 for that project. However, not more than 25% of 9511
a project's total costs per biennium shall be funded through 9512
moneys provided under this section. 9513

(D) Funding provided under this section may be used for 9514
preliminary engineering, detailed design, right-of-way 9515
acquisition, and construction of the specific project and such 9516
other project costs that are defined in section 5540.01 of the 9517
Revised Code and approved by the Director of Transportation. Upon 9518
receipt of a copy of an invoice for work performed on the specific 9519

project, the Director of Transportation shall reimburse a 9520
Transportation Improvement District for the expenditures described 9521
above, subject to the requirements of this section. 9522

(E) Any Transportation Improvement District that is 9523
requesting funds under this section shall register with the 9524
Director of Transportation. The Director of Transportation shall 9525
register a Transportation Improvement District only if the 9526
district has a specific, eligible project and may cancel the 9527
registration of a Transportation Improvement District that is not 9528
eligible to receive funds under this section. The Director shall 9529
not provide funds to any Transportation Improvement District under 9530
this section if the district is not registered. The Director of 9531
Transportation shall not register a Transportation Improvement 9532
District and shall cancel the registration of a currently 9533
registered Transportation Improvement District unless at least one 9534
of the following applies: 9535

(1) The Transportation Improvement District, by a resolution 9536
or resolutions, designated a project or program of projects and 9537
facilitated, including in conjunction with and through other 9538
governmental agencies, funding for costs of a project or program 9539
of projects in an aggregate amount of not less than \$10,000,000 9540
within the eight-year period commencing January 1, 2005. 9541

(2) The Transportation Improvement District, by a resolution 9542
or resolutions, designated a project or program of projects and 9543
facilitated, including in conjunction with and through other 9544
governmental agencies, funding for costs of a project or program 9545
of projects in an aggregate amount of not less than \$15,000,000 9546
from the commencement date of the project or program of projects. 9547

(3) The Transportation Improvement District has designated, 9548
by a resolution or resolutions, a project or program of projects 9549
that has estimated aggregate costs in excess of \$10,000,000 and 9550
the County Engineer of the county in which the Transportation 9551

Improvement District is located has attested by a sworn affidavit 9552
that the costs of the project or program of projects exceeds 9553
\$10,000,000 and that the Transportation Improvement District is 9554
facilitating a portion of funding for that project or program of 9555
projects. 9556

(F) For purposes of this section: 9557

(1) "Project" shall have the same meaning as in division (D) 9558
of section 5540.01 of the Revised Code. 9559

(2) "Governmental agency" shall have the same meaning as in 9560
division (B) of section 5540.01 of the Revised Code. 9561

(3) "Cost" shall have the same meaning as in division (C) of 9562
section 5540.01 of the Revised Code. 9563

Section 203.50. BOND ISSUANCE AUTHORIZATION 9564

The Treasurer of State, upon the request of the Director of 9565
Transportation, is authorized to issue and sell, in accordance 9566
with Section 2m of Article VIII, Ohio Constitution, and Chapter 9567
151. and particularly sections 151.01 and 151.06 of the Revised 9568
Code, obligations, including bonds and notes, in the aggregate 9569
amount of \$57,000,000 in addition to the original issuance of 9570
obligations authorized by prior acts of the General Assembly. 9571

The obligations shall be issued and sold from time to time in 9572
amounts necessary to provide sufficient moneys to the credit of 9573
the Highway Capital Improvement Fund (Fund 7042) created by 9574
section 5528.53 of the Revised Code to pay costs charged to the 9575
fund when due as estimated by the Director of Transportation, 9576
provided, however, that not more than \$220,000,000 original 9577
principal amount of obligations, plus the principal amount of 9578
obligations that in prior fiscal years could have been, but were 9579
not, issued within the \$220,000,000 limit, may be issued in any 9580
fiscal year, and not more than \$1,200,000,000 original principal 9581

amount of such obligations are outstanding at any one time. 9582

Section 203.60. AUTHORIZATION FOR APPROPRIATION TRANSFERS, 9583
APPROPRIATION INCREASES, AND CASH TRANSFERS 9584

TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002) 9585
APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 9586
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 9587
ADMINISTRATION 9588

The Director of Transportation may request the Controlling 9589
Board to approve of the transfer of Highway Operating Fund (Fund 9590
7002) appropriations for planning and research (appropriation 9591
items 771411 and 771412), highway construction and debt service 9592
(appropriation items 772421, 772422, 772424, 772425, 772437, 9593
772438, and 770003), highway maintenance (appropriation item 9594
773431), public transportation - federal (appropriation item 9595
775452), elderly and disabled special equipment (appropriation 9596
item 775459), rail grade crossings (appropriation item 776462), 9597
aviation (appropriation item 777475), and administration 9598
(appropriation item 779491). The Director of Transportation may 9599
not seek requests of transfers out of debt service appropriation 9600
items unless the Director determines that the appropriated amounts 9601
exceed the actual and projected debt service requirements. 9602

This transfer request authorization is intended to provide 9603
for emergency situations or for the purchase of goods and services 9604
relating to dangerous inclement weather that arise during the 9605
biennium ending June 30, 2021. It also is intended to allow the 9606
department to adjust to circumstances affecting the obligation and 9607
expenditure of federal funds. 9608

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 9609
AVIATION, AND RAIL AND LOCAL TRANSIT 9610

The Director of Transportation may request the Controlling 9611

Board to approve of the transfer of appropriations between 9612
appropriation items 772422, Highway Construction - Federal, 9613
775452, Public Transportation - Federal, 775454, Public 9614
Transportation - Other, 775459, Elderly and Disabled Special 9615
Equipment, 776475, Federal Rail Administration, and 777472, 9616
Airport Improvements - Federal. 9617

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 9618
BANK 9619

The Director of Transportation may request the Controlling 9620
Board to approve of the transfer of appropriations and cash of the 9621
Infrastructure Bank funds created in section 5531.09 of the 9622
Revised Code, including transfers between fiscal years 2020 and 9623
2021. 9624

The Director of Transportation may request the Controlling 9625
Board to approve of the transfer of appropriations and cash from 9626
the Highway Operating Fund (Fund 7002) to the Infrastructure Bank 9627
funds created in section 5531.09 of the Revised Code. The Director 9628
of Budget and Management may transfer from the Infrastructure Bank 9629
funds to the Highway Operating Fund up to the amounts originally 9630
transferred to the Infrastructure Bank funds under this section. 9631
However, the Director may not make transfers between modes or 9632
transfers between different funding sources. 9633

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 9634

The Director of Transportation may request the Controlling 9635
Board to approve of the transfer of appropriations and cash of the 9636
Ohio Toll Fund and any subaccounts created in section 5531.14 of 9637
the Revised Code, including transfers between fiscal years 2020 9638
and 2021. 9639

INCREASING APPROPRIATIONS: STATE FUNDS 9640

In the event that receipts or unexpended balances credited to 9641
the Highway Operating Fund (Fund 7002) exceed the estimates upon 9642

which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase those appropriations in the manner prescribed in section 131.35 of the Revised Code.

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS

In the event that receipts or unexpended balances credited to the Highway Operating Fund (Fund 7002) or apportionments or allocations made available from the federal and local government exceed the estimates upon which the appropriations have been made in this act, upon the request of the Director of Transportation, the Controlling Board may increase those appropriations in the manner prescribed in section 131.35 of the Revised Code.

TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE HIGHWAY CAPITAL IMPROVEMENT FUND

Upon the request of the Director of Transportation, the Director of Budget and Management may transfer cash from the Highway Operating Fund (Fund 7002) to the Highway Capital Improvement Fund (Fund 7042) created in section 5528.53 of the Revised Code. The Director of Budget and Management may transfer cash from Fund 7042 to Fund 7002 up to the amount of cash previously transferred to Fund 7042 under this section.

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING

On July 1, 2019, and on January 1, 2020, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector General for ODOT Fund (Fund 5FA0).

On July 1, 2020, and on January 1, 2021, or as soon as possible thereafter, respectively, the Director of Budget and Management shall transfer \$200,000 in cash, for each period, from the Highway Operating Fund (Fund 7002) to the Deputy Inspector

General for ODOT Fund (Fund 5FA0). Should additional amounts be 9674
necessary, the Inspector General, with the consent of the Director 9675
of Budget and Management, may seek Controlling Board approval for 9676
additional transfers of cash and to increase the amount 9677
appropriated from appropriation item 965603, Deputy Inspector 9678
General for ODOT, in the amount of the additional cash transfers. 9679

LIQUIDATION OF UNFORESEEN LIABILITIES 9680

Any appropriation made from the Highway Operating Fund (Fund 9681
7002) not otherwise restricted by law is available to liquidate 9682
unforeseen liabilities arising from contractual agreements of 9683
prior years when the prior year encumbrance is insufficient. 9684

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 9685

The Director of Transportation may remove snow and ice and 9686
maintain, repair, improve, or provide lighting upon interstate 9687
highways that are located within the boundaries of municipal 9688
corporations, in a manner adequate to meet the requirements of 9689
federal law. When agreed in writing by the Director of 9690
Transportation and the legislative authority of a municipal 9691
corporation and notwithstanding sections 125.01 and 125.11 of the 9692
Revised Code, the Department of Transportation may reimburse a 9693
municipal corporation for all or any part of the costs, as 9694
provided by such agreement, incurred by the municipal corporation 9695
in maintaining, repairing, lighting, and removing snow and ice 9696
from the interstate system. 9697

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 9698

The Director of Transportation may use revenues from the 9699
state motor vehicle fuel tax to match approved federal grants 9700
awarded to the Department of Transportation, regional transit 9701
authorities, or eligible public transportation systems, for public 9702
transportation highway purposes, or to support local or state 9703

funded projects for public transportation highway purposes. Public 9704
transportation highway purposes include: the construction or 9705
repair of high-occupancy vehicle traffic lanes, the acquisition or 9706
construction of park-and-ride facilities, the acquisition or 9707
construction of public transportation vehicle loops, the 9708
construction or repair of bridges used by public transportation 9709
vehicles or that are the responsibility of a regional transit 9710
authority or other public transportation system, or other similar 9711
construction that is designated as an eligible public 9712
transportation highway purpose. Motor vehicle fuel tax revenues 9713
may not be used for operating assistance or for the purchase of 9714
vehicles, equipment, or maintenance facilities. 9715

Section 203.90. AGREEMENTS WITH FEDERAL AGENCIES FOR 9716
ENVIRONMENTAL REVIEW PURPOSES 9717

The Director of Transportation may enter into agreements as 9718
provided in this section with the United States or any department 9719
or agency of the United States, including, but not limited to, the 9720
United States Army Corps of Engineers, the United States Forest 9721
Service, the United States Environmental Protection Agency, and 9722
the United States Fish and Wildlife Service. An agreement entered 9723
into pursuant to this section shall be solely for the purpose of 9724
dedicating staff to the expeditious and timely review of 9725
environmentally related documents submitted by the Director of 9726
Transportation, as necessary for the approval of federal permits. 9727
The agreements may include provisions for advance payment by the 9728
Director of Transportation for labor and all other identifiable 9729
costs of the United States or any department or agency of the 9730
United States providing the services, as may be estimated by the 9731
United States, or the department or agency of the United States. 9732
The Director shall submit a request to the Controlling Board 9733
indicating the amount of the agreement, the services to be 9734
performed by the United States or the department or agency of the 9735

United States, and the circumstances giving rise to the agreement. 9736

Section 203.100. INDEFINITE DELIVERY INDEFINITE QUANTITY 9737
CONTRACTS 9738

(A) As used in this section, "indefinite delivery indefinite 9739
quantity contract" means a contract for an indefinite quantity, 9740
within stated limits, of supplies or services that will be 9741
delivered by the awarded bidder over a defined contract period. 9742

(B) The Director of Transportation shall advertise and seek 9743
bids for, and shall award, indefinite delivery indefinite quantity 9744
contracts for not more than two projects in fiscal year 2020 and 9745
for not more than two projects in fiscal year 2021. For purposes 9746
of entering into indefinite delivery indefinite quantity 9747
contracts, the Director shall do all of the following: 9748

(1) Prepare bidding documents; 9749

(2) Establish contract forms; 9750

(3) Determine contract terms and conditions, including the 9751
following: 9752

(a) The maximum overall value of the contract, which may 9753
include an allowable increase of one hundred thousand dollars or 9754
five per cent of the advertised contract value, whichever is less; 9755

(b) The duration of the contract, including a time extension 9756
of up to one year if determined appropriate by the Director; 9757

(c) The defined geographical area to which the contract 9758
applies, which shall be not greater than the size of one district 9759
of the Department of Transportation. 9760

(4) Develop and implement a work order process in order to 9761
provide the awarded bidder adequate notice of requested supplies 9762
or services, the anticipated quantities of supplies, and work 9763
location information for each work order. 9764

| | | | | | |
|-----------|---|----|-------------|----------------|------|
| | (5) Take any other action necessary to fulfill the duties and obligations of the Director under this section. | | | | 9765 |
| | | | | | 9766 |
| | (C) Section 5525.01 of the Revised Code applies to indefinite delivery indefinite quantity contracts. | | | | 9767 |
| | | | | | 9768 |
| | Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY | | | | 9769 |
| | General Revenue Fund | | | | 9770 |
| GRF | 761408 Highway Patrol | \$ | 0 | \$ 35,000,000 | 9771 |
| | Operating Expenses | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 0 | \$ 35,000,000 | 9772 |
| | Highway Safety Fund Group | | | | 9773 |
| 5TM0 | 761401 Public Safety | \$ | 1,595,800 | \$ 1,598,300 | 9774 |
| | Facilities Lease | | | | |
| | Rental Bond Payments | | | | |
| 5TM0 | 762321 Operating Expense - BMV | \$ | 108,178,738 | \$ 111,822,673 | 9775 |
| 5TM0 | 762636 Financial Responsibility Compliance | \$ | 5,463,977 | \$ 5,540,059 | 9776 |
| 5TM0 | 762637 Local Immobilization Reimbursement | \$ | 200,000 | \$ 200,000 | 9777 |
| 5TM0 | 764321 Operating Expense - Highway Patrol | \$ | 345,534,531 | \$ 349,339,662 | 9778 |
| 5TM0 | 764605 Motor Carrier Enforcement Expenses | \$ | 4,283,940 | \$ 4,308,088 | 9779 |
| 5TM0 | 769636 Administrative Expenses - Highway Purposes | \$ | 48,326,950 | \$ 49,020,261 | 9780 |
| 8370 | 764602 Turnpike Policing | \$ | 12,720,330 | \$ 12,840,263 | 9781 |
| 83C0 | 764630 Contraband, Forfeiture, and Other | \$ | 1,210,917 | \$ 1,213,407 | 9782 |
| 83F0 | 764657 Law Enforcement | \$ | 6,903,824 | \$ 6,441,735 | 9783 |

| | | | | | | | |
|-------|--------|------------------------------|----|-------------|----|-------------|------|
| | | Automated Data System | | | | | |
| 83G0 | 764633 | OMVI | \$ | 593,518 | \$ | 596,799 | 9784 |
| | | Enforcement/Education | | | | | |
| 83M0 | 765624 | Operating - EMS | \$ | 5,281,688 | \$ | 5,521,843 | 9785 |
| 83M0 | 765640 | EMS - Grants | \$ | 2,900,000 | \$ | 2,900,000 | 9786 |
| 8400 | 764607 | State Fair Security | \$ | 1,533,397 | \$ | 1,549,094 | 9787 |
| 8400 | 764617 | Security and | \$ | 15,333,469 | \$ | 15,469,782 | 9788 |
| | | Investigations | | | | | |
| 8400 | 764626 | State Fairgrounds | \$ | 1,263,762 | \$ | 1,276,143 | 9789 |
| | | Police Force | | | | | |
| 8460 | 761625 | Motorcycle Safety | \$ | 3,823,000 | \$ | 3,823,000 | 9790 |
| | | Education | | | | | |
| 8490 | 762627 | Automated Title | \$ | 16,446,027 | \$ | 16,446,027 | 9791 |
| | | Processing Board | | | | | |
| 8490 | 762630 | Electronic Liens and | \$ | 2,900,000 | \$ | 2,900,000 | 9792 |
| | | Titles | | | | | |
| TOTAL | HSF | Highway Safety Fund Group | \$ | 584,493,868 | \$ | 592,807,136 | 9793 |
| | | Dedicated Purpose Fund Group | | | | | 9794 |
| 5390 | 762614 | Motor Vehicle Dealers | \$ | 140,000 | \$ | 140,000 | 9795 |
| | | Board | | | | | |
| 5FF0 | 762621 | Indigent Interlock | \$ | 2,000,000 | \$ | 2,000,000 | 9796 |
| | | and Alcohol | | | | | |
| | | Monitoring | | | | | |
| 5Y10 | 764695 | State Highway Patrol | \$ | 134,000 | \$ | 134,000 | 9797 |
| | | Continuing | | | | | |
| | | Professional Training | | | | | |
| TOTAL | DPF | Dedicated Purpose Fund | \$ | 2,274,000 | \$ | 2,274,000 | 9798 |
| | | Group | | | | | |
| | | Fiduciary Fund Group | | | | | 9799 |
| 5J90 | 761678 | Federal Salvage/GSA | \$ | 750,000 | \$ | 750,000 | 9800 |
| 5V10 | 762682 | License Plate | \$ | 2,700,000 | \$ | 2,700,000 | 9801 |
| | | Contributions | | | | | |

| | | | | | |
|-----------------------------------|----|-------------|----|-------------|------|
| TOTAL FID Fiduciary Fund Group | \$ | 3,450,000 | \$ | 3,450,000 | 9802 |
| Holding Account Fund Group | | | | | 9803 |
| R024 762619 Unidentified Motor | \$ | 1,885,000 | \$ | 1,885,000 | 9804 |
| Vehicle Receipts | | | | | |
| R052 762623 Security Deposits | \$ | 50,000 | \$ | 50,000 | 9805 |
| TOTAL HLD Holding Account Fund | \$ | 1,935,000 | \$ | 1,935,000 | 9806 |
| Group | | | | | |
| Federal Fund Group | | | | | 9807 |
| 3DU0 762628 BMV Grants | \$ | 1,150,000 | \$ | 1,150,000 | 9808 |
| 3GR0 764693 Highway Patrol | \$ | 1,230,549 | \$ | 1,234,258 | 9809 |
| Justice Contraband | | | | | |
| 3GS0 764694 Highway Patrol | \$ | 21,000 | \$ | 21,000 | 9810 |
| Treasury Contraband | | | | | |
| 3GU0 761610 Information and | \$ | 300,000 | \$ | 300,000 | 9811 |
| Education Grant | | | | | |
| 3GU0 764608 Fatality Analysis | \$ | 175,000 | \$ | 175,000 | 9812 |
| Report System Grant | | | | | |
| 3GU0 764610 Highway Safety | \$ | 4,036,721 | \$ | 4,071,387 | 9813 |
| Programs Grant | | | | | |
| 3GU0 764659 Motor Carrier Safety | \$ | 5,755,900 | \$ | 5,816,116 | 9814 |
| Assistance Program | | | | | |
| Grant | | | | | |
| 3GU0 765610 EMS Grants | \$ | 225,000 | \$ | 225,000 | 9815 |
| 3GV0 761612 Traffic Safety Action | \$ | 30,200,000 | \$ | 30,200,000 | 9816 |
| Plan Grants | | | | | |
| TOTAL FED Federal Fund Group | \$ | 43,094,170 | \$ | 43,192,761 | 9817 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 635,247,038 | \$ | 678,658,897 | 9818 |

Section 205.20. MOTOR VEHICLE REGISTRATION 9820

The Director of Public Safety may deposit revenues to meet 9821
the cash needs of the Public Safety - Highway Purposes Fund (Fund 9822
5TM0) established in section 4501.06 of the Revised Code, obtained 9823

under section 4503.02 of the Revised Code, less all other 9824
available cash. Revenue deposited pursuant to this paragraph shall 9825
support in part appropriations for the administration and 9826
enforcement of laws relative to the operation and registration of 9827
motor vehicles, for payment of highway obligations and other 9828
statutory highway purposes. Notwithstanding section 4501.03 of the 9829
Revised Code, the revenues shall be paid into Fund 5TM0 before any 9830
revenues obtained pursuant to section 4503.02 of the Revised Code 9831
are paid into any other fund. The deposit of revenues to meet the 9832
aforementioned cash needs shall be in approximately equal amounts 9833
on a monthly basis or as otherwise approved by the Director of 9834
Budget and Management. Prior to July 1 of each fiscal year, the 9835
Director of Public Safety shall submit a plan to the Director of 9836
Budget and Management requesting approval of the anticipated 9837
revenue amounts to be deposited into Fund 5TM0 pursuant to this 9838
paragraph. If during the fiscal year changes to the plan as 9839
approved by the Director of Budget and Management are necessary, 9840
the Director of Public Safety shall submit a revised plan to the 9841
Director of Budget and Management for approval prior to any change 9842
in the deposit of revenues. 9843

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 9844

The foregoing appropriation item 761401, Public Safety 9845
Facilities Lease Rental Bond Payments, shall be used to meet all 9846
payments during the period July 1, 2019, through June 30, 2021, by 9847
the Department of Public Safety under the leases and agreements 9848
for facilities under Chapters 152. and 154. of the Revised Code. 9849
The appropriations are the source of funds pledged for bond 9850
service charges on related obligations issued under Chapters 152. 9851
and 154. of the Revised Code. 9852

CASH TRANSFERS - HIGHWAY PATROL 9853

Upon written request of the Director of Public Safety, and 9854
subject to the approval of the Controlling Board, the Director of 9855

Budget and Management may transfer cash from the State Highway 9856
Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 9857
Security, Investigations and Policing Fund (Fund 8400). 9858

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 9859
SHIPLEY UPGRADES 9860

Pursuant to a plan submitted by the Director of Public 9861
Safety, or as otherwise determined by the Director of Budget and 9862
Management, the Director of Budget and Management, upon approval 9863
of the Controlling Board, may make appropriate cash transfers on a 9864
pro-rata basis as approved by the Director of Budget and 9865
Management from other funds used by the Department of Public 9866
Safety, excluding the Public Safety Building Fund (Fund 7025), to 9867
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 9868
reimburse expenditures for capital upgrades to the Shipley 9869
Building. 9870

COLLECTIVE BARGAINING INCREASES 9871

Notwithstanding division (D) of section 127.14 and division 9872
(B) of section 131.35 of the Revised Code, except for the General 9873
Revenue Fund, the Controlling Board may, upon the request of 9874
either the Director of Budget and Management, or the Department of 9875
Public Safety with the approval of the Director of Budget and 9876
Management, authorize expenditures in excess of appropriations and 9877
transfer appropriations, as necessary, for any fund used by the 9878
Department of Public Safety, to assist in paying the costs of 9879
increases in employee compensation that have occurred pursuant to 9880
collective bargaining agreements under Chapter 4117. of the 9881
Revised Code and, for exempt employees, under section 124.152 of 9882
the Revised Code. Any money approved for expenditure under this 9883
paragraph is hereby appropriated. 9884

CASH BALANCE FUND REVIEW 9885

The Director of Public Safety shall review the cash balances 9886

for each fund in the State Highway Safety Fund Group, and may 9887
submit a request in writing to the Director of Budget and 9888
Management to transfer amounts from any fund in the State Highway 9889
Safety Fund Group to the credit of the Public Safety - Highway 9890
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 9891
request, and subject to the approval of the Controlling Board, the 9892
Director of Budget and Management may make appropriate transfers 9893
as requested by the Director of Public Safety or as otherwise 9894
determined by the Director of Budget and Management. 9895

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 9896

Dedicated Purpose Fund Group 9897
4W00 195629 Roadwork Development \$ 15,200,000 \$ 15,200,000 9898
TOTAL DPF Dedicated Purpose 9899
Fund Group \$ 15,200,000 \$ 15,200,000 9900
TOTAL ALL BUDGET FUND GROUPS \$ 15,200,000 \$ 15,200,000 9901

Section 207.20. ROADWORK DEVELOPMENT FUND 9903

The Roadwork Development Fund shall be used for road 9904
improvements associated with economic development opportunities 9905
that will retain or attract businesses for Ohio, including the 9906
construction, reconstruction, maintenance, or repair of public 9907
roads that provide access to a public airport or are located 9908
within a public airport. "Road improvements" are improvements to 9909
public roadway facilities located on, or serving or capable of 9910
serving, a project site. 9911

The Department of Transportation, under the direction of the 9912
Development Services Agency, shall provide these funds in 9913
accordance with all guidelines and requirements established for 9914
other Development Services Agency programs, including Controlling 9915
Board review and approval as well as the requirements for usage of 9916
motor vehicle fuel tax revenue prescribed in Section 5a of Article 9917

XII, Ohio Constitution. Should the Development Services Agency 9918
require the assistance of the Department of Transportation to 9919
bring a project to completion, the Department of Transportation 9920
shall use its authority under Title 55 of the Revised Code to 9921
provide such assistance and may enter into contracts on behalf of 9922
the Development Services Agency. These funds may be used in 9923
conjunction with any other state funds appropriated for 9924
infrastructure improvements. 9925

The Director of Budget and Management, pursuant to a plan 9926
submitted by the Director of Development Services or as otherwise 9927
determined by the Director of Budget and Management, shall set a 9928
cash transfer schedule to meet the cash needs of the Roadwork 9929
Development Fund (Fund 4W00) used by the Development Services 9930
Agency, less any other available cash. The Director of Budget and 9931
Management shall transfer such cash amounts from the Highway 9932
Operating Fund (Fund 7002) established in section 5735.051 of the 9933
Revised Code to Fund 4W00 at such times as determined by the 9934
transfer schedule. 9935

Section 209.10. PWC PUBLIC WORKS COMMISSION 9936

Dedicated Purpose Fund Group 9937

| | | | | | | |
|-------------|-----------------------|----|---------|----|---------|------|
| 7052 150402 | Local Transportation | \$ | 374,938 | \$ | 303,311 | 9938 |
| | Improvement Program - | | | | | |
| | Operating | | | | | |

| | | | | | | |
|-------------|----------------------|----|------------|----|------------|------|
| 7052 150701 | Local Transportation | \$ | 63,000,000 | \$ | 63,000,000 | 9939 |
| | Improvement Program | | | | | |

TOTAL DPF Dedicated Purpose 9940

| | | | | | | |
|------------|--|----|------------|----|------------|------|
| Fund Group | | \$ | 63,374,938 | \$ | 63,303,311 | 9941 |
|------------|--|----|------------|----|------------|------|

| | | | | | | |
|------------------------------|--|----|------------|----|------------|------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 63,374,938 | \$ | 63,303,311 | 9942 |
|------------------------------|--|----|------------|----|------------|------|

Section 209.20. REAPPROPRIATIONS 9943

All capital appropriations from the Local Transportation 9944

Improvement Program Fund (Fund 7052) in Sub. H.B. 26 of the 132nd 9945
General Assembly remaining unencumbered as of June 30, 2019, are 9946
reappropriated for use during the period July 1, 2019, through 9947
June 30, 2020, for the same purpose. 9948

Notwithstanding division (B) of section 127.14 of the Revised 9949
Code, all capital appropriations and reappropriations from the 9950
Local Transportation Improvement Program Fund (Fund 7052) in this 9951
act remaining unencumbered as of June 30, 2020, are reappropriated 9952
for use during the period July 1, 2020, through June 30, 2021, for 9953
the same purposes, subject to the availability of revenue as 9954
determined by the Director of the Public Works Commission. 9955

TEMPORARY TRANSFERS 9956

Notwithstanding section 127.14 of the Revised Code, the 9957
Director of the Public Works Commission may request that the 9958
Director of Budget and Management transfer cash from the Local 9959
Transportation Improvement Fund (Fund 7052) to the State Capital 9960
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 9961
(Fund 7056). The Director of Budget and Management may approve 9962
temporary cash transfers if such transfers are needed for capital 9963
outlays for which notes or bonds will be issued. When there is a 9964
sufficient cash balance in the fund that receives a cash transfer 9965
under this section, the Director of Budget and Management shall 9966
transfer cash from the fund to Fund 7052 in order to repay Fund 9967
7052 for the amount of the temporary cash transfers made under 9968
this section. Any transfers executed under this section shall be 9969
reported to the Controlling Board by June 30 of the fiscal year in 9970
which the transfer occurred. 9971

Section 501.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 9972

The capital appropriations made in this act for buildings or 9973
structures, including remodeling and renovations, are limited to: 9974

| | |
|---|--------------------------------------|
| (A) Acquisition of real property or interests in real property; | 9975 9976 |
| (B) Buildings and structures, which includes construction, demolition, complete heating and cooling, lighting and lighting fixtures, and all necessary utilities, ventilating, plumbing, sprinkling, water, and sewer systems, when such systems are authorized or necessary; | 9977 9978 9979 9980 9981 |
| (C) Architectural, engineering, and professional services expenses directly related to the projects; | 9982 9983 |
| (D) Machinery that is a part of structures at the time of initial acquisition or construction; | 9984 9985 |
| (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; | 9986 9987 9988 9989 |
| (F) Furniture, fixtures, or equipment that meets all the following criteria: | 9990 9991 |
| (1) Is essential in bringing the facility up to its intended use or is necessary for the functioning of the particular facility or project; | 9992 9993 9994 |
| (2) Has a unit cost, and not the individual parts of a unit, of about \$100 or more; and | 9995 9996 |
| (3) Has a useful life of five years or more. | 9997 |
| 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. | 9998 9999 10000 10001 |
| Section 503.10. STATE ARBITRAGE REBATE AUTHORIZATION | 10002 |
| If it is determined that a payment is necessary in the amount | 10003 |

computed at the time to represent the portion of investment income 10004
to be rebated or amounts in lieu of or in addition to any rebate 10005
amount to be paid to the federal government in order to maintain 10006
the exclusion from gross income for federal income tax purposes of 10007
interest on those state obligations under section 148(f) of the 10008
Internal Revenue Code, such amount is hereby appropriated from 10009
those funds designated by or pursuant to the applicable 10010
proceedings authorizing the issuance of state obligations. 10011

Payments for this purpose shall be approved and vouchered by 10012
the Office of Budget and Management. 10013

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 10014
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 10015

The Office of Budget and Management shall process payments 10016
from lease rental payment appropriation items during the period 10017
from July 1, 2019, to June 30, 2021, pursuant to the lease and 10018
other agreements relating to bonds or notes issued under Section 10019
2i of Article VIII of the Ohio Constitution and Chapters 152. and 10020
154. of the Revised Code, and acts of the General Assembly. 10021
Payments shall be made upon certification by the Treasurer of 10022
State of the dates and amounts due on those dates. 10023

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 10024

Certain appropriations are in this act for the purpose of 10025
paying debt service and financing costs on general obligation 10026
bonds or notes of the state and for the purpose of making lease 10027
rental and other payments under leases and agreements relating to 10028
bonds or notes issued under the Ohio Constitution, Revised Code, 10029
and acts of the General Assembly. If it is determined that 10030
additional appropriations are necessary for this purpose, such 10031
amounts are hereby appropriated. 10032

Section 509.51. REAPPROPRIATIONS FOR THE DEPARTMENT OF 10033
TRANSPORTATION 10034

In each fiscal year of the biennium ending June 30, 2021, the 10035
Director of Budget and Management may request the Controlling 10036
Board to reappropriate any remaining unencumbered balances of 10037
prior years' appropriations to the Highway Operating Fund (Fund 10038
7002), the Highway Capital Improvement Fund (Fund 7042), and the 10039
Infrastructure Bank funds created in section 5531.09 of the 10040
Revised Code for the same purpose in the following fiscal year. 10041

Prior to the Director of Budget and Management's seeking 10042
approval of the Controlling Board, the Director of Transportation 10043
shall develop a reappropriation request plan that identifies the 10044
appropriate fund and appropriation item of the reappropriation, 10045
and the reappropriation request amount and submit the plan to the 10046
Director of Budget and Management for evaluation. The Director of 10047
Budget and Management may request additional information necessary 10048
for evaluating the reappropriation request plan, and the Director 10049
of Transportation shall provide the requested information to the 10050
Director of Budget and Management. Based on the information 10051
provided by the Director of Transportation, the Director of Budget 10052
and Management shall determine amounts to be reappropriated by 10053
fund and appropriation item to submit to the Controlling Board for 10054
its approval. 10055

Any balances of prior years' unencumbered appropriations to 10056
the Highway Operating Fund (Fund 7002), the Highway Capital 10057
Improvement Fund (Fund 7042), and the Infrastructure Bank funds 10058
created in section 5531.09 of the Revised Code for which 10059
reappropriations are requested and approved are subject to the 10060
availability of revenue in the funds. 10061

Section 512.10. TRANSFER OF CAPITAL APPROPRIATION ITEMS FROM 10062

THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND TO THE ADMINISTRATIVE 10063
BUILDING FUND 10064

On July 1, 2019, or as soon as possible thereafter, the 10065
Director of Budget and Management shall transfer the unencumbered 10066
and unallotted balance, as of June 30, 2019, of all capital 10067
appropriation items from the Public Safety - Highway Purposes Fund 10068
(Fund 5TM0) to the Administrative Building Fund (Fund 7026). On 10069
July 1, 2019, or as soon as possible thereafter, the Director of 10070
Budget and Management shall cancel any existing encumbrances 10071
against capital appropriation items in Fund 5TM0 and reestablish 10072
them in Fund 7026. The reestablished encumbrance amounts are 10073
hereby appropriated. 10074

The Director of Budget and Management shall establish 10075
accounts indicating the source and amount of funds for each 10076
appropriation made in this section, and shall determine the form 10077
and manner in which appropriation accounts shall be maintained. 10078
Expenditures from appropriations contained in this section shall 10079
be accounted for as though made in H.B. 529 of the 132nd General 10080
Assembly. 10081

The appropriations made in this section are subject to all 10082
provisions of H.B. 529 of the 132nd General Assembly that are 10083
generally applicable to such appropriations. 10084

Section 610.03. That Sections 213.20 and 223.50 of H.B. 529 10085
of the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of 10086
the 132nd General Assembly, be amended to read as follows: 10087

Sec. 213.20. The Treasurer of State is hereby authorized to 10088
issue and sell, in accordance with Section 2i of Article VIII, 10089
Ohio Constitution, Chapter 154. of the Revised Code, and other 10090
applicable sections of the Revised Code, original obligations in 10091
an aggregate principal amount not to exceed ~~\$112,800,000~~ 10092

122,800,000 in addition to the original issuance of obligations 10093
heretofore authorized by prior acts of the General Assembly. These 10094
authorized obligations shall be issued, subject to applicable 10095
constitutional and statutory limitations, as needed to provide 10096
sufficient moneys to the credit of the Administrative Building 10097
Fund (Fund 7026) to pay costs associated with previously 10098
authorized capital facilities for the housing of branches and 10099
agencies of state government or their functions. 10100

Sec. 223.50. The Treasurer of State is hereby authorized to 10101
issue and sell, in accordance with Section 2i of Article VIII, 10102
Ohio Constitution, and Chapter 154. of the Revised Code, 10103
particularly section 154.22, and other applicable sections of the 10104
Revised Code, original obligations in an aggregate principal 10105
amount not to exceed ~~\$134,000,000~~ \$134,500,000, in addition to the 10106
original issuance of obligations heretofore authorized by prior 10107
acts of the General Assembly. These authorized obligations shall 10108
be issued, subject to applicable constitutional and statutory 10109
limitations, as needed to provide sufficient moneys to the credit 10110
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 10111
the costs of capital facilities for parks and recreation purposes. 10112

Section 610.04. That existing Sections 213.20 and 223.50 of 10113
H.B. 529 of the 132nd General Assembly, as amended by Am. Sub. 10114
S.B. 51 of the 132nd General Assembly, are hereby repealed. 10115

Section 610.05. That Sections 223.10 and 223.15 of H.B. 529 10116
of the 132nd General Assembly, as most recently amended by Am. 10117
Sub. S.B. 51 of the 132nd General Assembly, be amended to read as 10118
follows: 10119

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 10120

| | | | |
|---|----|------------|-------|
| Oil and Gas Well Fund (Fund 5180) | | | 10121 |
| C725U6 Oil and Gas Facilities | \$ | 1,150,000 | 10122 |
| TOTAL Oil and Gas Well Fund | \$ | 1,150,000 | 10123 |
| Wildlife Fund (Fund 7015) | | | 10124 |
| C725B0 Access Development | \$ | 15,000,000 | 10125 |
| C725B6 Upgrade Underground Fuel Tanks | \$ | 460,000 | 10126 |
| C725K9 Wildlife Area Building | \$ | 9,950,000 | 10127 |
| Development/Renovation | | | |
| C725L9 Dam Rehabilitation | \$ | 6,200,000 | 10128 |
| TOTAL Wildlife Fund | \$ | 31,610,000 | 10129 |
| Administrative Building Fund (Fund 7026) | | | 10130 |
| C725D5 Fountain Square Building and Telephone | \$ | 2,000,000 | 10131 |
| Improvement | | | |
| C725N7 District Office Renovations | \$ | 2,455,343 | 10132 |
| TOTAL Administrative Building Fund | \$ | 4,455,343 | 10133 |
| Ohio Parks and Natural Resources Fund (Fund 7031) | | | 10134 |
| C72549 Facilities Development | \$ | 1,500,000 | 10135 |
| C725E1 Local Parks Projects Statewide | \$ | 6,668,925 | 10136 |
| C725E5 Project Planning | \$ | 1,147,700 | 10137 |
| C725K0 State Park Renovations/Upgrading | \$ | 1,100,000 | 10138 |
| C725M0 Dam Rehabilitation | \$ | 11,928,000 | 10139 |
| C725N8 Operations Facilities Development | \$ | 1,000,000 | 10140 |
| C725T3 Healthy Lake Erie Initiative | \$ | 20,000,000 | 10141 |
| TOTAL Ohio Parks and Natural Resources Fund | \$ | 43,344,625 | 10142 |
| Parks and Recreation Improvement Fund (Fund 7035) | | | 10143 |
| C725A0 State Parks, Campgrounds, Lodges, Cabins | \$ | 57,554,343 | 10144 |
| C725C4 Muskingum River Lock and Dam | \$ | 6,800,000 | 10145 |
| C725E2 Local Parks, Recreation, and | \$ | 31,351,000 | 10146 |
| Conservation Projects | | | |
| C725E6 Project Planning | \$ | 4,082,793 | 10147 |
| C725N6 Wastewater/Water Systems Upgrades | \$ | 8,955,000 | 10148 |

| | | | | |
|---|--|----|------------------------|-------|
| C725R3 | State Parks Renovations/Upgrades | \$ | 8,140,000 | 10149 |
| | | | <u>8,640,000</u> | |
| C725R4 | Dam Rehabilitation - Parks | \$ | 33,125,000 | 10150 |
| C725U5 | The Banks | \$ | 2,000,000 | 10151 |
| C725U7 | Eagle Creek Watershed Flood Mitigation | \$ | 15,000,000 | 10152 |
| TOTAL Parks and Recreation Improvement Fund | | \$ | 167,008,136 | 10153 |
| | | | <u>167,508,136</u> | |
| Clean Ohio Trail Fund (Fund 7061) | | | | 10154 |
| C72514 | Clean Ohio Trail Fund | \$ | 12,500,000 | 10155 |
| TOTAL Clean Ohio Trail Fund | | \$ | 12,500,000 | 10156 |
| TOTAL ALL FUNDS | | \$ | 260,068,104 | 10157 |
| | | | <u>260,568,104</u> | |

FEDERAL REIMBURSEMENT 10158

All reimbursements received from the federal government for 10159
any expenditures made pursuant to this section shall be deposited 10160
in the state treasury to the credit of the fund from which the 10161
expenditure originated. 10162

HEALTHY LAKE ERIE INITIATIVE 10163

Of the foregoing appropriation item C725T3, Healthy Lake Erie 10164
Initiative, \$10,000,000 shall be used to support projects that 10165
enhance efforts to reduce open lake disposal of dredged materials 10166
into Lake Erie by 2020. 10167

STATE PARKS RENOVATIONS/UPGRADES 10168

Of the foregoing appropriation item C725R3, State Parks 10169
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 10170
to the Kenny Road dock on North Bass Island in Ottawa County. 10171

EAGLE CREEK WATERSHED FLOOD MITIGATION 10172

The foregoing appropriation item C725U7, Eagle Creek 10173
Watershed Flood Mitigation, shall be used to support the Eagle 10174
Creek Watershed Flood Mitigation Project in Hancock County, 10175

provided that there are local matching funds committed to the 10176
project of not less than twenty per cent of the total project 10177
cost. 10178

Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION 10179
PROJECTS 10180

Of the foregoing appropriation item C725E2, Local Parks, 10181
Recreation, and Conservation Projects, an amount equal to two per 10182
cent of the projects listed may be used by the Department of 10183
Natural Resources for the administration of local projects. 10184

| Project Description | Amount | |
|---|---------------|-------|
| Cuyahoga Franklin Hill Stabilization | \$ 2,500,000 | 10186 |
| Quarry Trails Project | \$ 1,250,000 | 10187 |
| Bridge Park Center | \$ 1,000,000 | 10188 |
| Canal Fulton Community Park | \$ 750,000 | 10189 |
| North Canton Parks Upgrades | \$ 750,000 | 10190 |
| The Wilds - Visitors Center, Overlook Facilities & Cheetah Facility Expansion | \$ 700,000 | 10191 |
| John F. Wolfe Palm House Renovation and Improvements | \$ 600,000 | 10192 |
| The REC at Crawford Commons Facility | \$ 500,000 | 10193 |
| Prairie Township Artificial Turf Soccer Fields | \$ 500,000 | 10194 |
| Jackson Township North Park Activity Complex | \$ 500,000 | 10195 |
| Westward Ho National Monument | \$ 500,000 | 10196 |
| City of Sheffield Lake Regional Watershed Initiative | \$ 450,000 | 10197 |
| Buckeye Lake Feeder Channel Restoration | \$ 400,000 | 10198 |
| Chagrin Riverbank Stabilization | \$ 400,000 | 10199 |
| Buckeye Lake Public Pier | \$ 400,000 | 10200 |
| Mill Creek Conservation and Flood Control Area in North Ridgeville | \$ 400,000 | 10201 |
| Danny Thomas Park Renovation | \$ 400,000 | 10202 |
| Lincoln Park Stadium and Field Restoration | \$ 400,000 | 10203 |
| New Philadelphia South Side Community Park | \$ 400,000 | 10204 |

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| Mason Common Ground Park | \$ 400,000 | 10205 |
| Grand River Conservation Campus | \$ 385,000 | 10206 |
| Stanbery Park Pavilion | \$ 360,000 | 10207 |
| Miami Canal Trail Extension at Gilmore MetroPark | \$ 350,000 | 10208 |
| Voice of America Park Turf Fields | \$ 350,000 | 10209 |
| Dover Riverfront Trailhead Connector | \$ 350,000 | 10210 |
| Montpelier Rails to Trails | \$ 325,000 | 10211 |
| Ashland Brookside Tennis Courts | \$ 300,000 | 10212 |
| Solon-Chagrin Falls Multi-purpose Trail | \$ 300,000 | 10213 |
| Ohio to Erie Trail Land Acquisition | \$ 300,000 | 10214 |
| Grove City Gantz Park Improvements | \$ 300,000 | 10215 |
| Symmes Township Home of the Brave Phase 2 | \$ 300,000 | 10216 |
| Wadsworth City Park | \$ 300,000 | 10217 |
| Piqua Great Miami River Trail Bridge Replacement Project | \$ 300,000 | 10218 |
| Chudzinski Johannsen Conservancy Park Improvements | \$ 300,000 | 10219 |
| Tiffin Recreation, Arts and Learning Park | \$ 300,000 | 10220 |
| Wooster Venture Boulevard Park Project | \$ 300,000 | 10221 |
| Pierce Park Learning and History Trail Improvements | \$ 275,000 | 10222 |
| Versailles Poultry Days Amphitheater | \$ 275,000 | 10223 |
| Adams County Splash Pad | \$ 250,000 | 10224 |
| New Bremen Bike Path | \$ 250,000 | 10225 |
| Grand Lake Shoreline Water Quality Improvements | \$ 250,000 | 10226 |
| Clinton County to Little Miami Scenic Trail Connector | \$ 250,000 | 10227 |
| Jeffrey Mansion Expansion Project | \$ 250,000 | 10228 |
| Chardon Mel Harder Park Improvements | \$ 250,000 | 10229 |
| Montgomery Gateway Keystone Park | \$ 250,000 | 10230 |
| Hocking Valley Scenic Trail | \$ 250,000 | 10231 |
| Sheffield Village Walking Trails | \$ 250,000 | 10232 |
| Magnolia Flouring Mills Restoration | \$ 250,000 | 10233 |
| Wilmington Parks | \$ 250,000 | 10234 |
| Eastlake Field and Press Box | \$ 225,000 | 10235 |
| Cleveland Zoological Society | \$ 200,000 | 10236 |

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| Powhatan Point Marina Improvement Project | \$ 200,000 | 10237 |
| Chagrin Falls Chagrin River Retaining Walls | \$ 200,000 | 10238 |
| Avon Veterans Memorial and Ice Rink | \$ 200,000 | 10239 |
| London Access Cowling Playground | \$ 200,000 | 10240 |
| Plum Creek Recreation, Conservation, and Flood Control Project | \$ 200,000 | 10241 |
| Dayton Webster Station Landing | \$ 200,000 | 10242 |
| Village of New Paris Community Park Splash Pad Development | \$ 200,000 | 10243 |
| Waynesburg Park | \$ 200,000 | 10244 |
| Little Miami State Park / Little Miami Trail | \$ 200,000 | 10245 |
| James E. Carnes Convention Center | \$ 200,000 | 10246 |
| Sharonville Sharon Woods Park Improvements | \$ 175,000 | 10247 |
| Monroe Crossings Park | \$ 165,000 | 10248 |
| Ottawa Corridor Improvements | \$ 150,000 | 10249 |
| Harrisburg Baseball Complex | \$ 150,000 | 10250 |
| Hilliard Miracle Field | \$ 150,000 | 10251 |
| Mill Creek Valley Conservancy District Corridor Revitalization | \$ 150,000 | 10252 |
| Moberly Branch Connector Trail-Pedestrian Bridge | \$ 150,000 | 10253 |
| Willard Reservoir Recreation and Safety Upgrades | \$ 150,000 | 10254 |
| Merrick Hutchinson Memorial Park | \$ 150,000 | 10255 |
| Montville Township Park Improvements | \$ 150,000 | 10256 |
| Medina County Rocky River Trail West Branch | \$ 150,000 | 10257 |
| Middle Point Ballpark Improvements | \$ 150,000 | 10258 |
| Redskin Memorial Park Playground | \$ 145,000 | 10259 |
| Cahoon Memorial Park Improvements | \$ 130,000 | 10260 |
| Valley View Outdoor Classroom | \$ 125,000 | 10261 |
| Schines Park Stage | \$ 125,000 | 10262 |
| McIntyre Park Bike Path | \$ 125,000 | 10263 |
| Fairlawn Gully Water Quality Basins | \$ 125,000 | 10264 |
| Fremont Upland Reservoir Trail | \$ 123,000 | 10265 |
| St. Mary's Splash Pad | \$ 100,000 | 10266 |

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| Fairview Park Indoor Pool and Aquatics Center | \$ 100,000 | 10267 |
| Maple Heights Recreation Improvements | \$ 100,000 | 10268 |
| Greenville Parks Projects | \$ 100,000 | 10269 |
| Concord Township History and Community Trail | \$ 100,000 | 10270 |
| Upper Arlington Multi-modal Transportation Project | \$ 100,000 | 10271 |
| Blue Ash Summit Park Nature Playscape | \$ 100,000 | 10272 |
| Deer Park Community Center Renovation & Trailhead | \$ 100,000 | 10273 |
| Fairfax Ziegler Park Improvements | \$ 100,000 | 10274 |
| Filview Bike/Hike Trail-Green Township | \$ 100,000 | 10275 |
| Findlay Miracle Field Upgrades | \$ 100,000 | 10276 |
| Sally Buffalo Park Playground Improvement | \$ 100,000 | 10277 |
| Norwalk Alex Waite Trail Project | \$ 100,000 | 10278 |
| Steubenville Ohio River Marina Improvement Project | \$ 100,000 | 10279 |
| City of Sylvania SOMO Project | \$ 100,000 | 10280 |
| Brunswick Hills Township Park | \$ 100,000 | 10281 |
| Westfield Center Village Park Improvements | \$ 100,000 | 10282 |
| Racine Star Mill Park Splash Pad | \$ 100,000 | 10283 |
| Meadowbrook and Clayton Community Center Renovations | \$ 100,000 | 10284 |
| Earl Thomas Conley Splash Pad | \$ 100,000 | 10285 |
| Akron Finish Line Park | \$ 100,000 | 10286 |
| Richwood Beach and Shelter House | \$ 100,000 | 10287 |
| Lebanon Countryside YMCA Trail Realignment | \$ 100,000 | 10288 |
| Muskingum Township River Road Streambank Stabilization | \$ 100,000 | 10289 |
| Rails to Trails of Wayne County | \$ 100,000 | 10290 |
| <u>Van Wert Jubilee Park Improvements</u> | <u>\$ 100,000</u> | 10291 |
| Sandusky River Sand Dock | \$ 78,000 | 10292 |
| 2019 Loudonville Swimming Pool Improvements Project | \$ 75,000 | 10293 |
| Jackson Street Pier and Shoreline Drive Revitalization Project | \$ 75,000 | 10294 |
| Holmes County Rails to Trails Maintenance Building | \$ 75,000 | 10295 |
| Jackson Manpower Park Improvements | \$ 75,000 | 10296 |
| Leipsic Parks Tennis Courts and Boat Dock | \$ 75,000 | 10297 |

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| Western Reserve Greenway Bike Trail | \$ 75,000 | 10298 |
| Smiley Park Ball Field Updates | \$ 75,000 | 10299 |
| Miracle League of Northwest Ohio Restroom & Concession Building | \$ 75,000 | 10300 |
| Delhi Township Bicentennial Pavilion | \$ 62,000 | 10301 |
| Indian Mound Park & Cultural Education Project | \$ 60,000 | 10302 |
| Plymouth Game Room and Spray Park | \$ 60,000 | 10303 |
| James Day Park Splash Pad | \$ 50,000 | 10304 |
| Jefferson Park Recreation Upgrades | \$ 50,000 | 10305 |
| Fairborn Fairfield Park Enhancements | \$ 50,000 | 10306 |
| Napoleon Buckeye Trail Connections | \$ 50,000 | 10307 |
| Rocky Fork State Park Water and Electrical Upgrade | \$ 50,000 | 10308 |
| Manry Park Exercise Trail Improvements | \$ 50,000 | 10309 |
| Avon Lake Veterans Park Gazebo | \$ 50,000 | 10310 |
| Camp Sherman Park | \$ 50,000 | 10311 |
| Roger Young & Biggs Kettner Parks Tennis Courts | \$ 50,000 | 10312 |
| Hinton/Humiston Fitness Park | \$ 50,000 | 10313 |
| Van Wert Jubilee Park Improvements | \$ 50,000 | 10314 |
| Van Wert Rotary Athletic Complex Improvements | \$ 50,000 | 10315 |
| Little Hocking Riverfront Park Enhancements | \$ 50,000 | 10316 |
| Upper Sandusky Bicentennial Park | \$ 50,000 | 10317 |
| Kelley Nature Preserve Boat Ramp | \$ 50,000 | 10318 |
| Swanton Village Memorial Park Pavilion Improvements | \$ 45,000 | 10319 |
| Carroll Community Park | \$ 40,000 | 10320 |
| Michael A. Reis Park Playground | \$ 35,000 | 10321 |
| Monroeville Clark Park - North Coast Inland Trail Connection | \$ 33,000 | 10322 |
| Sam Kerr Campground Expansion | \$ 25,000 | 10323 |
| Crestline Park Lighting | \$ 25,000 | 10324 |
| Sandusky County North Inland Trail Hub | \$ 25,000 | 10325 |
| Miami Erie Canal Towpath Trail | \$ 25,000 | 10326 |
| Delphos Swimming Pool Renovations | \$ 25,000 | 10327 |
| Orr Pool Bathhouse Renovations | \$ 25,000 | 10328 |

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| Ohio City Warrior Trail Extension Phase 2 | \$ 22,000 | 10329 |
| Epworth Park Walking Trail Project | \$ 20,000 | 10330 |
| Clifton to Yellow Springs Bike Trail | \$ 20,000 | 10331 |
| Village of Roseville Park Improvements | \$ 20,000 | 10332 |
| Waverly Canal Park | \$ 20,000 | 10333 |
| Seville Memorial Park Public Restroom Facilities | \$ 15,000 | 10334 |
| Hinkley Township Park | \$ 13,000 | 10335 |
| Van Wert County Park District Trail Improvements | \$ 13,000 | 10336 |
| Shiloh Firestone Park Restoration | \$ 12,000 | 10337 |

Section 610.06. That existing Sections 223.10 and 223.15 of 10338
H.B. 529 of the 132nd General Assembly, as most recently amended 10339
by Am. Sub. S.B. 51 of the 132nd General Assembly, are hereby 10340
repealed. 10341

Section 610.20. That Section 3 of Am. Sub. S.B. 20 of the 10342
120th General Assembly, as most recently amended by Am. Sub. H.B. 10343
163 of the 123rd General Assembly, is hereby repealed. 10344

Section 703.71. The amendment or enactment by this act of 10345
sections 306.353, 306.70, and 5739.023 of the Revised Code is not 10346
intended to prohibit a regional transit authority that has not 10347
levied a tax specifically for the purpose of funding public 10348
infrastructure projects as described in section 306.353 of the 10349
Revised Code, as enacted by this act, from funding such projects 10350
as otherwise permitted by law. The amendment or enactment of those 10351
sections shall not be construed to imply that, before the 10352
effective date of that amendment or enactment, transit authorities 10353
lacked authority to expend the proceeds from a previously 10354
authorized tax levy for construction and maintenance of roads and 10355
bridges over which buses travel, or to levy a new tax without 10356
specifically authorizing a portion of the proceeds to be spent on 10357
such purposes. 10358

Section 741.10. The amendments made to sections 4111.03, 10359
4111.14, 4121.01, 4123.01, and 4141.01 of the Revised Code under 10360
Section 101.01 of this act do not apply to any claim or cause of 10361
action pending under Chapter 4111., 4121., 4123., or 4141. of the 10362
Revised Code on the effective date of this section. 10363

Section 755.15. (A) As an alternative to the creation of a 10364
countywide emergency management agency under section 5502.26 of 10365
the Revised Code, the board of county commissioners of a county 10366
that has a population between three hundred fifty thousand and 10367
four hundred thousand on the effective date of this section, by 10368
resolution, may enter into a contract, not to exceed four years, 10369
to implement a countywide emergency management program that meets 10370
the requirements and conditions specified in divisions (A)(1) to 10371
(3) of section 5502.26 of the Revised Code. The board shall enter 10372
into the contract with the county sheriff or a chief of a fire 10373
department that has countywide authority. 10374

The sheriff or chief shall appoint a director/coordinator of 10375
emergency management for the countywide emergency management 10376
program. The director/coordinator shall pursue and complete a 10377
professional development training program in accordance with rules 10378
adopted under section 5502.25 of the Revised Code. The 10379
director/coordinator is responsible for coordinating, organizing, 10380
administering, and operating emergency management in accordance 10381
with the program established under this section, subject to the 10382
direction of the sheriff or chief. All agencies, boards, and 10383
divisions having emergency management functions within each 10384
political subdivision in the county shall cooperate in the 10385
development of the all-hazards emergency operations plan and shall 10386
cooperate in the preparation and conduct of the annual exercise as 10387
specified under division (A) of section 5502.26 of the Revised 10388
Code. 10389

(B) The board of county commissioners of the county, after it enters into a contract to establish a countywide emergency management program, may appropriate money from its general fund to meet its obligations under the contract, including the development, acquisition, operation, and maintenance of a countywide public safety communication system and any communication devices, radios, and other equipment necessary for the system's operation and use. Money appropriated under this section may be expended to purchase and maintain the assets or equipment of the county or of the sheriff or chief who has entered into the contract with the board, including equipment used by the personnel of the sheriff or chief. The board also may appropriate money under this section directly to the office of the sheriff or chief who has entered into the contract with the board, to enable the sheriff or chief to purchase communication devices, radios, and other equipment necessary for the countywide public safety communication system's operation and use.

Section 755.20. (A) There is hereby created the Ohio's Road to Our Future Joint Legislative Study Committee, composed of the following members:

(1) Five members of the Senate appointed by the President of the Senate, three of whom are members of the majority party and two of whom are members of the minority party;

(2) Five members of the House of Representatives appointed by the Speaker of the House of Representatives, three of whom are members of the majority party and two of whom are members of the minority party.

From the members appointed, the Speaker shall appoint one member of the House of Representatives as co-chairperson and the President shall appoint one member of the Senate as co-chairperson.

(B) The Department of Transportation shall provide the Study Committee any administrative assistance the Study Committee requests. 10421
10422
10423

(C) The purpose of the Study Committee is to review all of the following as they pertain to the Department: 10424
10425

(1) Alternative sources of revenue; 10426

(2) Expense mitigation; 10427

(3) Evolving technology; 10428

(4) Exploration of innovative finance techniques; 10429

(5) Asset leverage and conditions; 10430

(6) The demographics of employees within the Department. 10431

(D) To accomplish the purpose of the Study Committee, the Study Committee shall conduct all of the following: 10432
10433

(1) An analysis of the future needs of the Department and the state's infrastructure, including local infrastructure; 10434
10435

(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. 10436
10437
10438
10439

(3) A cost-benefit analysis of leasing vehicles versus purchasing vehicles weighing more than 12,000 pounds gross vehicle weight; 10440
10441
10442

(4) A cost-benefit analysis of leasing versus purchasing construction equipment that has a lifespan of five years or more; 10443
10444

(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; 10445
10446
10447
10448

(6) An analysis of the Department's debt policies, 10449

structures, and practices; 10450

(7) An analysis of methods for leveraging state assets, 10451
including cell towers, light poles, rights-of-way, rest areas, 10452
buildings, and garages. The analysis shall include the methods the 10453
Department is currently using to leverage its assets and whether 10454
there are any impediments to leveraging assets, such as 10455
restrictions in advertising, constraints in renting spaces, or 10456
other impediments. 10457

(8) An analysis of all Department-maintained transportation 10458
systems. The analysis shall include an inventory of the structure 10459
ratings versus the Department's target ratings; the urban, rural, 10460
general, and priority pavement condition ratings versus the 10461
Department's target ratings; and a cost analysis of the funds that 10462
are necessary to maintain, improve, and expand the current 10463
transportation system under the Department's jurisdiction; 10464

(9) An analysis of using a vehicle-miles-traveled approach to 10465
transportation funding in Ohio and the feasibility of either 10466
starting a pilot program or fully using the vehicle-miles-traveled 10467
approach in this state; 10468

(10) A review of all Department functions and whether such 10469
functions accomplish and further the Department's mission. 10470

(E) Not later than October 1, 2019, the Study Committee shall 10471
complete a report of its findings. At the completion of the 10472
report, the Study Committee shall present it to the Speaker of the 10473
House of Representatives and the President of the Senate. 10474

(F) The presentation shall occur at the call of the Speaker 10475
and President. 10476

(G) Upon presentation of the report, the Study Committee 10477
shall cease to exist. 10478

Section 755.50. Any agency or entity, including a local 10479

government entity, that receives funding derived from the motor 10480
fuel tax levied under Chapter 5735. of the Revised Code, and 10481
expends \$100,000 or more of the funds, shall include on that 10482
agency or entity's web site annual status updates on how the funds 10483
are being used. Such information may include how much money is 10484
spent, when the money is spent, on what projects the money is 10485
spent, and similar information demonstrating to the public the use 10486
of funds received. 10487

Section 755.70. (A) The Director of Transportation shall 10488
conduct a study of the economic impact of the Ohio River on the 10489
State of Ohio. As part of the study, the Director shall do all of 10490
the following as it relates to Ohio's economy: 10491

(1) Determine the tonnage of steel delivered by barges on the 10492
Ohio River; 10493

(2) Determine the tonnage of fertilizer delivered by barges 10494
on the Ohio River; and 10495

(3) Determine the tonnage of coal delivered by barges that 10496
travel on the Ohio River and the megawatt capacity generated by 10497
that coal. 10498

(B) Not later than one hundred eighty days after the 10499
effective date of this section, the Director shall submit a report 10500
of the study's findings to the Governor, the Speaker of the House 10501
of Representatives, and the President of the Senate. 10502

Section 755.80. (A) The Director of Transportation shall 10503
conduct a study of the fees charged for overweight vehicle permits 10504
granted under section 4513.34 of the Revised Code and the general 10505
impact of overweight vehicles on Ohio's infrastructure. As part of 10506
the study, the Director shall determine all of the following: 10507

(1) The additional highway, bridge, and safety infrastructure 10508

design requirements, and their associated costs, that are 10509
necessary because of the operation of overweight vehicles; 10510

(2) The extent of the wear that such vehicles cause on roads, 10511
bridges, and safety infrastructure; 10512

(3) The overall construction and maintenance costs associated 10513
with such vehicles; 10514

(4) Whether the current permit fees are sufficient to pay for 10515
the additional highway, bridge, and safety infrastructure costs 10516
caused by the operation of overweight vehicles; if not sufficient, 10517
then determine the amount the fees need to be increased to offset 10518
those additional costs. 10519

(B) Not later than October 1, 2019, the Director shall submit 10520
a report of the study's findings and recommendations for changes 10521
to the existing permit fee structure to the Governor, the Speaker 10522
of the House of Representatives, and the President of the Senate. 10523

Section 755.90. Not later than January 1, 2020, the Auditor 10524
of State shall provide for the completion of a performance audit 10525
of the Ohio Department of Transportation. The performance audit 10526
shall be conducted in accordance with the requirements of Chapter 10527
117. of the Revised Code. 10528

Section 757.10. MOTOR FUEL TAX DISTRIBUTIONS TO THE HIGHWAY 10529
OPERATING FUND 10530

(A) Except as provided in division (B) of this section, on 10531
the last day of each month in the biennium ending June 30, 2021, 10532
before making any of the distributions specified in section 10533
5735.051 of the Revised Code but after any transfers to the tax 10534
refund fund as required by that section and section 5703.052 of 10535
the Revised Code, the Treasurer of State shall deposit the first 10536
two per cent of the amount of motor fuel tax received for the 10537
preceding calendar month to the credit of the Highway Operating 10538

Fund (Fund 7002). 10539

(B) Beginning October 2019, the deposit required under 10540
division (A) of this section shall be computed based only on the 10541
portion of motor fuel tax receipts for the preceding calendar 10542
month that are attributable to the first twenty-eight cents per 10543
gallon of the rates prescribed by section 5735.05 of the Revised 10544
Code. 10545

Section 757.20. MOTOR FUEL DEALER REFUNDS 10546

Notwithstanding Chapter 5735. of the Revised Code, the 10547
following apply for the period of July 1, 2019, through June 30, 10548
2021: 10549

(A) For the discount under section 5735.06 of the Revised 10550
Code, if the monthly report is timely filed and the tax is timely 10551
paid, one per cent of the total number of gallons of motor fuel 10552
received by the motor fuel dealer within the state during the 10553
preceding calendar month, less the total number of gallons 10554
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of 10555
the Revised Code, less one-half of one per cent of the total 10556
number of gallons of motor fuel that were sold to a retail dealer 10557
during the preceding calendar month. 10558

(B) For the semiannual periods ending December 31, 2019, June 10559
30, 2020, December 31, 2020, and June 30, 2021, the refund 10560
provided to retail dealers under section 5735.141 of the Revised 10561
Code shall be one-half of one per cent of the Ohio motor fuel 10562
taxes paid on fuel purchased during those semiannual periods. 10563

Section 757.30. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND 10564

The Director of Budget and Management shall transfer cash in 10565
equal monthly increments totaling \$170,437,584 in fiscal year 2020 10566
and in equal monthly increments totaling \$172,360,236 in fiscal 10567
year 2021 from the Highway Operating Fund (Fund 7002) to the 10568

| | |
|--|-------|
| Gasoline Excise Tax Fund (Fund 7060). The monthly amounts | 10569 |
| transferred under this section shall be distributed as follows: | 10570 |
| (A) 42.86 per cent shall be distributed among the municipal | 10571 |
| corporations within the state under division (A)(2)(b)(i) of | 10572 |
| section 5735.051 of the Revised Code; | 10573 |
| (B) 37.14 per cent shall be distributed among the counties | 10574 |
| within the state under division (A)(2)(b)(ii) of section 5735.051 | 10575 |
| of the Revised Code; and | 10576 |
| (C) 20 per cent shall be distributed among the townships | 10577 |
| within the state under division (A)(2)(b)(iii) of section 5735.051 | 10578 |
| of the Revised Code. | 10579 |
| | |
| Section 757.40. The amendment by this act of sections | 10580 |
| 5735.01, 5735.011, 5735.05, 5735.051, 5735.053, and 5736.01 of the | 10581 |
| Revised Code applies on and after July 1, 2019. | 10582 |
| | |
| Section 757.60. The enactment by this act of section 4926.06 | 10583 |
| of the Revised Code, designating peer-to-peer car sharing programs | 10584 |
| as vendors for the purposes of Chapter 5739. of the Revised Code, | 10585 |
| is intended to clarify the status of such programs under that | 10586 |
| chapter and is not intended to change the existing application of | 10587 |
| that chapter to such programs. | 10588 |
| | |
| Section 757.90. For the purposes of section 5735.50 of the | 10589 |
| Revised Code, as enacted by this act, the first adjustment date is | 10590 |
| the effective date of the enactment of that section. | 10591 |
| | |
| Section 757.100. The amendment by this act of section 5747.71 | 10592 |
| of the Revised Code applies to taxable years beginning on or after | 10593 |
| January 1, 2019. | 10594 |
| | |
| Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO | 10595 |

| | |
|---|--|
| APPROPRIATIONS | 10596 |
| Law contained in the main operating appropriations act of the 133rd General Assembly that is generally applicable to the appropriations made in the main operating appropriations act also is generally applicable to the appropriations made in this act. | 10597 10598 10599 10600 |
| Section 806.10. SEVERABILITY | 10601 |
| The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item or application. | 10602 10603 10604 10605 10606 10607 |
| Section 812.10. LAWS AND REFERENDUM | 10608 |
| Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section of law is subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date. | 10609 10610 10611 10612 10613 10614 |
| Section 812.20. APPROPRIATIONS AND REFERENDUM | 10615 |
| In this section, an "appropriation" includes another provision of law in this act that relates to the subject of the appropriation. | 10616 10617 10618 |
| An appropriation of money made in this act is not subject to the referendum insofar as a contemplated expenditure authorized thereby is wholly to meet a current expense within the meaning of Ohio Constitution, Article II, Section 1d. To that extent, the appropriation takes effect immediately when this act becomes law. | 10619 10620 10621 10622 10623 |

Conversely, the appropriation is subject to the referendum insofar 10624
as a contemplated expenditure authorized thereby is wholly or 10625
partly not to meet a current expense within the meaning of Ohio 10626
Constitution, Article II, Section 1d. To that extent, the 10627
appropriation takes effect on the ninety-first day after this act 10628
is filed with the Secretary of State. 10629

Section 812.30. Sections 5735.01, 5735.011, 5735.05, and 10630
5735.051 of the Revised Code are exempt from the referendum under 10631
Ohio Constitution, Article II, Section 1d and therefore take 10632
effect immediately when this act becomes law. 10633

Section 815.10. The General Assembly, applying the principle 10634
stated in division (B) of section 1.52 of the Revised Code that 10635
amendments are to be harmonized if reasonably capable of 10636
simultaneous operation, finds that the following section, 10637
presented in this act as a composite of the section as amended by 10638
the acts indicated, is the resulting version of the section in 10639
effect prior to the effective date of the section as presented in 10640
this act: 10641

Section 4511.21 of the Revised Code as amended by both Sub. 10642
H.B. 26 and Sub. H.B. 95 of the 132nd General Assembly. 10643