

As Reported by the Committee of Conference

133rd General Assembly

Regular Session

2019-2020

Am. Sub. H. B. No. 62

Representative Oelslager

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

Senator 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, 1901.18, 1901.20, 1907.02, 1907.031, 3
3327.07, 4111.03, 4111.14, 4121.01, 4123.01, 4
4141.01, 4301.62, 4501.01, 4501.031, 4501.042, 5
4501.043, 4503.038, 4503.10, 4503.103, 4503.19, 6
4503.21, 4503.23, 4503.41, 4504.10, 4504.201, 7
4505.101, 4506.09, 4506.11, 4506.17, 4507.01, 8
4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 9
4510.04, 4511.092, 4511.093, 4511.096, 4511.097, 10
4511.098, 4511.0910, 4511.21, 4511.521, 4511.54, 11
4511.76, 4513.263, 4513.34, 4513.60, 4513.601, 12
4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 13
4513.66, 4513.69, 4549.10, 4582.12, 4582.31, 14
5501.21, 5501.41, 5577.044, 5577.15, 5735.01, 15
5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 16
5735.27, 5739.02, 5739.023, 5741.022, 5747.51, 17
5747.53, and 5747.71; to enact new sections 18
4511.099 and 5747.502 and sections 3.112, 306.051, 19
306.353, 4503.193, 4504.173, 4504.181, 4507.18, 20
5501.09, 5517.07, and 5735.50; and to repeal 21

sections 9.57, 4511.099, 4511.0915, and 5747.502 22
of the Revised Code and to amend Sections 213.20, 23
223.10, and 223.50 of H.B. 529 of the 132nd 24
General Assembly, as subsequently amended, and to 25
repeal Section 3 of Am. Sub. S.B. 20 of the 120th 26
General Assembly, as subsequently amended, to 27
increase the rate of and modify the distribution 28
of revenue from motor fuel excise taxes, to make 29
appropriations for programs related to 30
transportation and public safety for the biennium 31
beginning July 1, 2019, and ending June 30, 2021, 32
and to provide authorization and conditions for 33
the operation of those programs. 34

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, 35
164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 1349.61, 36
1901.18, 1901.20, 1907.02, 1907.031, 3327.07, 4111.03, 4111.14, 37
4121.01, 4123.01, 4141.01, 4301.62, 4501.01, 4501.031, 4501.042, 38
4501.043, 4503.038, 4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 39
4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 4506.11, 4506.17, 40
4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 4510.04, 41
4511.092, 4511.093, 4511.096, 4511.097, 4511.098, 4511.0910, 42
4511.21, 4511.521, 4511.54, 4511.76, 4513.263, 4513.34, 4513.60, 43
4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 44
4513.69, 4549.10, 4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 45
5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 46
5735.27, 5739.02, 5739.023, 5741.022, 5747.51, 5747.53, and 47
5747.71 be amended and new sections 4511.099 and 5747.502 and 48
sections 3.112, 306.051, 306.353, 4503.193, 4504.173, 4504.181, 49
4507.18, 5501.09, 5517.07, and 5735.50 of the Revised Code be 50
enacted to read as follows: 51

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

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

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

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

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

(1) Motor fuel excise tax-related appropriations for the department of transportation, public works commission, and

<u>development services agency;</u>	82
<u>(2) Other appropriations that pertain to transportation and infrastructure related to transportation.</u>	83 84
<u>(B) The governor shall submit a transportation budget to the general assembly not later than four weeks after the general assembly's organization.</u>	85 86 87
<u>(C) The governor shall submit to the general assembly, not later than four weeks after its organization, a state budget containing a complete financial plan for the ensuing fiscal biennium, excluding items of revenue and expenditure described in section 126.022 of the Revised Code. However, in years of a new governor's inauguration, the <u>this</u> budget shall be submitted not later than the fifteenth day of March. In</u>	88 89 90 91 92 93 94
<u>(D) In</u> years of a new governor's inauguration, only the new governor shall submit a budget to the general assembly. In addition to other things required by law, <u>each of</u> the governor's budget <u>budgets</u> shall contain:	95 96 97 98
(A) <u>(1)</u> A general budget summary by function and agency setting forth the proposed total expenses from each and all funds and the anticipated resources for meeting such expenses; such resources to include any available balances in the several funds at the beginning of the biennium and a classification by totals of all revenue receipts estimated to accrue during the biennium under existing law and proposed legislation.	99 100 101 102 103 104 105
(B) <u>(2)</u> A detailed statement showing the amounts recommended to be appropriated from each fund for each fiscal year of the biennium for current expenses, including, but not limited to, personal services, supplies and materials, equipment, subsidies and revenue distribution, merchandise for resale, transfers, and nonexpense disbursements, obligations, interest on debt, and retirement of debt, and for the biennium for capital outlay, to	106 107 108 109 110 111 112

the respective departments, offices, institutions, as defined in 113
section 121.01 of the Revised Code, and all other public purposes; 114
and, in comparative form, the actual expenses by source of funds 115
during each fiscal year of the previous two bienniums for each 116
such purpose. No alterations shall be made in the requests for the 117
legislative and judicial branches of the state filed with the 118
director of budget and management under section 126.02 of the 119
Revised Code. If any amount of federal money is recommended to be 120
appropriated or has been expended for a purpose for which state 121
money also is recommended to be appropriated or has been expended, 122
the amounts of federal money and state money involved shall be 123
separately identified. 124

~~(C)~~(3) A detailed estimate of the revenue receipts in each 125
fund from each source under existing laws during each year of the 126
biennium; and, in comparative form, actual revenue receipts in 127
each fund from each source for each year of the two previous 128
bienniums; 129

~~(D)~~(4) The estimated cash balance in each fund at the 130
beginning of the biennium covered by the budget; the estimated 131
liabilities outstanding against each such balance; and the 132
estimated net balance remaining and available for new 133
appropriations; 134

~~(E)~~(5) A detailed estimate of the additional revenue receipts 135
in each fund from each source under proposed legislation, if 136
enacted, during each year of the biennium; 137

~~(F)~~(6) A description of each tax expenditure; a detailed 138
estimate of the amount of revenues not available to the general 139
revenue fund under existing laws during each fiscal year of the 140
biennium covered by the budget due to the operation of each tax 141
expenditure; and, in comparative form, the amount of revenue not 142
available to the general revenue fund during each fiscal year of 143
the immediately preceding biennium due to the operation of each 144

tax expenditure. The report prepared by the department of taxation 145
pursuant to section 5703.48 of the Revised Code shall be submitted 146
to the general assembly as an appendix to the governor's budget. 147
As used in this division, "tax expenditure" has the same meaning 148
as in section 5703.48 of the Revised Code. 149

~~(G)~~(7) The most recent report prepared by the tax expenditure 150
review committee under division (F) of section 5703.95 of the 151
Revised Code, which shall be submitted to the general assembly as 152
an appendix to the governor's budget. 153

Sec. 119.14. (A) For any small business that engages in a 154
paperwork violation, the state agency or regulatory authority that 155
regulates the field of operation in which the business operates 156
shall waive any and all administrative fines or civil penalties on 157
that small business for the violation, if the paperwork violation 158
is a first-time offense. 159

(B) When an agency or regulatory authority waives an 160
administrative fine or civil penalty under this section, the state 161
agency or regulatory authority shall require the small business to 162
correct the violation within a reasonable period of time. 163

(C) Notwithstanding this section, a state agency or 164
regulatory authority may impose administrative fines or civil 165
penalties on a small business for a paperwork violation that is a 166
first-time offense for any of the following reasons: 167

(1) The violation has the potential to cause serious harm to 168
the public interest as determined by a state agency or regulatory 169
authority director; 170

(2) The violation involves a small business knowingly or 171
willfully engaging in conduct that may result in a felony 172
conviction; 173

(3) Failure to impose an administrative fine or civil penalty 174

for the violation would impede or interfere with the detection of 175
criminal activity; 176

(4) The violation is of a law concerning the assessment or 177
collection of any tax, debt, revenue, or receipt; 178

(5) The violation presents a direct danger to the public 179
health or safety, results in a financial loss to an employee ~~as~~ 180
~~defined in section 4111.03 of the Revised Code~~, or presents the 181
risk of severe environmental harm, as determined by the head of 182
the agency or regulatory authority; 183

(6) The violation is a failure to comply with a federal 184
requirement for a program that has been delegated from the federal 185
government to a state agency or regulatory authority and where the 186
federal requirement includes a requirement to impose a fine. 187

(D)(1) Nothing in this section shall prohibit a state agency 188
or regulatory authority from waiving administrative fines or civil 189
penalties incurred by a small business for a paperwork violation 190
that is not a first-time offense. 191

(2) Any administrative fine or civil penalty that is waived 192
under this section~~7~~ may be reinstated and imposed in addition to 193
any additional fines or penalties associated with a subsequent 194
violation for noncompliance with the same paperwork requirement. 195

(E) This section shall not apply to any violation by a small 196
business of a statutory or regulatory requirement mandating the 197
collection of information by a state agency or regulatory body if 198
that small business previously violated any such requirement 199
mandating the collection of information. 200

(F) Nothing in this section shall be construed to diminish 201
the responsibility for any citizen or business to apply for and 202
obtain a permit, license, or authorizing document that is required 203
to engage in a regulated activity, or otherwise comply with state 204
or federal law. 205

(G) As used in this section:	206
(1) "Small business" has the same meaning as defined by the Code of Federal Regulations, Title 13, Chapter 1, Part 121.	207 208
(2) "Paperwork violation" means the violation of any statutory or regulatory requirement in the Revised Code mandating the collection of information by a state agency or regulatory body.	209 210 211 212
(3) "First-time offense" means the first instance of a violation of the particular statutory or regulatory requirement mandating the collection of information by a state agency or regulatory body.	213 214 215 216
<u>(4) "Employee" means any individual employed by an employer but does not include:</u>	217 218
<u>(a) Any individual employed by the United States;</u>	219
<u>(b) Any individual employed as a baby-sitter in the employer's home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;</u>	220 221 222 223
<u>(c) Any individual engaged in the delivery of newspapers to the consumer;</u>	224 225
<u>(d) Any individual employed as an outside salesperson compensated by commissions or employed in a bona fide executive, administrative, or professional capacity as such terms are defined by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended;</u>	226 227 228 229 230
<u>(e) Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;</u>	231 232 233
<u>(f) A member of a police or fire protection agency or student employed on a part-time or seasonal basis by a political</u>	234 235

subdivision of this state; 236

(g) Any individual in the employ of a camp or recreational 237
area for children under eighteen years of age and owned and 238
operated by a nonprofit organization or group of organizations 239
described in section 501(c)(3) of the "Internal Revenue Code of 240
1954," and exempt from income tax under section 501(a) of that 241
code; 242

(h) Any individual employed directly by the house of 243
representatives or directly by the senate. 244

Sec. 122.14. (A) There is hereby created in the state 245
treasury the roadwork development fund. The fund shall consist of 246
the investment earnings of the security deposit fund created by 247
section 4509.27 of the Revised Code and revenue transferred to it 248
by the director of budget and management from the highway 249
operating fund created in section 5735.051 of the Revised Code. 250
The fund shall be used by the development services agency in 251
accordance with Section 5a of Article XII, Ohio Constitution, to 252
make road improvements associated with retaining or attracting 253
business for this state, including both of the construction 254
following: 255

(1) Construction, reconstruction, maintenance, or repair of 256
public roads that provide access to a public airport or are 257
located within a public airport; 258

(2) Construction, reconstruction, maintenance, or repair of 259
public roads that provide or improve access to tourism 260
attractions. All 261

(B) All investment earnings of the fund shall be credited to 262
the fund. 263

Sec. 164.08. (A) Except as provided in sections 151.01 and 264
151.08 or section 164.09 of the Revised Code, the net proceeds of 265

obligations issued and sold by the treasurer of state pursuant to 266
section 164.09 of the Revised Code before September 30, 2000, or 267
pursuant to sections 151.01 and 151.08 of the Revised Code, for 268
the purpose of financing or assisting in the financing of the cost 269
of public infrastructure capital improvement projects of local 270
subdivisions, as provided for in Section 2k, 2m, 2p, or 2s of 271
Article VIII, Ohio Constitution, and this chapter, shall be paid 272
into the state capital improvements fund, which is hereby created 273
in the state treasury. Investment earnings on moneys in the fund 274
shall be credited to the fund. 275

(B) Beginning July 1, 2016, each program year the amount of 276
obligations authorized by the general assembly in accordance with 277
sections 151.01 and 151.08 or section 164.09 of the Revised Code, 278
excluding the proceeds of refunding or renewal obligations, shall 279
be allocated by the director of the Ohio public works commission 280
as follows: 281

(1) First, ten per cent of the amount of obligations 282
authorized shall be allocated to provide financial assistance to 283
villages and to townships with populations in the unincorporated 284
areas of the township of less than five thousand persons, for 285
capital improvements in accordance with section 164.051 and 286
division (D) of section 164.06 of the Revised Code. As used in 287
division (B)(1) of this section, "capital improvements" includes 288
resurfacing and improving roads. 289

(2) Following the allocation required by division (B)(1) of 290
this section, the director may allocate two per cent of the 291
authorized obligations to provide financial assistance to local 292
subdivisions for capital improvement projects which in the 293
judgment of the director of the Ohio public works commission are 294
necessary for the immediate preservation of the health, safety, 295
and welfare of the citizens of the local subdivision requesting 296
assistance. Starting July 1, 2021, the director may allocate up to 297

six per cent of authorized obligations as provided in this 298
division. 299

(3) For program years twelve and fourteen that obligations 300
are authorized and available for allocation under this chapter, 301
two million dollars each program year shall be allocated to the 302
small county capital improvement program for use in providing 303
financial assistance under division (F) of section 164.02 of the 304
Revised Code. 305

(4) The director shall determine the amount of the remaining 306
obligations authorized to be issued and sold that each county 307
would receive if such amounts were allocated on a per capita basis 308
each year. If a county's per capita share for the year would be 309
less than three hundred thousand dollars, the director shall 310
allocate to the district in which that county is located an amount 311
equal to the difference between three hundred thousand dollars and 312
the county's per capita share. 313

(5) After making the allocation required by division (B)(4) 314
of this section, the director shall allocate the remaining amount 315
to each district on a per capita basis. 316

(C)(1) There is hereby created in the state treasury the 317
state capital improvements revolving loan fund, into which shall 318
be deposited all repayments of loans made to local subdivisions 319
for capital improvements pursuant to this chapter. Investment 320
earnings on moneys in the fund shall be credited to the fund. 321

(2) There may also be deposited in the state capital 322
improvements revolving loan fund moneys obtained from federal or 323
private grants, or from other sources, which are to be used for 324
any of the purposes authorized by this chapter. Such moneys shall 325
be allocated each year in accordance with division (B)(5) of this 326
section. 327

(3) Moneys deposited into the state capital improvements 328

revolving loan fund shall be used to make loans for the purpose of 329
financing or assisting in the financing of the cost of capital 330
improvement projects of local subdivisions. 331

(4) Investment earnings credited to the state capital 332
improvements revolving loan fund that exceed the amounts required 333
to meet estimated federal arbitrage rebate requirements shall be 334
used to pay costs incurred by the public works commission in 335
administering this section. Investment earnings credited to the 336
state capital improvements revolving loan fund that exceed the 337
amounts required to pay for the administrative costs and estimated 338
rebate requirements shall be allocated to each district on a per 339
capita basis. 340

(5) Each program year, loan repayments received and on 341
deposit in the state capital improvements revolving loan fund 342
shall be allocated as follows: 343

(a) Each district public works integrating committee shall be 344
allocated an amount equal to the sum of all loan repayments made 345
to the state capital improvements revolving loan fund by local 346
subdivisions that are part of the district. Moneys not used in a 347
program year may be used in the next program year in the same 348
manner and for the same purpose as originally allocated. 349

(b) Loan repayments made pursuant to projects approved under 350
division (B)(1) of this section shall be used to make loans in 351
accordance with section 164.051 and division (D) of section 164.06 352
of the Revised Code. Allocations for this purpose made pursuant to 353
division (C)(5) of this section shall be in addition to the 354
allocation provided in division (B)(1) of this section. 355

(c) Loan repayments made pursuant to projects approved under 356
division (B)(2) of this section shall be used to make loans in 357
accordance with division (B)(2) of this section. Allocations for 358
this purpose made pursuant to division (C)(5) of this section 359

shall be in addition to the allocation provided in division (B)(2) 360
of this section. 361

(d) Loans made from the state capital improvements revolving 362
loan fund shall not be limited in their usage by divisions (E), 363
(F), (G), (H), and (I) of section 164.05 of the Revised Code. 364

(D) Investment earnings credited to the state capital 365
improvements fund that exceed the amounts required to meet 366
estimated federal arbitrage rebate requirements shall be used to 367
pay costs incurred by the public works commission in administering 368
sections 164.01 to 164.12 of the Revised Code. 369

(E) The director of the Ohio public works commission shall 370
notify the director of budget and management of the amounts 371
allocated pursuant to this section and such information shall be 372
entered into the state accounting system. The director of budget 373
and management shall establish appropriation line items as needed 374
to track these allocations. 375

(F) If the amount of a district's allocation in a program 376
year exceeds the amount of financial assistance approved for the 377
district by the commission for that year, the remaining portion of 378
the district's allocation shall be added to the district's 379
allocation pursuant to division (B) of this section for the next 380
succeeding year for use in the same manner and for the same 381
purposes as it was originally allocated, except that any portion 382
of a district's allocation which was available for use on new or 383
expanded infrastructure pursuant to division (H) of section 164.05 384
of the Revised Code shall be available in succeeding years only 385
for the repair and replacement of existing infrastructure. 386

(G) When an allocation based on population is made by the 387
director pursuant to division (B) of this section, the director 388
shall use the most recent decennial census statistics, and shall 389
not make any reallocations based upon a change in a district's 390

population. 391

Sec. 306.051. (A) As used in this section, "social services" includes all of the following: 392
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(1) Services for senior citizens; 394

(2) Services for persons with developmental disabilities; 395

(3) Services funded in whole or in part with federal funds provided for social services programs, including the community development block grant program established under Title I of the "Housing and Community Development Act of 1974," 42 U.S.C. 5301 et seq.; 396
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(4) Other services that have the purpose of assisting the overall social well being of individuals, families, and communities. 401
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(B) Subject to division (C) of this section and regardless of whether a county transit system is operated by a county transit board or board of county commissioners, funds that are appropriated by a board of county commissioners and expended for social services in the county served by the board may be used as the local match needed to obtain state or federal funds available for the county transit system. 404
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(C) Funds raised by a county tax levy may be used as local matching funds under division (B) of this section only to the extent that such use of the funds is consistent with the purpose for which the tax was levied. Funds may be used as local matching funds under division (B) of this section only to the extent that such use of the funds does not jeopardize the state's or county's eligibility to receive federal funds for one or more purposes. Prior to the use of funds raised by a county tax levy being used for purposes of division (B) of this section, the county transit system shall enter into an agreement with the local government 411
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department, agency, board, or commission responsible for 421
administering those funds. The agreement shall establish the terms 422
and conditions of the use of the funds by the county transit 423
system as local matching funds. 424

Sec. 306.353. This section applies only to a regional transit 425
authority whose territory includes a county having a population of 426
more than seven hundred fifty thousand but less than nine hundred 427
thousand as of the most recent federal decennial census. 428

A regional transit authority to which this section applies 430
may levy a tax, in accordance with section 5739.023 of the Revised 431
Code, in part for the specific purpose of funding the general 432
construction or maintenance of roads or bridges related to the 433
provision of service by the regional transit authority. If a 434
regional transit authority levies such a tax, the authority shall 435
enter into agreements with counties, municipal corporations, and 436
townships located within the authority's territorial boundaries to 437
fund such projects. Such agreements shall be entered into before 438
the authority may spend any portion of the revenue from such a tax 439
for general construction or maintenance of any roads or bridges. 440
Such agreements are subject to all of the following: 441

(A) The regional transit authority shall submit each such 442
agreement for approval to the appropriate public works integrating 443
committee designated under section 164.03 of the Revised Code. 444

(B) The integrating committee shall, on at least an annual 445
basis, review and approve or deny agreements submitted to it under 446
division (A) of this section. 447

(C) Notwithstanding anything to the contrary in section 448
164.04 of the Revised Code, approvals and denials shall be by an 449
affirmative vote of six of the members of the integrating 450
committee. 451

(D) The integrating committee shall notify the authority of 452
the approval or denial. 453

(E) The regional transit authority shall expend funds only as 454
authorized in an approved agreement. 455

Sec. 306.70. A tax proposed to be levied by a board of county 456
commissioners or by the board of trustees of a regional transit 457
authority pursuant to sections 5739.023 and 5741.022 of the 458
Revised Code shall not become effective until it is submitted to 459
the electors residing within the county or within the territorial 460
boundaries of the regional transit authority and approved by a 461
majority of the electors voting on it. Such question shall be 462
submitted at a general election or at a special election on a day 463
specified in the resolution levying the tax and occurring not less 464
than ninety days after such resolution is certified to the board 465
of elections, in accordance with section 3505.071 of the Revised 466
Code. 467

The board of elections of the county or of each county in 468
which any territory of the regional transit authority is located 469
shall make the necessary arrangements for the submission of such 470
question to the electors of the county or regional transit 471
authority, and the election shall be held, canvassed, and 472
certified in the same manner as regular elections for the election 473
of county officers. Notice of the election shall be published in a 474
newspaper of general circulation in the territory of the county or 475
of the regional transit authority once a week for two consecutive 476
weeks prior to the election or as provided in section 7.16 of the 477
Revised Code. If the board of elections operates and maintains a 478
web site, notice of the election also shall be posted on that web 479
site for thirty days prior to the election. The notice shall state 480
the type, rate, and purpose of the tax to be levied, the length of 481
time during which the tax will be in effect, and the time and 482

place of the election. 483

More than one such question may be submitted at the same 484
election. The form of the ballots cast at such election shall be: 485

"Shall a(n) (sales and use) 486
tax be levied ~~for all transit purposes of~~ by the 487
..... (here insert name of the county or regional 488
transit authority) for the purpose of (here 489
insert the purpose or purposes of the levy) at a rate not 490
exceeding (here insert percentage) per cent 491
for (here insert number of years the tax is to be 492
in effect, or that it is to be in effect for a continuing period 493
of time)?" 494

If the tax proposed to be levied is a continuation of an 495
existing tax, whether at the same rate or at an increased or 496
reduced rate, or an increase in the rate of an existing tax, the 497
notice and ballot form shall so state. If one of the purposes of 498
the proposed tax is to fund public infrastructure projects as 499
described in section 306.353 of the Revised Code, the notice and 500
ballot shall also so state. When specified in a resolution adopted 501
under section 5739.023 of the Revised Code, the notice and ballot 502
may also state the percentage of the tax proceeds to be allocated 503
among each of the purposes of the proposed tax and, if one of the 504
purposes is to provide general revenue for the transit authority, 505
the percentage of the proceeds to be allocated among the specific 506
projects, functions, or other uses to be funded by that general 507
revenue. 508

The board of elections to which the resolution was certified 509
shall certify the results of the election to the county auditor of 510
the county or secretary-treasurer of the regional transit 511
authority levying the tax and to the tax commissioner of the 512
state. 513

Sec. 307.86. Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county 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 545
or more, the county or contracting authority shall solicit 546
informal estimates from no fewer than three persons who could 547
perform the contract, before awarding the contract. With regard to 548
each such contract, the county or contracting authority shall 549
maintain a record of such estimates, including the name of each 550
person from whom an estimate is solicited. The county or 551
contracting authority shall maintain the record for the longer of 552
at least one year after the contract is awarded or the amount of 553
time the federal government requires. 554

(B)(1) The purchase consists of supplies or a replacement or 555
supplemental part or parts for a product or equipment owned or 556
leased by the county, and the only source of supply for the 557
supplies, part, or parts is limited to a single supplier. 558

(2) The purchase consists of services related to information 559
technology, such as programming services, that are proprietary or 560
limited to a single source. 561

(C) The purchase is from the federal government, the state, 562
another county or contracting authority of another county, or a 563
board of education, educational service center, township, or 564
municipal corporation. 565

(D) The purchase is made by a county department of job and 566
family services under section 329.04 of the Revised Code and 567
consists of family services duties or workforce development 568
activities or is made by a county board of developmental 569
disabilities under section 5126.05 of the Revised Code and 570
consists of program services, such as direct and ancillary client 571
services, child care, case management services, residential 572
services, and family resource services. 573

(E) The purchase consists of criminal justice services, 574
social services programs, family services, or workforce 575

development activities by the board of county commissioners from 576
nonprofit corporations or associations under programs funded by 577
the federal government or by state grants. 578

(F) The purchase consists of any form of an insurance policy 579
or contract authorized to be issued under Title XXXIX of the 580
Revised Code or any form of health care plan authorized to be 581
issued under Chapter 1751. of the Revised Code, or any combination 582
of such policies, contracts, plans, or services that the 583
contracting authority is authorized to purchase, and the 584
contracting authority does all of the following: 585

(1) Determines that compliance with the requirements of this 586
section would increase, rather than decrease, the cost of the 587
purchase; 588

(2) Requests issuers of the policies, contracts, plans, or 589
services to submit proposals to the contracting authority, in a 590
form prescribed by the contracting authority, setting forth the 591
coverage and cost of the policies, contracts, plans, or services 592
as the contracting authority desires to purchase; 593

(3) Negotiates with the issuers for the purpose of purchasing 594
the policies, contracts, plans, or services at the best and lowest 595
price reasonably possible. 596

(G) The purchase consists of computer hardware, software, or 597
consulting services that are necessary to implement a computerized 598
case management automation project administered by the Ohio 599
prosecuting attorneys association and funded by a grant from the 600
federal government. 601

(H) Child care services are purchased for provision to county 602
employees. 603

(I)(1) Property, including land, buildings, and other real 604
property, is leased for offices, storage, parking, or other 605
purposes, and all of the following apply: 606

(a) The contracting authority is authorized by the Revised Code to lease the property. 607
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(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property. 609
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(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code. 613
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(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect. 618
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(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division. 623
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(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring. 627
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(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that 635
636
637

provide case management, prevention, or treatment services for 638
children at risk of being or alleged to be abused, neglected, or 639
dependent children. 640

(L) The purchase is to obtain the services of emergency 641
medical service organizations under a contract made by the board 642
of county commissioners pursuant to section 307.05 of the Revised 643
Code with a joint emergency medical services district. 644

(M) The county contracting authority determines that the use 645
of competitive sealed proposals would be advantageous to the 646
county and the contracting authority complies with section 307.862 647
of the Revised Code. 648

(N) The purchase consists of used supplies and is made at a 649
public auction. 650

Any issuer of policies, contracts, plans, or services listed 651
in division (F) of this section and any prospective lessor under 652
division (I) of this section may have the issuer's or prospective 653
lessor's name and address, or the name and address of an agent, 654
placed on a special notification list to be kept by the 655
contracting authority, by sending the contracting authority that 656
name and address. The contracting authority shall send notice to 657
all persons listed on the special notification list. Notices shall 658
state the deadline and place for submitting proposals. The 659
contracting authority shall mail the notices at least six weeks 660
prior to the deadline set by the contracting authority for 661
submitting proposals. Every five years the contracting authority 662
may review this list and remove any person from the list after 663
mailing the person notification of that action. 664

Any contracting authority that negotiates a contract under 665
division (F) of this section shall request proposals and negotiate 666
with issuers in accordance with that division at least every three 667
years from the date of the signing of such a contract, unless the 668

parties agree upon terms for extensions or renewals of the 669
contract. Such extension or renewal periods shall not exceed six 670
years from the date the initial contract is signed. 671

Any real estate appraiser employed pursuant to division (I) 672
of this section shall disclose any fees or compensation received 673
from any source in connection with that employment. 674

As used in division (N) of this section, "supplies" means any 675
personal property including equipment, materials, and other 676
tangible assets. 677

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 678
health service district where the board of county commissioners 679
has established an alcohol and drug addiction services board, the 680
community mental health board established under former section 681
340.02 of the Revised Code shall serve as the entity responsible 682
for providing mental health services in the county. A community 683
mental health board has all the powers, duties, and obligations of 684
a board of alcohol, drug addiction, and mental health services 685
with regard to mental health services. An alcohol and drug 686
addiction services board has all the powers, duties, and 687
obligations of a board of alcohol, drug addiction, and mental 688
health services with regard to addiction services. Any provision 689
of the Revised Code that refers to a board of alcohol, drug 690
addiction, and mental health services with regard to mental health 691
services also refers to a community mental health board and any 692
provision that refers to a board of alcohol, drug addiction, and 693
mental health services with regard to alcohol and drug addiction 694
services also refers to an alcohol and drug addiction services 695
board. 696

An alcohol and drug addiction services board shall consist of 697
eighteen members or fourteen members, at the election of the 698
board. Not later than January 1, 2014, each alcohol and drug 699

addiction services board shall notify the department of mental 700
health and addiction services of its election to operate as an 701
eighteen-member board or to operate as a fourteen-member board. 702
The election shall be final. Failure to provide notice of its 703
election to the department on or before January 1, 2014, shall 704
constitute an election to continue to operate as an 705
eighteen-member board. If an existing board provides timely notice 706
of its election to operate as a fourteen-member board, the number 707
of board members may decline from eighteen to fourteen by 708
attrition as current members' terms expire. However, the 709
composition of the board must reflect the requirements set forth 710
in this section and in applicable provisions of section 340.02 of 711
the Revised Code for fourteen-member boards. For boards operating 712
as eighteen-member boards, six members shall be appointed by the 713
director of mental health and addiction services and twelve 714
members shall be appointed by the board of county commissioners. 715
The director of mental health and addiction services shall ensure 716
that at least one member of the board is a person who has received 717
or is receiving services for alcohol, drug, or gambling addiction, 718
at least one member is a parent or relative of such a person, and 719
at least one member is a clinician with experience in the delivery 720
of addiction services. The membership of the board shall, as 721
nearly as possible, reflect the composition of the population of 722
the service district as to race and sex. Members shall be 723
residents of the service district and shall be interested in 724
alcohol, drug, or gambling addiction services. Requirements for 725
membership, including prohibitions against certain family and 726
business relationships, and terms of office shall be the same as 727
those for members of boards of alcohol, drug addiction, and mental 728
health services. 729

A community mental health board shall consist of eighteen 730
members or fourteen members, at the election of the board. Not 731
later than January 1, 2014, each community mental health board 732

shall notify the department of mental health and addiction 733
services of its election to operate as an eighteen-member board or 734
to operate as a fourteen-member board. The election shall be 735
final. Failure to provide notice of its election to the department 736
on or before January 1, 2014, shall constitute an election to 737
continue to operate as an eighteen-member board. If an existing 738
board provides timely notice of its election to operate as a 739
fourteen-member board, the number of board members may decline 740
from eighteen to fourteen by attrition as current members' terms 741
expire. However, the composition of the board must reflect the 742
requirements set forth in this section and in applicable 743
provisions of section 340.02 of the Revised Code for 744
fourteen-member boards. For boards operating as eighteen-member 745
boards, six members shall be appointed by the director of mental 746
health and addiction services and twelve members shall be 747
appointed by the board of county commissioners. The director of 748
mental health and addiction services shall ensure that at least 749
one member of the board is a person who has received or is 750
receiving mental health services, at least one member is a parent 751
or relative of such a person, and at least one member is a 752
clinician with experience in the delivery of mental health 753
services. The membership of the board as nearly as possible shall 754
reflect the composition of the population of the service district 755
as to race and sex. Members shall be residents of the service 756
district and shall be interested in mental health services. 757
Requirements for membership, including prohibitions against 758
certain family and business relationships, and terms of office 759
shall be the same as those for members of boards of alcohol, drug 760
addiction, and mental health services. 761

(B)(1) If a board of county commissioners subject to division 762
(A) of this section did not adopt a final resolution providing for 763
a board of alcohol, drug addiction, and mental health services on 764
or before July 1, 2007, the board of county commissioners may 765

establish a board of alcohol, drug addiction, and mental health 766
services on or after September 23, 2008. To establish the board, 767
the board of county commissioners shall adopt a resolution 768
providing for the board's establishment. The composition of the 769
board, the procedures for appointing members, and all other 770
matters related to the board and its members are subject to 771
section 340.02 of the Revised Code, with the following exceptions: 772

(a) For initial appointments to the board, the county's 773
community mental health board and alcohol and drug addiction 774
services board shall jointly recommend members of those boards for 775
reappointment and shall submit the recommendations to the board of 776
county commissioners and the director of mental health and 777
addiction services. 778

(b) ~~To the greatest extent possible, the~~ The appointing 779
authorities shall appoint the initial members from among the 780
members jointly recommended under division (B)(1)(a) of this 781
section unless the appointment is otherwise prohibited by law. 782

(2) If a board of alcohol, drug addiction, and mental health 783
services is established pursuant to division (B)(1) of this 784
section, the board has the same rights, privileges, immunities, 785
powers, and duties that were possessed by the county's community 786
mental health board and alcohol and drug addiction services board. 787
When the board is established, all property and obligations of the 788
community mental health board and alcohol and drug addiction 789
services board shall be transferred to the board of alcohol, drug 790
addiction, and mental health services. 791

Sec. 505.267. (A) As used in this section: 792

(1) "Lease-purchase agreement" has the same meaning as a 793
lease with an option to purchase. 794

(2) "Public obligation" has the same meaning as in section 795

133.01 of the Revised Code. 796

(B) For any purpose for which a board of township trustees, a 797
joint police district board, a township fire district, a joint 798
fire district, a joint ambulance district, or a fire and ambulance 799
district is authorized to acquire real or personal property, that 800
board may enter into a lease-purchase agreement in accordance with 801
this section to acquire the property. The board's resolution 802
authorizing the lease-purchase agreement may provide for the 803
issuance of certificates of participation or other evidences of 804
fractionalized interests in the lease-purchase agreement, for the 805
purpose of financing, or refinancing or refunding, any public 806
obligation that financed or refinanced the acquisition of the 807
property. Sections 9.94, 133.03, and 133.30 of the Revised Code 808
shall apply to any such fractionalized interests. 809

The lease-purchase agreement shall provide for a series of 810
terms in which no term extends beyond the end of the fiscal year 811
of the township or district in which that term commences. In 812
total, the terms provided for in the agreement shall be for not 813
more than the useful life of the real or personal property that is 814
the subject of the agreement. A property's useful life shall be 815
determined either by the maximum number of installment payments 816
permitted under the statute that authorizes the board to acquire 817
the property or, if there is no such provision, by the maximum 818
number of years to maturity provided for the issuance of bonds in 819
division (B) of section 133.20 of the Revised Code for that 820
property. If the useful life cannot be determined under either of 821
those statutes, it shall be estimated as provided in division (C) 822
of section 133.20 of the Revised Code. 823

The lease-purchase agreement shall provide that, at the end 824
of the final term in the agreement, if all obligations of the 825
township or district have been satisfied, the title to the leased 826
property shall vest in the township or district executing the 827

lease-purchase agreement, if that title has not vested in the township or district before or during the lease terms; except that the lease-purchase agreement may require the township or district to pay an additional lump sum payment as a condition of obtaining that title.

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

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

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

(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.

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

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 858
district so created shall be given a name different from the name 859
of any participating township or municipal corporation. 860

The governing body of a district shall be a board of 861
trustees, which shall include one representative appointed by each 862
board of township trustees and one representative appointed by the 863
legislative authority of each municipal corporation in the 864
district. Members of the board of trustees may be compensated at a 865
rate not to exceed seventy-five dollars per meeting, not to exceed 866
fifteen meetings per year, and may be reimbursed for all necessary 867
expenses incurred. The board shall employ a clerk. Before entering 868
upon official duties, the clerk shall execute a bond, in the 869
amount and with surety to be approved by the board, payable to the 870
state, and conditioned for the faithful performance of all 871
official duties required of the clerk. The bond shall be deposited 872
with the presiding officer of the board, and copies of it, 873
certified by the presiding officer, shall be filed with the county 874
auditor of each county with a subdivision included in the 875
district. 876

To provide the services and equipment it considers necessary 877
for the district, the board may levy taxes, subject to Chapter 878
5705. of the Revised Code, and issue bonds and other evidences of 879
indebtedness, subject to Chapter 133. of the Revised Code, after 880
submitting the question of that issuance to the electors of the 881
district in the manner provided by Chapter 133. of the Revised 882
Code. The district may purchase, lease, lease with an option to 883
purchase, construct, maintain, and use all materials, equipment, 884
vehicles, buildings, and land necessary to perform its duties. 885

Any municipal corporation or township may join an existing 886
district by the adoption of a resolution requesting membership and 887
upon approval of the board of the district. Any municipal 888

corporation or township may withdraw from a district by the 889
adoption of a resolution ordering withdrawal. On or after the 890
first day of January of the year following the adoption of the 891
resolution of withdrawal, the municipal corporation or township 892
withdrawing ceases to be a part of the district, and the power of 893
the district to levy a tax upon taxable property in the 894
withdrawing township or municipal corporation terminates, except 895
that the district shall continue to levy and collect taxes for the 896
payment of indebtedness within the territory of the district as it 897
was comprised at the time the indebtedness was incurred. 898

Upon the withdrawal of any township or municipal corporation 899
from a district, the county auditor shall ascertain, apportion, 900
and order a division of the funds on hand, moneys and taxes in the 901
process of collection, except for taxes levied for the payment of 902
indebtedness, credits, and real and personal property, either in 903
money or in kind, on the basis of the valuation of the respective 904
tax duplicates of the withdrawing municipal corporation or 905
township and the remaining territory of the district. 906

When the number of townships and municipal corporations 907
constituting a district is reduced to one, the district ceases to 908
exist by operation of law, and the funds, credits, and property 909
remaining after apportionments to withdrawing municipal 910
corporations or townships shall be assumed by the one remaining 911
township or municipal corporation. When a district ceases to exist 912
and an indebtedness remains unpaid, the board of county 913
commissioners shall continue to levy and collect taxes for the 914
payment of that indebtedness within the territory of the district 915
as it was comprised at the time the indebtedness was incurred. 916

Sec. 1349.61. (A)(1) Subject to division (C) of this section, 917
no person or entity shall sell a gift card to a purchaser 918
containing an expiration date that is less than two years after 919

the date the gift card is issued. 920

(2) No person or entity, within two years after a gift card 921
is issued, shall charge service charges or fees relative to that 922
gift card, including dormancy fees, latency fees, or 923
administrative fees, that have the effect of reducing the total 924
amount for which the holder of the gift card may redeem the gift 925
card. 926

(B) A gift card sold without an expiration date is valid 927
until redeemed or replaced with a new gift card. 928

(C) Division (A) of this section does not apply to any of the 929
following gift cards: 930

(1) A gift card that is distributed by the issuer to a 931
consumer pursuant to an awards, loyalty, or promotional program 932
without any money or anything of value being given in exchange for 933
the gift card by the consumer; 934

(2) A gift card that is sold below face value at a volume 935
discount to employers or to nonprofit and charitable organizations 936
for fundraising purposes, if the expiration date on that gift card 937
is not more than thirty days after the date of sale; 938

(3) A gift card that is sold by a nonprofit or charitable 939
organization for fundraising purposes; 940

(4) A gift card that an employer gives to an employee if use 941
of the gift card is limited to the employer's business 942
establishment, which may include a group of merchants that are 943
affiliated with that business establishment; 944

(5) A gift certificate issued in accordance with section 945
1533.131 of the Revised Code that may be used to obtain hunting 946
and fishing licenses, fur taker, special deer, and special wild 947
turkey permits, and wetlands habitat stamps; 948

(6) A gift card that is usable with multiple, unaffiliated 949

sellers of goods or services; 950

(7) A gift card that an employer issues to an employee in 951
recognition of services performed by the employee. 952

(D) Whoever violates division (A)(2) of this section is 953
liable to the holder for any amount that the redemption value of 954
the gift card was reduced, any court costs incurred, and 955
reasonable attorney's fees. 956

(E) As used in this section: 957

(1) "Gift card" means a certificate, electronic card, or 958
other medium issued by a merchant that evidences the giving of 959
consideration in exchange for the right to redeem the certificate, 960
electronic card, or other medium for goods, food, services, 961
credit, or money of at least an equal value, including any 962
electronic card issued by a merchant with a monetary value where 963
the issuer has received payment for the full monetary value for 964
the future purchase or delivery of goods or services and any 965
certificate issued by a merchant where the issuer has received 966
payment for the full monetary face value of the certificate for 967
the future purchase or delivery of goods and services. "Gift card" 968
does not include a prepaid calling card used to make telephone 969
calls. 970

(2) "Employee" ~~has the same meaning as in section 4121.01 of~~ 971
~~the Revised Code~~ means every person who may be required or 972
directed by any employer, in consideration of direct or indirect 973
gain or profit, to engage in any employment, or to go, or work, or 974
be at any time in any place of employment. 975

(3) "Employer" means every person, firm, corporation, agent, 976
manager, representative, or other person having control or custody 977
of any employment, place of employment, or employee. 978

Sec. 1901.18. (A) Except as otherwise provided in this 979

division or section 1901.181 of the Revised Code, subject to the	980
monetary jurisdiction of municipal courts as set forth in section	981
1901.17 of the Revised Code, a municipal court has original	982
jurisdiction within its territory in all of the following actions	983
or proceedings and to perform all of the following functions:	984
(1) In any civil action, of whatever nature or remedy, of	985
which judges of county courts have jurisdiction;	986
(2) In any action or proceeding at law for the recovery of	987
money or personal property of which the court of common pleas has	988
jurisdiction;	989
(3) In any action at law based on contract, to determine,	990
preserve, and enforce all legal and equitable rights involved in	991
the contract, to decree an accounting, reformation, or	992
cancellation of the contract, and to hear and determine all legal	993
and equitable remedies necessary or proper for a complete	994
determination of the rights of the parties to the contract;	995
(4) In any action or proceeding for the sale of personal	996
property under chattel mortgage, lien, encumbrance, or other	997
charge, for the foreclosure and marshalling of liens on personal	998
property of that nature, and for the rendering of personal	999
judgment in the action or proceeding;	1000
(5) In any action or proceeding to enforce the collection of	1001
its own judgments or the judgments rendered by any court within	1002
the territory to which the municipal court has succeeded, and to	1003
subject the interest of a judgment debtor in personal property to	1004
satisfy judgments enforceable by the municipal court;	1005
(6) In any action or proceeding in the nature of	1006
interpleader;	1007
(7) In any action of replevin;	1008
(8) In any action of forcible entry and detainer;	1009

(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;

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

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

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

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

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

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

(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien

for machinery, material, or fuel furnished or labor performed, 1041
irrespective of amount, and, in those actions and proceedings, the 1042
court may proceed to foreclose and marshal all liens and all 1043
vested or contingent rights, to appoint a receiver, and to render 1044
personal judgment irrespective of amount in favor of any party. 1045

(2) In all actions for the foreclosure of a mortgage on real 1046
property given to secure the payment of money or the enforcement 1047
of a specific lien for money or other encumbrance or charge on 1048
real property, when the amount claimed by the plaintiff does not 1049
exceed fifteen thousand dollars and the real property is situated 1050
within the territory, and, in those actions, the court may proceed 1051
to foreclose all liens and all vested and contingent rights and 1052
may proceed to render judgments and make findings and orders 1053
between the parties in the same manner and to the same extent as 1054
in similar actions in the court of common pleas. 1055

(3) In all actions for the recovery of real property situated 1056
within the territory to the same extent as courts of common pleas 1057
have jurisdiction; 1058

(4) In all actions for injunction to prevent or terminate 1059
violations of the ordinances and regulations of the city of 1060
Cleveland enacted or promulgated under the police power of the 1061
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 1062
Constitution, over which the court of common pleas has or may have 1063
jurisdiction, and, in those actions, the court may proceed to 1064
render judgments and make findings and orders in the same manner 1065
and to the same extent as in similar actions in the court of 1066
common pleas. 1067

(C) As used in this section, "violation of a state traffic 1068
law or a municipal traffic ordinance" has the same meaning as in 1069
section 1901.20 of the Revised Code. 1070

Sec. 1901.20. (A)(1) The municipal court has jurisdiction to 1071

hear misdemeanor cases committed within its territory and has 1072
jurisdiction over the violation of any ordinance of any municipal 1073
corporation within its territory, ~~unless the violation is a~~ 1074
including exclusive jurisdiction over every civil action 1075
concerning a violation based upon evidence recorded by a traffic 1076
law photo monitoring device and issued pursuant to division (B)(3) 1077
of section 4511.093 of the Revised Code or the of a state traffic 1078
law or a municipal traffic ordinance. The municipal court does not 1079
have jurisdiction over a violation that is required to be handled 1080
by a parking violations bureau or joint parking violations bureau 1081
pursuant to Chapter 4521. of the Revised Code. However, the 1082
municipal court has jurisdiction over the violation of a vehicle 1083
parking or standing resolution or regulation if a local authority, 1084
as defined in division (D) of section 4521.01 of the Revised Code, 1085
has specified that it is not to be considered a criminal offense, 1086
if the violation is committed within the limits of the court's 1087
territory, and if the violation is not required to be handled by a 1088
parking violations bureau or joint parking violations bureau 1089
pursuant to Chapter 4521. of the Revised Code. 1090

The municipal court, if it has a housing or environmental 1091
division, has jurisdiction over any criminal action over which the 1092
housing or environmental division is given jurisdiction by section 1093
1901.181 of the Revised Code, provided that, except as specified 1094
in division (B) of that section, no judge of the court other than 1095
the judge of the division shall hear or determine any action over 1096
which the division has jurisdiction. In all such prosecutions and 1097
cases, the court shall proceed to a final determination of the 1098
prosecution or case. 1099

(2) A judge of a municipal court does not have the authority 1100
to dismiss a criminal complaint, charge, information, or 1101
indictment solely at the request of the complaining witness and 1102
over the objection of the prosecuting attorney, village solicitor, 1103

city director of law, or other chief legal officer who is 1104
responsible for the prosecution of the case. 1105

(B) The municipal court has jurisdiction to hear felony cases 1106
committed within its territory. In all felony cases, the court may 1107
conduct preliminary hearings and other necessary hearings prior to 1108
the indictment of the defendant or prior to the court's finding 1109
that there is probable and reasonable cause to hold or recognize 1110
the defendant to appear before a court of common pleas and may 1111
discharge, recognize, or commit the defendant. 1112

(C)~~(1)~~ A municipal court has jurisdiction over an appeal from 1113
a judgment or default judgment entered pursuant to Chapter 4521. 1114
of the Revised Code, as authorized by division (D) of section 1115
4521.08 of the Revised Code. The appeal shall be placed on the 1116
regular docket of the court and shall be determined by a judge of 1117
the court. 1118

~~(2) A municipal court has jurisdiction over an appeal of a 1119
written decision rendered by a hearing officer under section 1120
4511.099 of the Revised Code if the hearing officer that rendered 1121
the decision was appointed by a local authority within the 1122
jurisdiction of the court. 1123~~

(D) As used in this section, "violation of a state traffic 1124
law or a municipal traffic ordinance" includes, but is not limited 1125
to, a traffic law violation recorded by a traffic law 1126
photo-monitoring device, as defined in section 4511.092 of the 1127
Revised Code. 1128

Sec. 1907.02. (A)(1) In addition to other jurisdiction 1129
granted a county court in the Revised Code, a county court has 1130
jurisdiction of all misdemeanor cases. A county court has 1131
jurisdiction to conduct preliminary hearings in felony cases, to 1132
bind over alleged felons to the court of common pleas, and to take 1133
other action in felony cases as authorized by Criminal Rule 5. 1134

(2) A judge of a county court does not have the authority to 1135
dismiss a criminal complaint, charge, information, or indictment 1136
solely at the request of the complaining witness and over the 1137
objection of the prosecuting attorney, village solicitor, city 1138
director of law, or other chief legal officer who is responsible 1139
for the prosecution of the case. 1140

(B) A county court has jurisdiction of the violation of a 1141
vehicle parking or standing ordinance, resolution, or regulation 1142
if a local authority, as defined in division (D) of section 1143
4521.01 of the Revised Code, has specified that it is not to be 1144
considered a criminal offense, if the violation is committed 1145
within the limits of the court's territory, and if the violation 1146
is not required to be handled by a parking violations bureau or 1147
joint parking violations bureau pursuant to Chapter 4521. of the 1148
Revised Code. A county court does not have jurisdiction over 1149
violations of ordinances, resolutions, or regulations that are 1150
required to be handled by a parking violations bureau or joint 1151
parking violations bureau pursuant to that chapter. 1152

A county court also has jurisdiction of an appeal from a 1153
judgment or default judgment entered pursuant to Chapter 4521. of 1154
the Revised Code, as authorized by division (D) of section 4521.08 1155
of the Revised Code. Any such appeal shall be placed on the 1156
regular docket of the court and shall be determined by a judge of 1157
the court. 1158

(C) A county court has exclusive jurisdiction over ~~an appeal~~ 1159
~~of a written decision rendered by a hearing officer under section~~ 1160
~~4511.099 of the Revised Code if the hearing officer that rendered~~ 1161
~~the decision was appointed by a local authority within the~~ 1162
~~jurisdiction of the court~~ every civil action concerning a 1163
violation of a state traffic law or a municipal traffic ordinance, 1164
if the violation is committed within the limits of the court's 1165
territory. 1166

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

Sec. 1907.031. (A) Except as otherwise provided in section 1907.03 of the Revised Code and in addition to the jurisdiction authorized in other sections of this chapter and in section 1909.11 of the Revised Code, a county court has original jurisdiction within its district in all of the following actions or proceedings and to perform all of the following functions:

(1) In an action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction;

(2) In an action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract;

(3) In an action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on the personal property, and for the rendering of personal judgment in the action or proceeding;

(4) In an action or proceeding to enforce the collection of its own judgments and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the county court;

(5) In an action or proceeding in the nature of interpleader;

(6) In an action of forcible entry and detainer;

(7) In a proceeding brought pursuant to section 955.222 of

the Revised Code by the owner of a dog that has been designated as 1197
a nuisance dog, dangerous dog, or vicious dog; 1198

(8) In every civil action or proceeding concerning a 1199
violation of a state traffic law or a municipal traffic ordinance. 1200

(B) A county court has original jurisdiction in civil actions 1201
as described in division (B)(1) of section 3767.41 of the Revised 1202
Code that relate to a public nuisance. To the extent any provision 1203
of this chapter conflicts or is inconsistent with a provision of 1204
that section, the provision of that section shall control in such 1205
a civil action. 1206

(C) As used in this section, "violation of a state traffic 1207
law or a municipal traffic ordinance" has the same meaning as in 1208
section 1901.20 of the Revised Code. 1209

Sec. 3327.07. (A) The governing authority of a chartered 1210
nonpublic school that transports a student enrolled in the school 1211
to and from school and to and from school-sponsored activities, 1212
including extracurricular activities, may charge the parent or 1213
guardian of the student a fee for the transportation, if the 1214
governing authority purchased the vehicle that transports the 1215
student using no state or federal funds. The fee shall not exceed 1216
the per student cost of the transportation, as determined by the 1217
governing authority. 1218

(B) The parent or guardian of a student who is enrolled in a 1219
chartered nonpublic school and is eligible for transportation by a 1220
school district under section 3327.01 of the Revised Code may 1221
decline that transportation and accept transportation from the 1222
chartered nonpublic school. The governing authority of a chartered 1223
nonpublic school may charge a fee under division (A) of this 1224
section regardless of whether a student is eligible for 1225
transportation under section 3327.01 of the Revised Code. 1226

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

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

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

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

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

(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 1258
written notice of the alternative policy to each employee at least 1259
ten days prior to its effective date. 1260

(D) As used in this section: 1261

(1) "Employ" means to suffer or to permit to work. 1262

(2) "Employer" means the state of Ohio, its 1263
instrumentalities, and its political subdivisions and their 1264
instrumentalities, any individual, partnership, association, 1265
corporation, business trust, or any person or group of persons, 1266
acting in the interest of an employer in relation to an employee, 1267
but does not include either of the following: 1268

(a) An employer whose annual gross volume of sales made for 1269
business done is less than one hundred fifty thousand dollars, 1270
exclusive of excise taxes at the retail level which are separately 1271
stated; 1272

(b) A franchisor with respect to the franchisor's 1273
relationship with a franchisee or an employee of a franchisee, 1274
unless the franchisor agrees to assume that role in writing or a 1275
court of competent jurisdiction determines that the franchisor 1276
exercises a type or degree of control over the franchisee or the 1277
franchisee's employees that is not customarily exercised by a 1278
franchisor for the purpose of protecting the franchisor's 1279
trademark, brand, or both. For purposes of this division, 1280
"franchisor" and "franchisee" have the same meanings as in 16 1281
C.F.R. 436.1. 1282

(3) "Employee" means any individual employed by an employer 1283
but does not include: 1284

(a) Any individual employed by the United States; 1285

(b) Any individual employed as a baby-sitter in the 1286
employer's home, or a live-in companion to a sick, convalescing, 1287

or elderly person whose principal duties do not include	1288
housekeeping;	1289
(c) Any individual engaged in the delivery of newspapers to	1290
the consumer;	1291
(d) Any individual employed as an outside salesperson	1292
compensated by commissions or employed in a bona fide executive,	1293
administrative, or professional capacity as such terms are defined	1294
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29	1295
U.S.C.A. 201, as amended;	1296
(e) Any individual who works or provides personal services of	1297
a charitable nature in a hospital or health institution for which	1298
compensation is not sought or contemplated;	1299
(f) A member of a police or fire protection agency or student	1300
employed on a part-time or seasonal basis by a political	1301
subdivision of this state;	1302
(g) Any individual in the employ of a camp or recreational	1303
area for children under eighteen years of age and owned and	1304
operated by a nonprofit organization or group of organizations	1305
described in Section 501(c)(3) of the "Internal Revenue Code of	1306
1954," and exempt from income tax under Section 501(a) of that	1307
code;	1308
(h) Any individual employed directly by the house of	1309
representatives or directly by the senate;	1310
<u>(i) An individual who operates a vehicle or vessel in the</u>	1311
<u>performance of services for or on behalf of a motor carrier</u>	1312
<u>transporting property and to whom all of the following factors</u>	1313
<u>apply:</u>	1314
<u>(i) The individual owns the vehicle or vessel that is used in</u>	1315
<u>performing the services for or on behalf of the carrier, or the</u>	1316
<u>individual leases the vehicle or vessel under a bona fide lease</u>	1317

agreement that is not a temporary replacement lease agreement. For 1318
purposes of this division, a bona fide lease agreement does not 1319
include an agreement between the individual and the motor carrier 1320
transporting property for which, or on whose behalf, the 1321
individual provides services. 1322

(ii) The individual is responsible for supplying the 1323
necessary personal services to operate the vehicle or vessel used 1324
to provide the service. 1325

(iii) The compensation paid to the individual is based on 1326
factors related to work performed, including on a mileage-based 1327
rate or a percentage of any schedule of rates, and not solely on 1328
the basis of the hours or time expended. 1329

(iv) The individual substantially controls the means and 1330
manner of performing the services, in conformance with regulatory 1331
requirements and specifications of the shipper. 1332

(v) The individual enters into a written contract with the 1333
carrier for whom the individual is performing the services that 1334
describes the relationship between the individual and the carrier 1335
to be that of an independent contractor and not that of an 1336
employee. 1337

(vi) The individual is responsible for substantially all of 1338
the principal operating costs of the vehicle or vessel and 1339
equipment used to provide the services, including maintenance, 1340
fuel, repairs, supplies, vehicle or vessel insurance, and personal 1341
expenses, except that the individual may be paid by the carrier 1342
the carrier's fuel surcharge and incidental costs, including 1343
tolls, permits, and lumper fees. 1344

(vii) The individual is responsible for any economic loss or 1345
economic gain from the arrangement with the carrier. 1346

(4) "Motor carrier" has the same meaning as in section 1347
4923.01 of the Revised Code. 1348

Sec. 4111.14. (A) Pursuant to the general assembly's 1349
authority to establish a minimum wage under Section 34 of Article 1350
II, Ohio Constitution, this section is in implementation of 1351
Section 34a of Article II, Ohio Constitution. In implementing 1352
Section 34a of Article II, Ohio Constitution, the general assembly 1353
hereby finds that the purpose of Section 34a of Article II, Ohio 1354
Constitution, is to: 1355

(1) Ensure that Ohio employees, as defined in division (B)(1) 1356
of this section, are paid the wage rate required by Section 34a of 1357
Article II, Ohio Constitution; 1358

(2) Ensure that covered Ohio employers maintain certain 1359
records that are directly related to the enforcement of the wage 1360
rate requirements in Section 34a of Article II, Ohio Constitution; 1361

(3) Ensure that Ohio employees who are paid the wage rate 1362
required by Section 34a of Article II, Ohio Constitution, may 1363
enforce their right to receive that wage rate in the manner set 1364
forth in Section 34a of Article II, Ohio Constitution; and 1365

(4) Protect the privacy of Ohio employees' pay and personal 1366
information specified in Section 34a of Article II, Ohio 1367
Constitution, by restricting an employee's access, and access by a 1368
person acting on behalf of that employee, to the employee's own 1369
pay and personal information. 1370

(B) In accordance with Section 34a of Article II, Ohio 1371
Constitution, the terms "employer," "employee," "employ," 1372
"person," and "independent contractor" have the same meanings as 1373
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 1374
U.S.C. 203, as amended. In construing the meaning of these terms, 1375
due consideration and great weight shall be given to the United 1376
States department of labor's and federal courts' interpretations 1377
of those terms under the Fair Labor Standards Act and its 1378
regulations. As used in division (B) of this section: 1379

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

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

(3) "Employer" does not include 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, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(4) Subject to division (B)(5) of this section, "employee" does not include 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:

(a) 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 1412
include an agreement between the individual and the motor carrier 1413
transporting property for which, or on whose behalf, the 1414
individual provides services. 1415

(b) The individual is responsible for supplying the necessary 1416
personal services to operate the vehicle or vessel used to provide 1417
the service. 1418

(c) The compensation paid to the individual is based on 1419
factors related to work performed, including on a mileage-based 1420
rate or a percentage of any schedule of rates, and not solely on 1421
the basis of the hours or time expended. 1422

(d) The individual substantially controls the means and 1423
manner of performing the services, in conformance with regulatory 1424
requirements and specifications of the shipper. 1425

(e) The individual enters into a written contract with the 1426
carrier for whom the individual is performing the services that 1427
describes the relationship between the individual and the carrier 1428
to be that of an independent contractor and not that of an 1429
employee. 1430

(f) The individual is responsible for substantially all of 1431
the principal operating costs of the vehicle or vessel and 1432
equipment used to provide the services, including maintenance, 1433
fuel, repairs, supplies, vehicle or vessel insurance, and personal 1434
expenses, except that the individual may be paid by the carrier 1435
the carrier's fuel surcharge and incidental costs, including 1436
tolls, permits, and lumper fees. 1437

(g) The individual is responsible for any economic loss or 1438
economic gain from the arrangement with the carrier. 1439

(5) A motor carrier may elect to consider an individual 1440
described in division (B)(4) of this section as an employee for 1441
purposes of this section. 1442

(6) "Motor carrier" has the same meaning as in section 1443
4923.01 of the Revised Code. 1444

(C) In accordance with Section 34a of Article II, Ohio 1445
Constitution, the state may issue licenses to employers 1446
authorizing payment of a wage below that required by Section 34a 1447
of Article II, Ohio Constitution, to individuals with mental or 1448
physical disabilities that may otherwise adversely affect their 1449
opportunity for employment. In issuing such licenses, the state 1450
shall abide by the rules adopted pursuant to section 4111.06 of 1451
the Revised Code. 1452

(D)(1) In accordance with Section 34a of Article II, Ohio 1453
Constitution, individuals employed in or about the property of an 1454
employer or an individual's residence on a casual basis are not 1455
included within the coverage of Section 34a of Article II, Ohio 1456
Constitution. As used in division (D) of this section: 1457

(a) "Casual basis" means employment that is irregular or 1458
intermittent and that is not performed by an individual whose 1459
vocation is to be employed in or about the property of the 1460
employer or individual's residence. In construing who is employed 1461
on a "casual basis," due consideration and great weight shall be 1462
given to the United States department of labor's and federal 1463
courts' interpretations of the term "casual basis" under the Fair 1464
Labor Standards Act and its regulations. 1465

(b) "An individual employed in or about the property of an 1466
employer or individual's residence" means an individual employed 1467
on a casual basis or an individual employed in or about a 1468
residence on a casual basis, respectively. 1469

(2) In accordance with Section 34a of Article II, Ohio 1470
Constitution, employees of a solely family-owned and operated 1471
business who are family members of an owner are not included 1472
within the coverage of Section 34a of Article II, Ohio 1473

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

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

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

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

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

three years following the last date the employee was employed by 1506
that employer. As used in division (F) of this section: 1507

(1) "Address" means an employee's home address as maintained 1508
in the employer's personnel file or personnel database for that 1509
employee. 1510

(2)(a) With respect to employees who are not exempt from the 1511
overtime pay requirements of the Fair Labor Standards Act or this 1512
chapter, "pay rate" means an employee's base rate of pay. 1513

(b) With respect to employees who are exempt from the 1514
overtime pay requirements of the Fair Labor Standards Act or this 1515
chapter, "pay rate" means an employee's annual base salary or 1516
other rate of pay by which the particular employee qualifies for 1517
that exemption under the Fair Labor Standards Act or this chapter, 1518
but does not include bonuses, stock options, incentives, deferred 1519
compensation, or any other similar form of compensation. 1520

(3) "Record" means the name, address, occupation, pay rate, 1521
hours worked for each day worked, and each amount paid an employee 1522
in one or more documents, databases, or other paper or electronic 1523
forms of record-keeping maintained by an employer. No one 1524
particular method or form of maintaining such a record or records 1525
is required under this division. An employer is not required to 1526
create or maintain a single record containing only the employee's 1527
name, address, occupation, pay rate, hours worked for each day 1528
worked, and each amount paid an employee. An employer shall 1529
maintain a record or records from which the employee or person 1530
acting on behalf of that employee could reasonably review the 1531
information requested by the employee or person. 1532

An employer is not required to maintain the records specified 1533
in division (F)(3) of this section for any period before January 1534
1, 2007. On and after January 1, 2007, the employer shall maintain 1535
the records required by division (F)(3) of this section for three 1536

years from the date the hours were worked by the employee and for 1537
three years after the date the employee's employment ends. 1538

(4)(a) Except for individuals specified in division (F)(4)(b) 1539
of this section, "hours worked for each day worked" means the 1540
total amount of time worked by an employee in whatever increments 1541
the employer uses for its payroll purposes during a day worked by 1542
the employee. An employer is not required to keep a record of the 1543
time of day an employee begins and ends work on any given day. As 1544
used in division (F)(4) of this section, "day" means a fixed 1545
period of twenty-four consecutive hours during which an employee 1546
performs work for an employer. 1547

(b) An employer is not required to keep records of "hours 1548
worked for each day worked" for individuals for whom the employer 1549
is not required to keep those records under the Fair Labor 1550
Standards Act and its regulations or individuals who are not 1551
subject to the overtime pay requirements specified in section 1552
4111.03 of the Revised Code. 1553

(5) "Each amount paid an employee" means the total gross 1554
wages paid to an employee for each pay period. As used in division 1555
(F)(5) of this section, "pay period" means the period of time 1556
designated by an employer to pay an employee the employee's gross 1557
wages in accordance with the employer's payroll practices under 1558
section 4113.15 of the Revised Code. 1559

(G) In accordance with Section 34a of Article II, Ohio 1560
Constitution, an employer must provide such information without 1561
charge to an employee or person acting on behalf of an employee 1562
upon request. As used in division (G) of this section: 1563

(1) "Such information" means the name, address, occupation, 1564
pay rate, hours worked for each day worked, and each amount paid 1565
for the specific employee who has requested that specific 1566
employee's own information and does not include the name, address, 1567

occupation, pay rate, hours worked for each day worked, or each 1568
amount paid of any other employee of the employer. "Such 1569
information" does not include hours worked for each day worked by 1570
individuals for whom an employer is not required to keep that 1571
information under the Fair Labor Standards Act and its regulations 1572
or individuals who are not subject to the overtime pay 1573
requirements specified in section 4111.03 of the Revised Code. 1574

(2) "Acting on behalf of an employee" means a person acting 1575
on behalf of an employee as any of the following: 1576

(a) The certified or legally recognized collective bargaining 1577
representative for that employee under the applicable federal law 1578
or Chapter 4117. of the Revised Code; 1579

(b) The employee's attorney; 1580

(c) The employee's parent, guardian, or legal custodian. 1581

A person "acting on behalf of an employee" must be 1582
specifically authorized by an employee in order to make a request 1583
for that employee's own name, address, occupation, pay rate, hours 1584
worked for each day worked, and each amount paid to that employee. 1585

(3) "Provide" means that an employer shall provide the 1586
requested information within thirty business days after the date 1587
the employer receives the request, unless either of the following 1588
occurs: 1589

(a) The employer and the employee or person acting on behalf 1590
of the employee agree to some alternative time period for 1591
providing the information. 1592

(b) The thirty-day period would cause a hardship on the 1593
employer under the circumstances, in which case the employer must 1594
provide the requested information as soon as practicable. 1595

(4) A "request" made by an employee or a person acting on 1596
behalf of an employee means a request by an employee or a person 1597

acting on behalf of an employee for the employee's own 1598
information. The employer may require that the employee provide 1599
the employer with a written request that has been signed by the 1600
employee and notarized and that reasonably specifies the 1601
particular information being requested. The employer may require 1602
that the person acting on behalf of an employee provide the 1603
employer with a written request that has been signed by the 1604
employee whose information is being requested and notarized and 1605
that reasonably specifies the particular information being 1606
requested. 1607

(H) In accordance with Section 34a of Article II, Ohio 1608
Constitution, an employee, person acting on behalf of one or more 1609
employees, and any other interested party may file a complaint 1610
with the state for a violation of any provision of Section 34a of 1611
Article II, Ohio Constitution, or any law or regulation 1612
implementing its provisions. Such complaint shall be promptly 1613
investigated and resolved by the state. The employee's name shall 1614
be kept confidential unless disclosure is necessary to resolution 1615
of a complaint and the employee consents to disclosure. As used in 1616
division (H) of this section: 1617

(1) "Complaint" means a complaint of an alleged violation 1618
pertaining to harm suffered by the employee filing the complaint, 1619
by a person acting on behalf of one or more employees, or by an 1620
interested party. 1621

(2) "Acting on behalf of one or more employees" has the same 1622
meaning as "acting on behalf of an employee" in division (G)(2) of 1623
this section. Each employee must provide a separate written and 1624
notarized authorization before the person acting on that 1625
employee's or those employees' behalf may request the name, 1626
address, occupation, pay rate, hours worked for each day worked, 1627
and each amount paid for the particular employee. 1628

(3) "Interested party" means a party who alleges to be 1629

injured by the alleged violation and who has standing to file a 1630
complaint under common law principles of standing. 1631

(4) "Resolved by the state" means that the complaint has been 1632
resolved to the satisfaction of the state. 1633

(5) "Shall be kept confidential" means that the state shall 1634
keep the name of the employee confidential as required by division 1635
(H) of this section. 1636

(I) In accordance with Section 34a of Article II, Ohio 1637
Constitution, the state may on its own initiative investigate an 1638
employer's compliance with Section 34a of Article II, Ohio 1639
Constitution, and any law or regulation implementing Section 34a 1640
of Article II, Ohio Constitution. The employer shall make 1641
available to the state any records related to such investigation 1642
and other information required for enforcement of Section 34a of 1643
Article II, Ohio Constitution or any law or regulation 1644
implementing Section 34a of Article II, Ohio Constitution. The 1645
state shall investigate an employer's compliance with this section 1646
in accordance with the procedures described in section 4111.04 of 1647
the Revised Code. All records and information related to 1648
investigations by the state are confidential and are not a public 1649
record subject to section 149.43 of the Revised Code. This 1650
division does not prevent the state from releasing to or 1651
exchanging with other state and federal wage and hour regulatory 1652
authorities information related to investigations. 1653

(J) In accordance with Section 34a of Article II, Ohio 1654
Constitution, damages shall be calculated as an additional two 1655
times the amount of the back wages and in the case of a violation 1656
of an anti-retaliation provision an amount set by the state or 1657
court sufficient to compensate the employee and deter future 1658
violations, but not less than one hundred fifty dollars for each 1659
day that the violation continued. The "not less than one hundred 1660
fifty dollar" penalty specified in division (J) of this section 1661

shall be imposed only for violations of the anti-retaliation 1662
provision in Section 34a of Article II, Ohio Constitution. 1663

(K) In accordance with Section 34a of Article II, Ohio 1664
Constitution, an action for equitable and monetary relief may be 1665
brought against an employer by the attorney general and/or an 1666
employee or person acting on behalf of an employee or all 1667
similarly situated employees in any court of competent 1668
jurisdiction, including the court of common pleas of an employee's 1669
county of residence, for any violation of Section 34a of Article 1670
II, Ohio Constitution, or any law or regulation implementing its 1671
provisions within three years of the violation or of when the 1672
violation ceased if it was of a continuing nature, or within one 1673
year after notification to the employee of final disposition by 1674
the state of a complaint for the same violation, whichever is 1675
later. 1676

(1) As used in division (K) of this section, "notification" 1677
means the date on which the notice was sent to the employee by the 1678
state. 1679

(2) No employee shall join as a party plaintiff in any civil 1680
action that is brought under division (K) of this section by an 1681
employee, person acting on behalf of an employee, or person acting 1682
on behalf of all similarly situated employees unless that employee 1683
first gives written consent to become such a party plaintiff and 1684
that consent is filed with the court in which the action is 1685
brought. 1686

(3) A civil action regarding an alleged violation of this 1687
section shall be maintained only under division (K) of this 1688
section. This division does not preclude the joinder in a single 1689
civil action of an action under this division and an action under 1690
section 4111.10 of the Revised Code. 1691

(4) Any agreement between an employee and employer to work 1692

for less than the wage rate specified in Section 34a of Article 1693
II, Ohio Constitution, is no defense to an action under this 1694
section. 1695

(L) In accordance with Section 34a of Article II, Ohio 1696
Constitution, there shall be no exhaustion requirement, no 1697
procedural, pleading, or burden of proof requirements beyond those 1698
that apply generally to civil suits in order to maintain such 1699
action and no liability for costs or attorney's fees on an 1700
employee except upon a finding that such action was frivolous in 1701
accordance with the same standards that apply generally in civil 1702
suits. Nothing in division (L) of this section affects the right 1703
of an employer and employee to agree to submit a dispute under 1704
this section to alternative dispute resolution, including, but not 1705
limited to, arbitration, in lieu of maintaining the civil suit 1706
specified in division (K) of this section. Nothing in this 1707
division limits the state's ability to investigate or enforce this 1708
section. 1709

(M) An employer who provides such information specified in 1710
Section 34a of Article II, Ohio Constitution, shall be immune from 1711
any civil liability for injury, death, or loss to person or 1712
property that otherwise might be incurred or imposed as a result 1713
of providing that information to an employee or person acting on 1714
behalf of an employee in response to a request by the employee or 1715
person, and the employer shall not be subject to the provisions of 1716
Chapters 1347. and 1349. of the Revised Code to the extent that 1717
such provisions would otherwise apply. As used in division (M) of 1718
this section, "such information," "acting on behalf of an 1719
employee," and "request" have the same meanings as in division (G) 1720
of this section. 1721

(N) As used in this section, "the state" means the director 1722
of commerce. 1723

Sec. 4121.01. (A) As used in sections 4121.01 to 4121.29 of 1724
the Revised Code: 1725

(1) "Place of employment" means every place, whether indoors 1726
or out, or underground, and the premises appurtenant thereto, 1727
where either temporarily or permanently any industry, trade, or 1728
business is carried on, or where any process or operation, 1729
directly or indirectly related to any industry, trade, or 1730
business, is carried on and where any person is directly or 1731
indirectly employed by another for direct or indirect gain or 1732
profit, but does not include any place where persons are employed 1733
in private domestic service or agricultural pursuits which do not 1734
involve the use of mechanical power. 1735

(2) "Employment" means any trade, occupation, or process of 1736
manufacture or any method of carrying on such trade, occupation, 1737
or process of manufacture in which any person may be engaged, 1738
except in such private domestic service or agricultural pursuits 1739
as do not involve the use of mechanical power. 1740

(3) "Employer" means every person, firm, corporation, agent, 1741
manager, representative, or other person having control or custody 1742
of any employment, place of employment, or employee. "Employer" 1743
does not include a franchisor with respect to the franchisor's 1744
relationship with a franchisee or an employee of a franchisee, 1745
unless the franchisor agrees to assume that role in writing or a 1746
court of competent jurisdiction determines that the franchisor 1747
exercises a type or degree of control over the franchisee or the 1748
franchisee's employees that is not customarily exercised by a 1749
franchisor for the purpose of protecting the franchisor's 1750
trademark, brand, or both. For purposes of this division, 1751
"franchisor" and "franchisee" have the same meanings as in 16 1752
C.F.R. 436.1. 1753

(4)(a) "Employee" means ~~every~~ a person who may be required or 1754

directed by any employer, in consideration of direct or indirect 1755
gain or profit, to engage in any employment, or to go, or work, or 1756
be at any time in any place of employment, including a person 1757
described in division (A)(4)(b) of this section if a motor carrier 1758
elects to consider the person to be an employee. 1759

(b) "Employee" does not include a person who operates a 1760
vehicle or vessel in the performance of services for or on behalf 1761
of a motor carrier transporting property and to whom all of the 1762
following factors apply: 1763

(i) The person owns the vehicle or vessel that is used in 1764
performing the services for or on behalf of the carrier, or the 1765
person leases the vehicle or vessel under a bona fide lease 1766
agreement that is not a temporary replacement lease agreement. For 1767
purposes of this division, a bona fide lease agreement does not 1768
include an agreement between the person and the motor carrier 1769
transporting property for which, or on whose behalf, the person 1770
provides services. 1771

(ii) The person is responsible for supplying the necessary 1772
personal services to operate the vehicle or vessel used to provide 1773
the service. 1774

(iii) The compensation paid to the person is based on factors 1775
related to work performed, including on a mileage-based rate or a 1776
percentage of any schedule of rates, and not solely on the basis 1777
of the hours or time expended. 1778

(iv) The person substantially controls the means and manner 1779
of performing the services, in conformance with regulatory 1780
requirements and specifications of the shipper. 1781

(v) The person enters into a written contract with the 1782
carrier for whom the person is performing the services that 1783
describes the relationship between the person and the carrier to 1784
be that of an independent contractor and not that of an employee. 1785

(vi) The person 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 person may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

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

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

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

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

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

(9) "Local order" means any ordinance, order, rule, or determination of the legislative authority of any municipal

corporation, or any trustees, or board or officers of any 1817
municipal corporation upon any matter over which the bureau has 1818
jurisdiction. 1819

(10) "Welfare" means comfort, decency, and moral well-being. 1820

(11) "Safe" or "safety," as applied to any employment or a 1821
place of employment, means such freedom from danger to the life, 1822
health, safety, or welfare of employees or frequenters as the 1823
nature of the employment will reasonably permit, including 1824
requirements as to the hours of labor with relation to the health 1825
and welfare of employees. 1826

(12) "Employee organization" means any labor or bona fide 1827
organization in which employees participate and that exists for 1828
the purpose, in whole or in part, of dealing with employers 1829
concerning grievances, labor disputes, wages, hours, terms, and 1830
other conditions of employment. 1831

(13) "Motor carrier" has the same meaning as in section 1832
4923.01 of the Revised Code. 1833

(B) As used in the Revised Code: 1834

(1) "Industrial commission" means the chairperson of the 1835
three-member industrial commission created pursuant to section 1836
4121.02 of the Revised Code when the context refers to the 1837
authority vested in the chairperson as the chief executive officer 1838
of the three-member industrial commission pursuant to divisions 1839
(A), (B), (C), and (D) of section 4121.03 of the Revised Code. 1840

(2) "Industrial commission" means the three-member industrial 1841
commission created pursuant to section 4121.02 of the Revised Code 1842
when the context refers to the authority vested in the 1843
three-member industrial commission pursuant to division (E) of 1844
section 4121.03 of the Revised Code. 1845

(3) "Industrial commission" means the industrial commission 1846

as a state agency when the context refers to the authority vested 1847
in the industrial commission as a state agency. 1848

Sec. 4123.01. As used in this chapter: 1849

(A)(1) "Employee" means: 1850

(a) Every person in the service of the state, or of any 1851
county, municipal corporation, township, or school district 1852
therein, including regular members of lawfully constituted police 1853
and fire departments of municipal corporations and townships, 1854
whether paid or volunteer, and wherever serving within the state 1855
or on temporary assignment outside thereof, and executive officers 1856
of boards of education, under any appointment or contract of hire, 1857
express or implied, oral or written, including any elected 1858
official of the state, or of any county, municipal corporation, or 1859
township, or members of boards of education. 1860

As used in division (A)(1)(a) of this section, the term 1861
"employee" includes the following persons when responding to an 1862
inherently dangerous situation that calls for an immediate 1863
response on the part of the person, regardless of whether the 1864
person is within the limits of the jurisdiction of the person's 1865
regular employment or voluntary service when responding, on the 1866
condition that the person responds to the situation as the person 1867
otherwise would if the person were on duty in the person's 1868
jurisdiction: 1869

(i) Off-duty peace officers. As used in division (A)(1)(a)(i) 1870
of this section, "peace officer" has the same meaning as in 1871
section 2935.01 of the Revised Code. 1872

(ii) Off-duty firefighters, whether paid or volunteer, of a 1873
lawfully constituted fire department. 1874

(iii) Off-duty first responders, emergency medical 1875
technicians-basic, emergency medical technicians-intermediate, or 1876

emergency medical technicians-paramedic, whether paid or 1877
volunteer, of an ambulance service organization or emergency 1878
medical service organization pursuant to Chapter 4765. of the 1879
Revised Code. 1880

(b) Every person in the service of any person, firm, or 1881
private corporation, including any public service corporation, 1882
that (i) employs one or more persons regularly in the same 1883
business or in or about the same establishment under any contract 1884
of hire, express or implied, oral or written, including aliens and 1885
minors, household workers who earn one hundred sixty dollars or 1886
more in cash in any calendar quarter from a single household and 1887
casual workers who earn one hundred sixty dollars or more in cash 1888
in any calendar quarter from a single employer, or (ii) is bound 1889
by any such contract of hire or by any other written contract, to 1890
pay into the state insurance fund the premiums provided by this 1891
chapter. 1892

(c) Every person who performs labor or provides services 1893
pursuant to a construction contract, as defined in section 4123.79 1894
of the Revised Code, if at least ten of the following criteria 1895
apply: 1896

(i) The person is required to comply with instructions from 1897
the other contracting party regarding the manner or method of 1898
performing services; 1899

(ii) The person is required by the other contracting party to 1900
have particular training; 1901

(iii) The person's services are integrated into the regular 1902
functioning of the other contracting party; 1903

(iv) The person is required to perform the work personally; 1904

(v) The person is hired, supervised, or paid by the other 1905
contracting party; 1906

(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;	1907 1908 1909
(vii) The person's hours of work are established by the other contracting party;	1910 1911
(viii) The person is required to devote full time to the business of the other contracting party;	1912 1913
(ix) The person is required to perform the work on the premises of the other contracting party;	1914 1915
(x) The person is required to follow the order of work set by the other contracting party;	1916 1917
(xi) The person is required to make oral or written reports of progress to the other contracting party;	1918 1919
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	1920 1921
(xiii) The person's expenses are paid for by the other contracting party;	1922 1923
(xiv) The person's tools and materials are furnished by the other contracting party;	1924 1925
(xv) The person is provided with the facilities used to perform services;	1926 1927
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	1928 1929
(xvii) The person is not performing services for a number of employers at the same time;	1930 1931
(xviii) The person does not make the same services available to the general public;	1932 1933
(xix) The other contracting party has a right to discharge the person;	1934 1935

(xx) The person has the right to end the relationship with 1936
the other contracting party without incurring liability pursuant 1937
to an employment contract or agreement. 1938

Every person in the service of any independent contractor or 1939
subcontractor who has failed to pay into the state insurance fund 1940
the amount of premium determined and fixed by the administrator of 1941
workers' compensation for the person's employment or occupation or 1942
who is a self-insuring employer and who has failed to pay 1943
compensation and benefits directly to the employer's injured and 1944
to the dependents of the employer's killed employees as required 1945
by section 4123.35 of the Revised Code, shall be considered as the 1946
employee of the person who has entered into a contract, whether 1947
written or verbal, with such independent contractor unless such 1948
employees or their legal representatives or beneficiaries elect, 1949
after injury or death, to regard such independent contractor as 1950
the employer. 1951

(d) Every person who operates a vehicle or vessel in the 1952
performance of services for or on behalf of a motor carrier 1953
transporting property, unless all of the following factors apply 1954
to the person: 1955

(i) The person owns the vehicle or vessel that is used in 1956
performing the services for or on behalf of the carrier, or the 1957
person leases the vehicle or vessel under a bona fide lease 1958
agreement that is not a temporary replacement lease agreement. For 1959
purposes of this division, a bona fide lease agreement does not 1960
include an agreement between the person and the motor carrier 1961
transporting property for which, or on whose behalf, the person 1962
provides services. 1963

(ii) The person is responsible for supplying the necessary 1964
personal services to operate the vehicle or vessel used to provide 1965
the service. 1966

<u>(iii) The compensation paid to the person is based on factors related to work performed, including on a mileage-based rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended.</u>	1967 1968 1969 1970
<u>(iv) The person substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper.</u>	1971 1972 1973
<u>(v) The person enters into a written contract with the carrier for whom the person is performing the services that describes the relationship between the person and the carrier to be that of an independent contractor and not that of an employee.</u>	1974 1975 1976 1977
<u>(vi) The person 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 person may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.</u>	1978 1979 1980 1981 1982 1983 1984
<u>(vii) The person is responsible for any economic loss or economic gain from the arrangement with the carrier.</u>	1985 1986
(2) "Employee" does not mean any of the following:	1987
(a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry;	1988 1989 1990
(b) Any officer of a family farm corporation;	1991
(c) An individual incorporated as a corporation;	1992
(d) An officer of a nonprofit corporation, as defined in section 1702.01 of the Revised Code, who volunteers the person's services as an officer;	1993 1994 1995
(e) An individual who otherwise is an employee of an employer	1996

but who signs the waiver and affidavit specified in section 1997
4123.15 of the Revised Code on the condition that the 1998
administrator has granted a waiver and exception to the 1999
individual's employer under section 4123.15 of the Revised Code; 2000

(f)(i) A qualifying employee described in division (A)(14)(a) 2001
of section 5703.94 of the Revised Code when the qualifying 2002
employee is performing disaster work in this state during a 2003
disaster response period pursuant to a qualifying solicitation 2004
received by the employee's employer; 2005

(ii) A qualifying employee described in division (A)(14)(b) 2006
of section 5703.94 of the Revised Code when the qualifying 2007
employee is performing disaster work in this state during a 2008
disaster response period on critical infrastructure owned or used 2009
by the employee's employer; 2010

(iii) As used in division (A)(2)(f) of this section, 2011
"critical infrastructure," "disaster response period," "disaster 2012
work," and "qualifying employee" have the same meanings as in 2013
section 5703.94 of the Revised Code. 2014

Any employer may elect to include as an "employee" within 2015
this chapter, any person excluded from the definition of 2016
"employee" pursuant to division (A)(1)(d) or (A)(2)(a), (b), (c), 2017
or (e) of this section in accordance with rules adopted by the 2018
administrator, with the advice and consent of the bureau of 2019
workers' compensation board of directors. If an employer is a 2020
partnership, sole proprietorship, individual incorporated as a 2021
corporation, or family farm corporation, such employer may elect 2022
to include as an "employee" within this chapter, any member of 2023
such partnership, the owner of the sole proprietorship, the 2024
individual incorporated as a corporation, or the officers of the 2025
family farm corporation. Nothing in this section shall prohibit a 2026
partner, sole proprietor, or any person excluded from the 2027
definition of "employee" pursuant to division (A)(2)(a), (b), (c), 2028

or (e) of this section from electing to be included as an 2029
"employee" under this chapter in accordance with rules adopted by 2030
the administrator, with the advice and consent of the board. 2031

In the event of an election, the employer or person electing 2032
coverage shall serve upon the bureau of workers' compensation 2033
written notice naming the person to be covered and include the 2034
person's remuneration for premium purposes in all future payroll 2035
reports. No partner, sole proprietor, or person excluded from the 2036
definition of "employee" pursuant to division (A)(1)(d) or 2037
(A)(2)(a), (b), (c), or (e) of this section, shall receive 2038
benefits or compensation under this chapter until the bureau 2039
receives written notice of the election permitted by this section. 2040

For informational purposes only, the bureau shall prescribe 2041
such language as it considers appropriate, on such of its forms as 2042
it considers appropriate, to advise employers of their right to 2043
elect to include as an "employee" within this chapter a sole 2044
proprietor, any member of a partnership, or a person excluded from 2045
the definition of "employee" under division (A)(1)(d) or 2046
(A)(2)(a), (b), (c), or (e) of this section, that they should 2047
check any health and disability insurance policy, or other form of 2048
health and disability plan or contract, presently covering them, 2049
or the purchase of which they may be considering, to determine 2050
whether such policy, plan, or contract excludes benefits for 2051
illness or injury that they might have elected to have covered by 2052
workers' compensation. 2053

(B)(1) "Employer" means: 2054

(a) The state, including state hospitals, each county, 2055
municipal corporation, township, school district, and hospital 2056
owned by a political subdivision or subdivisions other than the 2057
state; 2058

(b) Every person, firm, professional employer organization, 2059

and private corporation, including any public service corporation, 2060
that (i) has in service one or more employees or shared employees 2061
regularly in the same business or in or about the same 2062
establishment under any contract of hire, express or implied, oral 2063
or written, or (ii) is bound by any such contract of hire or by 2064
any other written contract, to pay into the insurance fund the 2065
premiums provided by this chapter. 2066

All such employers are subject to this chapter. Any member of 2067
a firm or association, who regularly performs manual labor in or 2068
about a mine, factory, or other establishment, including a 2069
household establishment, shall be considered an employee in 2070
determining whether such person, firm, or private corporation, or 2071
public service corporation, has in its service, one or more 2072
employees and the employer shall report the income derived from 2073
such labor to the bureau as part of the payroll of such employer, 2074
and such member shall thereupon be entitled to all the benefits of 2075
an employee. 2076

(2) "Employer" does not include a franchisor with respect to 2077
the franchisor's relationship with a franchisee or an employee of 2078
a franchisee, unless the franchisor agrees to assume that role in 2079
writing or a court of competent jurisdiction determines that the 2080
franchisor exercises a type or degree of control over the 2081
franchisee or the franchisee's employees that is not customarily 2082
exercised by a franchisor for the purpose of protecting the 2083
franchisor's trademark, brand, or both. For purposes of this 2084
division, "franchisor" and "franchisee" have the same meanings as 2085
in 16 C.F.R. 436.1. 2086

(C) "Injury" includes any injury, whether caused by external 2087
accidental means or accidental in character and result, received 2088
in the course of, and arising out of, the injured employee's 2089
employment. "Injury" does not include: 2090

(1) Psychiatric conditions except where the claimant's 2091

psychiatric conditions have arisen from an injury or occupational 2092
disease sustained by that claimant or where the claimant's 2093
psychiatric conditions have arisen from sexual conduct in which 2094
the claimant was forced by threat of physical harm to engage or 2095
participate; 2096

(2) Injury or disability caused primarily by the natural 2097
deterioration of tissue, an organ, or part of the body; 2098

(3) Injury or disability incurred in voluntary participation 2099
in an employer-sponsored recreation or fitness activity if the 2100
employee signs a waiver of the employee's right to compensation or 2101
benefits under this chapter prior to engaging in the recreation or 2102
fitness activity; 2103

(4) A condition that pre-existed an injury unless that 2104
pre-existing condition is substantially aggravated by the injury. 2105
Such a substantial aggravation must be documented by objective 2106
diagnostic findings, objective clinical findings, or objective 2107
test results. Subjective complaints may be evidence of such a 2108
substantial aggravation. However, subjective complaints without 2109
objective diagnostic findings, objective clinical findings, or 2110
objective test results are insufficient to substantiate a 2111
substantial aggravation. 2112

(D) "Child" includes a posthumous child and a child legally 2113
adopted prior to the injury. 2114

(E) "Family farm corporation" means a corporation founded for 2115
the purpose of farming agricultural land in which the majority of 2116
the voting stock is held by and the majority of the stockholders 2117
are persons or the spouse of persons related to each other within 2118
the fourth degree of kinship, according to the rules of the civil 2119
law, and at least one of the related persons is residing on or 2120
actively operating the farm, and none of whose stockholders are a 2121
corporation. A family farm corporation does not cease to qualify 2122

under this division where, by reason of any devise, bequest, or 2123
the operation of the laws of descent or distribution, the 2124
ownership of shares of voting stock is transferred to another 2125
person, as long as that person is within the degree of kinship 2126
stipulated in this division. 2127

(F) "Occupational disease" means a disease contracted in the 2128
course of employment, which by its causes and the characteristics 2129
of its manifestation or the condition of the employment results in 2130
a hazard which distinguishes the employment in character from 2131
employment generally, and the employment creates a risk of 2132
contracting the disease in greater degree and in a different 2133
manner from the public in general. 2134

(G) "Self-insuring employer" means an employer who is granted 2135
the privilege of paying compensation and benefits directly under 2136
section 4123.35 of the Revised Code, including a board of county 2137
commissioners for the sole purpose of constructing a sports 2138
facility as defined in section 307.696 of the Revised Code, 2139
provided that the electors of the county in which the sports 2140
facility is to be built have approved construction of a sports 2141
facility by ballot election no later than November 6, 1997. 2142

(H) "Private employer" means an employer as defined in 2143
division (B)(1)(b) of this section. 2144

(I) "Professional employer organization" has the same meaning 2145
as in section 4125.01 of the Revised Code. 2146

(J) "Public employer" means an employer as defined in 2147
division (B)(1)(a) of this section. 2148

(K) "Sexual conduct" means vaginal intercourse between a male 2149
and female; anal intercourse, fellatio, and cunnilingus between 2150
persons regardless of gender; and, without privilege to do so, the 2151
insertion, however slight, of any part of the body or any 2152
instrument, apparatus, or other object into the vaginal or anal 2153

cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse. 2154
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(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. 2156
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(M) "Other-states' coverage" means both of the following: 2160

(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; 2161
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(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. 2165
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(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. 2169
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(O) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code. 2174
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Sec. 4141.01. As used in this chapter, unless the context otherwise requires: 2176
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(A)(1) "Employer" means the state, its instrumentalities, its political subdivisions and their instrumentalities, Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in 2178
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bankruptcy, trustee, or the successor thereof, or the legal 2184
representative of a deceased person who subsequent to December 31, 2185
1971, or in the case of political subdivisions or their 2186
instrumentalities, subsequent to December 31, 1973: 2187

(a) Had in employment at least one individual, or in the case 2188
of a nonprofit organization, subsequent to December 31, 1973, had 2189
not less than four individuals in employment for some portion of a 2190
day in each of twenty different calendar weeks, in either the 2191
current or the preceding calendar year whether or not the same 2192
individual was in employment in each such day; or 2193

(b) Except for a nonprofit organization, had paid for service 2194
in employment wages of fifteen hundred dollars or more in any 2195
calendar quarter in either the current or preceding calendar year; 2196
or 2197

(c) Had paid, subsequent to December 31, 1977, for employment 2198
in domestic service in a local college club, or local chapter of a 2199
college fraternity or sorority, cash remuneration of one thousand 2200
dollars or more in any calendar quarter in the current calendar 2201
year or the preceding calendar year, or had paid subsequent to 2202
December 31, 1977, for employment in domestic service in a private 2203
home cash remuneration of one thousand dollars in any calendar 2204
quarter in the current calendar year or the preceding calendar 2205
year: 2206

(i) For the purposes of divisions (A)(1)(a) and (b) of this 2207
section, there shall not be taken into account any wages paid to, 2208
or employment of, an individual performing domestic service as 2209
described in this division. 2210

(ii) An employer under this division shall not be an employer 2211
with respect to wages paid for any services other than domestic 2212
service unless the employer is also found to be an employer under 2213
division (A)(1)(a), (b), or (d) of this section. 2214

(d) As a farm operator or a crew leader subsequent to	2215
December 31, 1977, had in employment individuals in agricultural	2216
labor; and	2217
(i) During any calendar quarter in the current calendar year	2218
or the preceding calendar year, paid cash remuneration of twenty	2219
thousand dollars or more for the agricultural labor; or	2220
(ii) Had at least ten individuals in employment in	2221
agricultural labor, not including agricultural workers who are	2222
aliens admitted to the United States to perform agricultural labor	2223
pursuant to sections 1184(c) and 1101(a)(15)(H) of the	2224
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.	2225
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each	2226
of the twenty different calendar weeks, in either the current or	2227
preceding calendar year whether or not the same individual was in	2228
employment in each day; or	2229
(e) Is not otherwise an employer as defined under division	2230
(A)(1)(a) or (b) of this section; and	2231
(i) For which, within either the current or preceding	2232
calendar year, service, except for domestic service in a private	2233
home not covered under division (A)(1)(c) of this section, is or	2234
was performed with respect to which such employer is liable for	2235
any federal tax against which credit may be taken for	2236
contributions required to be paid into a state unemployment fund;	2237
(ii) Which, as a condition for approval of this chapter for	2238
full tax credit against the tax imposed by the "Federal	2239
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is	2240
required, pursuant to such act to be an employer under this	2241
chapter; or	2242
(iii) Who became an employer by election under division	2243
(A)(4) or (5) of this section and for the duration of such	2244
election; or	2245

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

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

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

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

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

(5) Any employer for whom services that do not constitute 2278
employment are performed may file with the director a written 2279
election that all such services performed by individuals in the 2280
employer's employ in one or more distinct establishments or places 2281
of business shall be deemed to constitute employment for all the 2282
purposes of this chapter, for not less than two calendar years. 2283
Upon written approval of the election by the director, such 2284
services shall be deemed to constitute employment subject to this 2285
chapter from and after the date stated in such approval. Such 2286
services shall cease to be employment subject to this chapter as 2287
of the first day of January of any calendar year subsequent to 2288
such two calendar years only if at least thirty days prior to such 2289
first day of January such employer has filed with the director a 2290
written notice to that effect. 2291

(6) "Employer" does not include a franchisor with respect to 2292
the franchisor's relationship with a franchisee or an employee of 2293
a franchisee, unless the franchisor agrees to assume that role in 2294
writing or a court of competent jurisdiction determines that the 2295
franchisor exercises a type or degree of control over the 2296
franchisee or the franchisee's employees that is not customarily 2297
exercised by a franchisor for the purpose of protecting the 2298
franchisor's trademark, brand, or both. For purposes of this 2299
division, "franchisor" and "franchisee" have the same meanings as 2300
in 16 C.F.R. 436.1. 2301

(B)(1) "Employment" means service performed by an individual 2302
for remuneration under any contract of hire, written or oral, 2303
express or implied, including service performed in interstate 2304
commerce and service performed by an officer of a corporation, 2305
without regard to whether such service is executive, managerial, 2306
or manual in nature, and without regard to whether such officer is 2307
a stockholder or a member of the board of directors of the 2308
corporation, unless it is shown to the satisfaction of the 2309

director that such individual has been and will continue to be 2310
free from direction or control over the performance of such 2311
service, both under a contract of service and in fact. The 2312
director shall adopt rules to define "direction or control." 2313

(2) "Employment" includes: 2314

(a) Service performed after December 31, 1977, by an 2315
individual in the employ of the state or any of its 2316
instrumentalities, or any political subdivision thereof or any of 2317
its instrumentalities or any instrumentality of more than one of 2318
the foregoing or any instrumentality of any of the foregoing and 2319
one or more other states or political subdivisions and without 2320
regard to divisions (A)(1)(a) and (b) of this section, provided 2321
that such service is excluded from employment as defined in the 2322
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 2323
3306(c)(7) and is not excluded under division (B)(3) of this 2324
section; or the services of employees covered by voluntary 2325
election, as provided under divisions (A)(4) and (5) of this 2326
section; 2327

(b) Service performed after December 31, 1971, by an 2328
individual in the employ of a religious, charitable, educational, 2329
or other organization which is excluded from the term "employment" 2330
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 2331
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 2332
3306(c)(8) of that act and is not excluded under division (B)(3) 2333
of this section; 2334

(c) Domestic service performed after December 31, 1977, for 2335
an employer, as provided in division (A)(1)(c) of this section; 2336

(d) Agricultural labor performed after December 31, 1977, for 2337
a farm operator or a crew leader, as provided in division 2338
(A)(1)(d) of this section; 2339

(e) Service Subject to division (B)(2)(m) of this section, 2340

service not covered under division (B)(1) of this section which is 2341
performed after December 31, 1971: 2342

(i) As an agent-driver or commission-driver engaged in 2343
distributing meat products, vegetable products, fruit products, 2344
bakery products, beverages other than milk, laundry, or 2345
dry-cleaning services, for the individual's employer or principal; 2346

(ii) As a traveling or city salesperson, other than as an 2347
agent-driver or commission-driver, engaged on a full-time basis in 2348
the solicitation on behalf of and in the transmission to the 2349
salesperson's employer or principal except for sideline sales 2350
activities on behalf of some other person of orders from 2351
wholesalers, retailers, contractors, or operators of hotels, 2352
restaurants, or other similar establishments for merchandise for 2353
resale, or supplies for use in their business operations, provided 2354
that for the purposes of division (B)(2)(e)(ii) of this section, 2355
the services shall be deemed employment if the contract of service 2356
contemplates that substantially all of the services are to be 2357
performed personally by the individual and that the individual 2358
does not have a substantial investment in facilities used in 2359
connection with the performance of the services other than in 2360
facilities for transportation, and the services are not in the 2361
nature of a single transaction that is not a part of a continuing 2362
relationship with the person for whom the services are performed. 2363

(f) An individual's entire service performed within or both 2364
within and without the state if: 2365

(i) The service is localized in this state. 2366

(ii) The service is not localized in any state, but some of 2367
the service is performed in this state and either the base of 2368
operations, or if there is no base of operations then the place 2369
from which such service is directed or controlled, is in this 2370
state or the base of operations or place from which such service 2371

is directed or controlled is not in any state in which some part 2372
of the service is performed but the individual's residence is in 2373
this state. 2374

(g) Service not covered under division (B)(2)(f)(ii) of this 2375
section and performed entirely without this state, with respect to 2376
no part of which contributions are required and paid under an 2377
unemployment compensation law of any other state, the Virgin 2378
Islands, Canada, or of the United States, if the individual 2379
performing such service is a resident of this state and the 2380
director approves the election of the employer for whom such 2381
services are performed; or, if the individual is not a resident of 2382
this state but the place from which the service is directed or 2383
controlled is in this state, the entire services of such 2384
individual shall be deemed to be employment subject to this 2385
chapter, provided service is deemed to be localized within this 2386
state if the service is performed entirely within this state or if 2387
the service is performed both within and without this state but 2388
the service performed without this state is incidental to the 2389
individual's service within the state, for example, is temporary 2390
or transitory in nature or consists of isolated transactions; 2391

(h) Service of an individual who is a citizen of the United 2392
States, performed outside the United States except in Canada after 2393
December 31, 1971, or the Virgin Islands, after December 31, 1971, 2394
and before the first day of January of the year following that in 2395
which the United States secretary of labor approves the Virgin 2396
Islands law for the first time, in the employ of an American 2397
employer, other than service which is "employment" under divisions 2398
(B)(2)(f) and (g) of this section or similar provisions of another 2399
state's law, if: 2400

(i) The employer's principal place of business in the United 2401
States is located in this state; 2402

(ii) The employer has no place of business in the United 2403

States, but the employer is an individual who is a resident of 2404
this state; or the employer is a corporation which is organized 2405
under the laws of this state, or the employer is a partnership or 2406
a trust and the number of partners or trustees who are residents 2407
of this state is greater than the number who are residents of any 2408
other state; or 2409

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 2410
of this section is met but the employer has elected coverage in 2411
this state or the employer having failed to elect coverage in any 2412
state, the individual has filed a claim for benefits, based on 2413
such service, under this chapter. 2414

(i) For the purposes of division (B)(2)(h) of this section, 2415
the term "American employer" means an employer who is an 2416
individual who is a resident of the United States; or a 2417
partnership, if two-thirds or more of the partners are residents 2418
of the United States; or a trust, if all of the trustees are 2419
residents of the United States; or a corporation organized under 2420
the laws of the United States or of any state, provided the term 2421
"United States" includes the states, the District of Columbia, the 2422
Commonwealth of Puerto Rico, and the Virgin Islands. 2423

(j) Notwithstanding any other provisions of divisions (B)(1) 2424
and (2) of this section, service, except for domestic service in a 2425
private home not covered under division (A)(1)(c) of this section, 2426
with respect to which a tax is required to be paid under any 2427
federal law imposing a tax against which credit may be taken for 2428
contributions required to be paid into a state unemployment fund, 2429
or service, except for domestic service in a private home not 2430
covered under division (A)(1)(c) of this section, which, as a 2431
condition for full tax credit against the tax imposed by the 2432
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 2433
3311, is required to be covered under this chapter. 2434

(k) Construction services performed by any individual under a 2435

construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

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

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

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

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

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

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

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

(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;

(ix) The employer requires the individual to perform services on the employer's premises;

(x) The employer requires the individual performing services

to follow the order of work established by the employer;	2466
(xi) The employer requires the individual performing services to make oral or written reports of progress;	2467 2468
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	2469 2470
(xiii) The employer pays expenses for the individual performing services;	2471 2472
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	2473 2474
(xv) The individual performing services has not invested in the facilities used to perform services;	2475 2476
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	2477 2478 2479
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	2480 2481
(xviii) The individual performing services does not make the services available to the general public;	2482 2483
(xix) The employer has a right to discharge the individual performing services;	2484 2485
(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.	2486 2487 2488
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26	2489 2490 2491 2492 2493 2494 2495

U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 2496
(B)(3) of this section. 2497

(m) Service performed by an individual for or on behalf of a 2498
motor carrier transporting property as an operator of a vehicle or 2499
vessel, unless all of the following factors apply to the 2500
individual and the motor carrier has not elected to consider the 2501
individual's service as employment: 2502

(i) The individual owns the vehicle or vessel that is used in 2503
performing the services for or on behalf of the carrier, or the 2504
individual leases the vehicle or vessel under a bona fide lease 2505
agreement that is not a temporary replacement lease agreement. For 2506
purposes of this division, a bona fide lease agreement does not 2507
include an agreement between the individual and the motor carrier 2508
transporting property for which, or on whose behalf, the 2509
individual provides services. 2510

(ii) The individual is responsible for supplying the 2511
necessary personal services to operate the vehicle or vessel used 2512
to provide the service. 2513

(iii) The compensation paid to the individual is based on 2514
factors related to work performed, including on a mileage-based 2515
rate or a percentage of any schedule of rates, and not solely on 2516
the basis of the hours or time expended. 2517

(iv) The individual substantially controls the means and 2518
manner of performing the services, in conformance with regulatory 2519
requirements and specifications of the shipper. 2520

(v) The individual enters into a written contract with the 2521
carrier for whom the individual is performing the services that 2522
describes the relationship between the individual and the carrier 2523
to be that of an independent contractor and not that of an 2524
employee. 2525

(vi) The individual is responsible for substantially all of 2526

the principal operating costs of the vehicle or vessel and 2527
equipment used to provide the services, including maintenance, 2528
fuel, repairs, supplies, vehicle or vessel insurance, and personal 2529
expenses, except that the individual may be paid by the carrier 2530
the carrier's fuel surcharge and incidental costs, including 2531
tolls, permits, and lumper fees. 2532

(vii) The individual is responsible for any economic loss or 2533
economic gain from the arrangement with the carrier. 2534

(viii) The individual is not performing services described in 2535
26 U.S.C. 3306(c)(7) or (8). 2536

(3) "Employment" does not include the following services if 2537
they are found not subject to the "Federal Unemployment Tax Act," 2538
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 2539
are not required to be included under division (B)(2)(j) of this 2540
section: 2541

(a) Service performed after December 31, 1977, in 2542
agricultural labor, except as provided in division (A)(1)(d) of 2543
this section; 2544

(b) Domestic service performed after December 31, 1977, in a 2545
private home, local college club, or local chapter of a college 2546
fraternity or sorority except as provided in division (A)(1)(c) of 2547
this section; 2548

(c) Service performed after December 31, 1977, for this state 2549
or a political subdivision as described in division (B)(2)(a) of 2550
this section when performed: 2551

(i) As a publicly elected official; 2552

(ii) As a member of a legislative body, or a member of the 2553
judiciary; 2554

(iii) As a military member of the Ohio national guard; 2555

(iv) As an employee, not in the classified service as defined 2556

in section 124.11 of the Revised Code, serving on a temporary 2557
basis in case of fire, storm, snow, earthquake, flood, or similar 2558
emergency; 2559

(v) In a position which, under or pursuant to law, is 2560
designated as a major nontenured policymaking or advisory 2561
position, not in the classified service of the state, or a 2562
policymaking or advisory position the performance of the duties of 2563
which ordinarily does not require more than eight hours per week. 2564

(d) In the employ of any governmental unit or instrumentality 2565
of the United States; 2566

(e) Service performed after December 31, 1971: 2567

(i) Service in the employ of an educational institution or 2568
institution of higher education, including those operated by the 2569
state or a political subdivision, if such service is performed by 2570
a student who is enrolled and is regularly attending classes at 2571
the educational institution or institution of higher education; or 2572

(ii) By an individual who is enrolled at a nonprofit or 2573
public educational institution which normally maintains a regular 2574
faculty and curriculum and normally has a regularly organized body 2575
of students in attendance at the place where its educational 2576
activities are carried on as a student in a full-time program, 2577
taken for credit at the institution, which combines academic 2578
instruction with work experience, if the service is an integral 2579
part of the program, and the institution has so certified to the 2580
employer, provided that this subdivision shall not apply to 2581
service performed in a program established for or on behalf of an 2582
employer or group of employers. 2583

(f) Service performed by an individual in the employ of the 2584
individual's son, daughter, or spouse and service performed by a 2585
child under the age of eighteen in the employ of the child's 2586
father or mother; 2587

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, 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:	2588 2589 2590 2591 2592 2593 2594 2595
(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;	2596 2597 2598
(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.	2599 2600 2601 2602 2603
(h) Service performed after December 31, 1971:	2604
(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;	2605 2606 2607 2608 2609
(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or	2610 2611 2612 2613
(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in	2614 2615 2616 2617 2618

the competitive labor market, by an individual receiving such 2619
rehabilitation or remunerative work. 2620

(i) Service performed after June 30, 1939, with respect to 2621
which unemployment compensation is payable under the "Railroad 2622
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 2623

(j) Service performed by an individual in the employ of any 2624
organization exempt from income tax under section 501 of the 2625
"Internal Revenue Code of 1954," if the remuneration for such 2626
service does not exceed fifty dollars in any calendar quarter, or 2627
if such service is in connection with the collection of dues or 2628
premiums for a fraternal beneficial society, order, or association 2629
and is performed away from the home office or is ritualistic 2630
service in connection with any such society, order, or 2631
association; 2632

(k) Casual labor not in the course of an employer's trade or 2633
business; incidental service performed by an officer, appraiser, 2634
or member of a finance committee of a bank, building and loan 2635
association, savings and loan association, or savings association 2636
when the remuneration for such incidental service exclusive of the 2637
amount paid or allotted for directors' fees does not exceed sixty 2638
dollars per calendar quarter is casual labor; 2639

(l) Service performed in the employ of a voluntary employees' 2640
beneficial association providing for the payment of life, 2641
sickness, accident, or other benefits to the members of such 2642
association or their dependents or their designated beneficiaries, 2643
if admission to a membership in such association is limited to 2644
individuals who are officers or employees of a municipal or public 2645
corporation, of a political subdivision of the state, or of the 2646
United States and no part of the net earnings of such association 2647
inures, other than through such payments, to the benefit of any 2648
private shareholder or individual; 2649

(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other officer or employee or of a nondiplomatic representative;	2650 2651 2652
(n) Service performed in the employ of an instrumentality wholly owned by a foreign government if the service is of a character similar to that performed in foreign countries by employees of the United States or of an instrumentality thereof and if the director finds that the secretary of state of the United States has certified to the secretary of the treasury of the United States that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States and of instrumentalities thereof;	2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663
(o) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;	2664 2665 2666
(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;	2667 2668 2669 2670 2671 2672 2673
(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;	2674 2675 2676 2677
(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	2678 2679 2680

by this chapter, except that to the extent that congress permits 2681
states to require any instrumentalities of the United States to 2682
make payments into an unemployment fund under a state unemployment 2683
compensation act, this chapter shall be applicable to such 2684
instrumentalities and to services performed for such 2685
instrumentalities in the same manner, to the same extent, and on 2686
the same terms as to all other employers, individuals, and 2687
services, provided that if this state is not certified for any 2688
year by the proper agency of the United States under section 3304 2689
of the "Internal Revenue Code of 1954," the payments required of 2690
such instrumentalities with respect to such year shall be refunded 2691
by the director from the fund in the same manner and within the 2692
same period as is provided in division (E) of section 4141.09 of 2693
the Revised Code with respect to contributions erroneously 2694
collected; 2695

(s) Service performed by an individual as a member of a band 2696
or orchestra, provided such service does not represent the 2697
principal occupation of such individual, and which service is not 2698
subject to or required to be covered for full tax credit against 2699
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 2700
183 (1939), 26 U.S.C.A. 3301 to 3311. 2701

(t) Service performed in the employ of a day camp whose 2702
camping season does not exceed twelve weeks in any calendar year, 2703
and which service is not subject to the "Federal Unemployment Tax 2704
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 2705
performed after December 31, 1971: 2706

(i) In the employ of a hospital, if the service is performed 2707
by a patient of the hospital, as defined in division (W) of this 2708
section; 2709

(ii) For a prison or other correctional institution by an 2710
inmate of the prison or correctional institution; 2711

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

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

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

(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;

(y) Service performed by a person committed to a penal institution.

(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:	2743
(i) As a publicly elected official;	2744
(ii) As a member of an Indian tribal council;	2745
(iii) As a member of a legislative or judiciary body;	2746
(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;	2747 2748 2749 2750 2751
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	2752 2753
(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.	2754 2755 2756 2757 2758 2759 2760
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	2761 2762
(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 employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of	2763 2764 2765 2766 2767 2768 2769 2770 2771 2772

remuneration is ordinarily made to the employee by the person 2773
employing that employee. Division (B)(4) of this section does not 2774
apply to services performed in a pay period by an employee for the 2775
person employing that employee, if any of such service is excepted 2776
by division (B)(3)(o) of this section. 2777

(C) "Benefits" means money payments payable to an individual 2778
who has established benefit rights, as provided in this chapter, 2779
for loss of remuneration due to the individual's unemployment. 2780

(D) "Benefit rights" means the weekly benefit amount and the 2781
maximum benefit amount that may become payable to an individual 2782
within the individual's benefit year as determined by the 2783
director. 2784

(E) "Claim for benefits" means a claim for waiting period or 2785
benefits for a designated week. 2786

(F) "Additional claim" means the first claim for benefits 2787
filed following any separation from employment during a benefit 2788
year; "continued claim" means any claim other than the first claim 2789
for benefits and other than an additional claim. 2790

(G) "Wages" means remuneration paid to an employee by each of 2791
the employee's employers with respect to employment; except that 2792
wages shall not include that part of remuneration paid during any 2793
calendar year to an individual by an employer or such employer's 2794
predecessor in interest in the same business or enterprise, which 2795
in any calendar year is in excess of nine thousand dollars on and 2796
after January 1, 1995; nine thousand five hundred dollars on and 2797
after January 1, 2018; and nine thousand dollars on and after 2798
January 1, 2020. Remuneration in excess of such amounts shall be 2799
deemed wages subject to contribution to the same extent that such 2800
remuneration is defined as wages under the "Federal Unemployment 2801
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 2802
amended. The remuneration paid an employee by an employer with 2803

respect to employment in another state, upon which contributions 2804
were required and paid by such employer under the unemployment 2805
compensation act of such other state, shall be included as a part 2806
of remuneration in computing the amount specified in this 2807
division. 2808

(H)(1) "Remuneration" means all compensation for personal 2809
services, including commissions and bonuses and the cash value of 2810
all compensation in any medium other than cash, except that in the 2811
case of agricultural or domestic service, "remuneration" includes 2812
only cash remuneration. Gratuities customarily received by an 2813
individual in the course of the individual's employment from 2814
persons other than the individual's employer and which are 2815
accounted for by such individual to the individual's employer are 2816
taxable wages. 2817

The reasonable cash value of compensation paid in any medium 2818
other than cash shall be estimated and determined in accordance 2819
with rules prescribed by the director, provided that 2820
"remuneration" does not include: 2821

(a) Payments as provided in divisions (b)(2) to (b)(20) of 2822
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 2823
26 U.S.C.A. 3301 to 3311, as amended; 2824

(b) The payment by an employer, without deduction from the 2825
remuneration of the individual in the employer's employ, of the 2826
tax imposed upon an individual in the employer's employ under 2827
section 3101 of the "Internal Revenue Code of 1954," with respect 2828
to services performed after October 1, 1941. 2829

(2) "Cash remuneration" means all remuneration paid in cash, 2830
including commissions and bonuses, but not including the cash 2831
value of all compensation in any medium other than cash. 2832

(I) "Interested party" means the director and any party to 2833
whom notice of a determination of an application for benefit 2834

rights or a claim for benefits is required to be given under 2835
section 4141.28 of the Revised Code. 2836

(J) "Annual payroll" means the total amount of wages subject 2837
to contributions during a twelve-month period ending with the last 2838
day of the second calendar quarter of any calendar year. 2839

(K) "Average annual payroll" means the average of the last 2840
three annual payrolls of an employer, provided that if, as of any 2841
computation date, the employer has had less than three annual 2842
payrolls in such three-year period, such average shall be based on 2843
the annual payrolls which the employer has had as of such date. 2844

(L)(1) "Contributions" means the money payments to the state 2845
unemployment compensation fund required of employers by section 2846
4141.25 of the Revised Code and of the state and any of its 2847
political subdivisions electing to pay contributions under section 2848
4141.242 of the Revised Code. Employers paying contributions shall 2849
be described as "contributory employers." 2850

(2) "Payments in lieu of contributions" means the money 2851
payments to the state unemployment compensation fund required of 2852
reimbursing employers under sections 4141.241 and 4141.242 of the 2853
Revised Code. 2854

(M) An individual is "totally unemployed" in any week during 2855
which the individual performs no services and with respect to such 2856
week no remuneration is payable to the individual. 2857

(N) An individual is "partially unemployed" in any week if, 2858
due to involuntary loss of work, the total remuneration payable to 2859
the individual for such week is less than the individual's weekly 2860
benefit amount. 2861

(O) "Week" means the calendar week ending at midnight 2862
Saturday unless an equivalent week of seven consecutive calendar 2863
days is prescribed by the director. 2864

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

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

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

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

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of

the Revised Code, base the determination of eligibility for 2897
benefits on the affidavit of the claimant with respect to weeks 2898
and wages for that calendar quarter. The claimant shall furnish 2899
payroll documentation, where available, in support of the 2900
affidavit. The determination based upon the alternate base period 2901
as it relates to the claimant's benefit rights, shall be amended 2902
when the quarterly report of wage information from the employer is 2903
timely received and that information causes a change in the 2904
determination. As provided in division (B) of section 4141.28 of 2905
the Revised Code, any benefits paid and charged to an employer's 2906
account, based upon a claimant's affidavit, shall be adjusted 2907
effective as of the beginning of the claimant's benefit year. No 2908
calendar quarter in a base period or alternate base period shall 2909
be used to establish a subsequent benefit year. 2910

(3) The "base period" of a combined wage claim, as described 2911
in division (H) of section 4141.43 of the Revised Code, shall be 2912
the base period prescribed by the law of the state in which the 2913
claim is allowed. 2914

(4) For purposes of determining the weeks that comprise a 2915
completed calendar quarter under this division, only those weeks 2916
ending at midnight Saturday within the calendar quarter shall be 2917
utilized. 2918

(R)(1) "Benefit year" with respect to an individual means the 2919
fifty-two week period beginning with the first day of that week 2920
with respect to which the individual first files a valid 2921
application for determination of benefit rights, and thereafter 2922
the fifty-two week period beginning with the first day of that 2923
week with respect to which the individual next files a valid 2924
application for determination of benefit rights after the 2925
termination of the individual's last preceding benefit year, 2926
except that the application shall not be considered valid unless 2927
the individual has had employment in six weeks that is subject to 2928

this chapter or the unemployment compensation act of another 2929
state, or the United States, and has, since the beginning of the 2930
individual's previous benefit year, in the employment earned three 2931
times the average weekly wage determined for the previous benefit 2932
year. The "benefit year" of a combined wage claim, as described in 2933
division (H) of section 4141.43 of the Revised Code, shall be the 2934
benefit year prescribed by the law of the state in which the claim 2935
is allowed. Any application for determination of benefit rights 2936
made in accordance with section 4141.28 of the Revised Code is 2937
valid if the individual filing such application is unemployed, has 2938
been employed by an employer or employers subject to this chapter 2939
in at least twenty qualifying weeks within the individual's base 2940
period, and has earned or been paid remuneration at an average 2941
weekly wage of not less than twenty-seven and one-half per cent of 2942
the statewide average weekly wage for such weeks. For purposes of 2943
determining whether an individual has had sufficient employment 2944
since the beginning of the individual's previous benefit year to 2945
file a valid application, "employment" means the performance of 2946
services for which remuneration is payable. 2947

(2) Effective for benefit years beginning on and after 2948
December 26, 2004, any application for determination of benefit 2949
rights made in accordance with section 4141.28 of the Revised Code 2950
is valid if the individual satisfies the criteria described in 2951
division (R)(1) of this section, and if the reason for the 2952
individual's separation from employment is not disqualifying 2953
pursuant to division (D)(2) of section 4141.29 or section 4141.291 2954
of the Revised Code. A disqualification imposed pursuant to 2955
division (D)(2) of section 4141.29 or section 4141.291 of the 2956
Revised Code must be removed as provided in those sections as a 2957
requirement of establishing a valid application for benefit years 2958
beginning on and after December 26, 2004. 2959

(3) The statewide average weekly wage shall be calculated by 2960

the director once a year based on the twelve-month period ending 2961
the thirtieth day of June, as set forth in division (B)(3) of 2962
section 4141.30 of the Revised Code, rounded down to the nearest 2963
dollar. Increases or decreases in the amount of remuneration 2964
required to have been earned or paid in order for individuals to 2965
have filed valid applications shall become effective on Sunday of 2966
the calendar week in which the first day of January occurs that 2967
follows the twelve-month period ending the thirtieth day of June 2968
upon which the calculation of the statewide average weekly wage 2969
was based. 2970

(4) As used in this division, an individual is "unemployed" 2971
if, with respect to the calendar week in which such application is 2972
filed, the individual is "partially unemployed" or "totally 2973
unemployed" as defined in this section or if, prior to filing the 2974
application, the individual was separated from the individual's 2975
most recent work for any reason which terminated the individual's 2976
employee-employer relationship, or was laid off indefinitely or 2977
for a definite period of seven or more days. 2978

(S) "Calendar quarter" means the period of three consecutive 2979
calendar months ending on the thirty-first day of March, the 2980
thirtieth day of June, the thirtieth day of September, and the 2981
thirty-first day of December, or the equivalent thereof as the 2982
director prescribes by rule. 2983

(T) "Computation date" means the first day of the third 2984
calendar quarter of any calendar year. 2985

(U) "Contribution period" means the calendar year beginning 2986
on the first day of January of any year. 2987

(V) "Agricultural labor," for the purpose of this division, 2988
means any service performed prior to January 1, 1972, which was 2989
agricultural labor as defined in this division prior to that date, 2990
and service performed after December 31, 1971: 2991

(1) On a farm, in the employ of any person, in connection 2992
with cultivating the soil, or in connection with raising or 2993
harvesting any agricultural or horticultural commodity, including 2994
the raising, shearing, feeding, caring for, training, and 2995
management of livestock, bees, poultry, and fur-bearing animals 2996
and wildlife; 2997

(2) In the employ of the owner or tenant or other operator of 2998
a farm in connection with the operation, management, conservation, 2999
improvement, or maintenance of such farm and its tools and 3000
equipment, or in salvaging timber or clearing land of brush and 3001
other debris left by hurricane, if the major part of such service 3002
is performed on a farm; 3003

(3) In connection with the production or harvesting of any 3004
commodity defined as an agricultural commodity in section 15 (g) 3005
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 3006
U.S.C. 1141j, as amended, or in connection with the ginning of 3007
cotton, or in connection with the operation or maintenance of 3008
ditches, canals, reservoirs, or waterways, not owned or operated 3009
for profit, used exclusively for supplying and storing water for 3010
farming purposes; 3011

(4) In the employ of the operator of a farm in handling, 3012
planting, drying, packing, packaging, processing, freezing, 3013
grading, storing, or delivering to storage or to market or to a 3014
carrier for transportation to market, in its unmanufactured state, 3015
any agricultural or horticultural commodity, but only if the 3016
operator produced more than one half of the commodity with respect 3017
to which such service is performed; 3018

(5) In the employ of a group of operators of farms, or a 3019
cooperative organization of which the operators are members, in 3020
the performance of service described in division (V)(4) of this 3021
section, but only if the operators produced more than one-half of 3022
the commodity with respect to which the service is performed; 3023

(6) Divisions (V)(4) and (5) of this section shall not be 3024
deemed to be applicable with respect to service performed: 3025

(a) In connection with commercial canning or commercial 3026
freezing or in connection with any agricultural or horticultural 3027
commodity after its delivery to a terminal market for distribution 3028
for consumption; or 3029

(b) On a farm operated for profit if the service is not in 3030
the course of the employer's trade or business. 3031

As used in division (V) of this section, "farm" includes 3032
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 3033
plantations, ranches, nurseries, ranges, greenhouses, or other 3034
similar structures used primarily for the raising of agricultural 3035
or horticultural commodities and orchards. 3036

(W) "Hospital" means an institution which has been registered 3037
or licensed by the Ohio department of health as a hospital. 3038

(X) "Nonprofit organization" means an organization, or group 3039
of organizations, described in section 501(c)(3) of the "Internal 3040
Revenue Code of 1954," and exempt from income tax under section 3041
501(a) of that code. 3042

(Y) "Institution of higher education" means a public or 3043
nonprofit educational institution, including an educational 3044
institution operated by an Indian tribe, which: 3045

(1) Admits as regular students only individuals having a 3046
certificate of graduation from a high school, or the recognized 3047
equivalent; 3048

(2) Is legally authorized in this state or by the Indian 3049
tribe to provide a program of education beyond high school; and 3050

(3) Provides an educational program for which it awards a 3051
bachelor's or higher degree, or provides a program which is 3052
acceptable for full credit toward such a degree, a program of 3053

post-graduate or post-doctoral studies, or a program of training 3054
to prepare students for gainful employment in a recognized 3055
occupation. 3056

For the purposes of this division, all colleges and 3057
universities in this state are institutions of higher education. 3058

(Z) For the purposes of this chapter, "states" includes the 3059
District of Columbia, the Commonwealth of Puerto Rico, and the 3060
Virgin Islands. 3061

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 3062
this section, an individual who is an alien admitted to the United 3063
States to perform service in agricultural labor pursuant to 3064
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 3065
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 3066

(BB)(1) "Crew leader" means an individual who furnishes 3067
individuals to perform agricultural labor for any other employer 3068
or farm operator, and: 3069

(a) Pays, either on the individual's own behalf or on behalf 3070
of the other employer or farm operator, the individuals so 3071
furnished by the individual for the service in agricultural labor 3072
performed by them; 3073

(b) Has not entered into a written agreement with the other 3074
employer or farm operator under which the agricultural worker is 3075
designated as in the employ of the other employer or farm 3076
operator. 3077

(2) For the purposes of this chapter, any individual who is a 3078
member of a crew furnished by a crew leader to perform service in 3079
agricultural labor for any other employer or farm operator shall 3080
be treated as an employee of the crew leader if: 3081

(a) The crew leader holds a valid certificate of registration 3082
under the "Farm Labor Contractor Registration Act of 1963," 90 3083

Stat. 2668, 7 U.S.C. 2041; or 3084

(b) Substantially all the members of the crew operate or 3085
maintain tractors, mechanized harvesting or crop-dusting 3086
equipment, or any other mechanized equipment, which is provided by 3087
the crew leader; and 3088

(c) If the individual is not in the employment of the other 3089
employer or farm operator within the meaning of division (B)(1) of 3090
this section. 3091

(3) For the purposes of this division, any individual who is 3092
furnished by a crew leader to perform service in agricultural 3093
labor for any other employer or farm operator and who is not 3094
treated as in the employment of the crew leader under division 3095
(BB)(2) of this section shall be treated as the employee of the 3096
other employer or farm operator and not of the crew leader. The 3097
other employer or farm operator shall be treated as having paid 3098
cash remuneration to the individual in an amount equal to the 3099
amount of cash remuneration paid to the individual by the crew 3100
leader, either on the crew leader's own behalf or on behalf of the 3101
other employer or farm operator, for the service in agricultural 3102
labor performed for the other employer or farm operator. 3103

(CC) "Educational institution" means an institution other 3104
than an institution of higher education as defined in division (Y) 3105
of this section, including an educational institution operated by 3106
an Indian tribe, which: 3107

(1) Offers participants, trainees, or students an organized 3108
course of study or training designed to transfer to them 3109
knowledge, skills, information, doctrines, attitudes, or abilities 3110
from, by, or under the guidance of an instructor or teacher; and 3111

(2) Is approved, chartered, or issued a permit to operate as 3112
a school by the state board of education, other government agency, 3113
or Indian tribe that is authorized within the state to approve, 3114

charter, or issue a permit for the operation of a school. 3115

For the purposes of this division, the courses of study or 3116
training which the institution offers may be academic, technical, 3117
trade, or preparation for gainful employment in a recognized 3118
occupation. 3119

(DD) "Cost savings day" means any unpaid day off from work in 3120
which employees continue to accrue employee benefits which have a 3121
determinable value including, but not limited to, vacation, 3122
pension contribution, sick time, and life and health insurance. 3123

(EE) "Motor carrier" has the same meaning as in section 3124
4923.01 of the Revised Code. 3125

Sec. 4301.62. (A) As used in this section: 3126

(1) "Chauffeured limousine" means a vehicle registered under 3127
section 4503.24 of the Revised Code. 3128

(2) "Street," "highway," and "motor vehicle" have the same 3129
meanings as in section 4511.01 of the Revised Code. 3130

(B) No person shall have in the person's possession an opened 3131
container of beer or intoxicating liquor in any of the following 3132
circumstances: 3133

(1) Except as provided in division (C)(1)(e) of this section, 3134
in an agency store; 3135

(2) Except as provided in division (C) of this section, on 3136
the premises of the holder of any permit issued by the division of 3137
liquor control; 3138

(3) In any other public place; 3139

(4) Except as provided in division (D) or (E) of this 3140
section, while operating or being a passenger in or on a motor 3141
vehicle on any street, highway, or other public or private 3142
property open to the public for purposes of vehicular travel or 3143

parking;	3144
(5) Except as provided in division (D) or (E) of this	3145
section, while being in or on a stationary motor vehicle on any	3146
street, highway, or other public or private property open to the	3147
public for purposes of vehicular travel or parking.	3148
(C)(1) A person may have in the person's possession an opened	3149
container of any of the following:	3150
(a) Beer or intoxicating liquor that has been lawfully	3151
purchased for consumption on the premises where bought from the	3152
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4,	3153
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i,	3154
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7,	3155
or F-8 permit;	3156
(b) Beer, wine, or mixed beverages served for consumption on	3157
the premises by the holder of an F-3 permit, wine served as a	3158
tasting sample by an A-2 permit holder or S permit holder for	3159
consumption on the premises of a farmers market for which an F-10	3160
permit has been issued, or wine served for consumption on the	3161
premises by the holder of an F-4 or F-6 permit;	3162
(c) Beer or intoxicating liquor consumed on the premises of a	3163
convention facility as provided in section 4303.201 of the Revised	3164
Code;	3165
(d) Beer or intoxicating liquor to be consumed during	3166
tastings and samplings approved by rule of the liquor control	3167
commission;	3168
(e) Spirituous liquor to be consumed for purposes of a	3169
tasting sample, as defined in section 4301.171 of the Revised	3170
Code.	3171
(2) A person may have in the person's possession on an F	3172
liquor permit premises an opened container of beer or intoxicating	3173

liquor that was not purchased from the holder of the F permit if 3174
the premises for which the F permit is issued is a music festival 3175
and the holder of the F permit grants permission for that 3176
possession on the premises during the period for which the F 3177
permit is issued. As used in this division, "music festival" means 3178
a series of outdoor live musical performances, extending for a 3179
period of at least three consecutive days and located on an area 3180
of land of at least forty acres. 3181

(3)(a) A person may have in the person's possession on a D-2 3182
liquor permit premises an opened or unopened container of wine 3183
that was not purchased from the holder of the D-2 permit if the 3184
premises for which the D-2 permit is issued is an outdoor 3185
performing arts center, the person is attending an orchestral 3186
performance, and the holder of the D-2 permit grants permission 3187
for the possession and consumption of wine in certain 3188
predesignated areas of the premises during the period for which 3189
the D-2 permit is issued. 3190

(b) As used in division (C)(3)(a) of this section: 3191

(i) "Orchestral performance" means a concert comprised of a 3192
group of not fewer than forty musicians playing various musical 3193
instruments. 3194

(ii) "Outdoor performing arts center" means an outdoor 3195
performing arts center that is located on not less than one 3196
hundred fifty acres of land and that is open for performances from 3197
the first day of April to the last day of October of each year. 3198

(4) A person may have in the person's possession an opened or 3199
unopened container of beer or intoxicating liquor at an outdoor 3200
location at which the person is attending an orchestral 3201
performance as defined in division (C)(3)(b)(i) of this section if 3202
the person with supervision and control over the performance 3203
grants permission for the possession and consumption of beer or 3204

intoxicating liquor in certain predesignated areas of that outdoor 3205
location. 3206

(5) A person may have in the person's possession on an F-9 3207
liquor permit premises an opened or unopened container of beer or 3208
intoxicating liquor that was not purchased from the holder of the 3209
F-9 permit if the person is attending either of the following: 3210

(a) An orchestral performance and the F-9 permit holder 3211
grants permission for the possession and consumption of beer or 3212
intoxicating liquor in certain predesignated areas of the premises 3213
during the period for which the F-9 permit is issued; 3214

(b) An outdoor performing arts event or orchestral 3215
performance that is free of charge and the F-9 permit holder 3216
annually hosts not less than twenty-five other events or 3217
performances that are free of charge on the permit premises. 3218

As used in division (C)(5) of this section, "orchestral 3219
performance" has the same meaning as in division (C)(3)(b) of this 3220
section. 3221

(6)(a) A person may have in the person's possession on the 3222
property of an outdoor motorsports facility an opened or unopened 3223
container of beer or intoxicating liquor that was not purchased 3224
from the owner of the facility if both of the following apply: 3225

(i) The person is attending a racing event at the facility; 3226
and 3227

(ii) The owner of the facility grants permission for the 3228
possession and consumption of beer or intoxicating liquor on the 3229
property of the facility. 3230

(b) As used in division (C)(6)(a) of this section: 3231

(i) "Racing event" means a motor vehicle racing event 3232
sanctioned by one or more motor racing sanctioning organizations. 3233

(ii) "Outdoor motorsports facility" means an outdoor 3234

racetrack to which all of the following apply:	3235
(I) It is two and four-tenths miles or more in length.	3236
(II) It is located on two hundred acres or more of land.	3237
(III) The primary business of the owner of the facility is the hosting and promoting of racing events.	3238 3239
(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.	3240 3241
(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from a qualified permit holder to which both of the following apply:	3242 3243 3244 3245 3246 3247
(i) The permit holder's premises is located within the outdoor refreshment area.	3248 3249
(ii) The permit held by the permit holder has an outdoor refreshment area designation.	3250 3251
(b) Division (C)(7) of this section does not authorize a person to do either of the following:	3252 3253
(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;	3254 3255 3256
(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the motor vehicle is stationary and is not being operated in a lane of vehicular travel or unless the possession is otherwise authorized under division (D) or (E) of this section.	3257 3258 3259 3260 3261 3262
(8)(a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an	3263 3264

opened container of beer or intoxicating liquor that was purchased 3265
from a D permit premises that is located immediately adjacent to 3266
the market if both of the following apply: 3267

(i) The market grants permission for the possession and 3268
consumption of beer and intoxicating liquor within the defined F-8 3269
permit premises; 3270

(ii) The market is hosting an event pursuant to an F-8 permit 3271
and the market has notified the division of liquor control about 3272
the event in accordance with division (A)(3) of section 4303.208 3273
of the Revised Code. 3274

(b) As used in division (C)(8) of this section, "market" 3275
means a market, for which an F-8 permit is held, that has been in 3276
operation since 1860. 3277

(D) This section does not apply to a person who pays all or a 3278
portion of the fee imposed for the use of a chauffeured limousine 3279
pursuant to a prearranged contract, or the guest of the person, 3280
when all of the following apply: 3281

(1) The person or guest is a passenger in the limousine. 3282

(2) The person or guest is located in the limousine, but is 3283
not occupying a seat in the front compartment of the limousine 3284
where the operator of the limousine is located. 3285

(3) The limousine is located on any street, highway, or other 3286
public or private property open to the public for purposes of 3287
vehicular travel or parking. 3288

(E) An opened bottle of wine that was purchased from the 3289
holder of a permit that authorizes the sale of wine for 3290
consumption on the premises where sold is not an opened container 3291
for the purposes of this section if both of the following apply: 3292

(1) The opened bottle of wine is securely resealed by the 3293
permit holder or an employee of the permit holder before the 3294

bottle is removed from the premises. The bottle shall be secured 3295
in such a manner that it is visibly apparent if the bottle has 3296
been subsequently opened or tampered with. 3297

(2) The opened bottle of wine that is resealed in accordance 3298
with division (E)(1) of this section is stored in the trunk of a 3299
motor vehicle or, if the motor vehicle does not have a trunk, 3300
behind the last upright seat or in an area not normally occupied 3301
by the driver or passengers and not easily accessible by the 3302
driver. 3303

(F)(1) Except if an ordinance or resolution is enacted or 3304
adopted under division (F)(2) of this section, this section does 3305
not apply to a person who, pursuant to a prearranged contract, is 3306
a passenger riding on a commercial quadricycle when all of the 3307
following apply: 3308

(a) The person is not occupying a seat in the front of the 3309
commercial quadricycle where the operator is steering or braking. 3310

(b) The commercial quadricycle is being operated on a street, 3311
highway, or other public or private property open to the public 3312
for purposes of vehicular travel or parking. 3313

(c) The person has in their possession on the commercial 3314
quadricycle an opened container of beer or wine. 3315

(d) The person has in their possession on the commercial 3316
quadricycle not more than either thirty-six ounces of beer or 3317
eighteen ounces of wine. 3318

(2) The legislative authority of a municipal corporation or 3319
township may enact an ordinance or adopt a resolution, as 3320
applicable, that prohibits a passenger riding on a commercial 3321
quadricycle from possessing an opened container of beer or wine. 3322

(3) As used in this section, "commercial quadricycle" means a 3323
vehicle that has fully-operative pedals for propulsion entirely by 3324

human power and that meets all of the following requirements:	3325
(a) It has four wheels and is operated in a manner similar to a bicycle.	3326 3327
(b) It has at least five seats for passengers.	3328
(c) It is designed to be powered by the pedaling of the operator and the passengers.	3329 3330
(d) It is used for commercial purposes.	3331
(e) It is operated by the vehicle owner or an employee of the owner.	3332 3333
(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.	3334 3335 3336 3337 3338
As used in division (G) of this section, "market" means an establishment that:	3339 3340
(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;	3341 3342 3343 3344
(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;	3345 3346
(3) Hosts a farmer's market on each Saturday from April through December.	3347 3348
Sec. 4501.01. As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:	3349 3350 3351
(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal	3352 3353

assistive mobility devices, vehicles that are operated exclusively 3354
on rails or tracks or from overhead electric trolley wires, and 3355
vehicles that belong to any police department, municipal fire 3356
department, or volunteer fire department, or that are used by such 3357
a department in the discharge of its functions. 3358

(B) "Motor vehicle" means any vehicle, including mobile homes 3359
and recreational vehicles, that is propelled or drawn by power 3360
other than muscular power or power collected from overhead 3361
electric trolley wires. "Motor vehicle" does not include utility 3362
vehicles as defined in division (VV) of this section, under-speed 3363
vehicles as defined in division (XX) of this section, mini-trucks 3364
as defined in division (BBB) of this section, motorized bicycles, 3365
electric bicycles, road rollers, traction engines, power shovels, 3366
power cranes, and other equipment used in construction work and 3367
not designed for or employed in general highway transportation, 3368
well-drilling machinery, ditch-digging machinery, farm machinery, 3369
and trailers that are designed and used exclusively to transport a 3370
boat between a place of storage and a marina, or in and around a 3371
marina, when drawn or towed on a public road or highway for a 3372
distance of no more than ten miles and at a speed of twenty-five 3373
miles per hour or less. 3374

(C) "Agricultural tractor" and "traction engine" mean any 3375
self-propelling vehicle that is designed or used for drawing other 3376
vehicles or wheeled machinery, but has no provisions for carrying 3377
loads independently of such other vehicles, and that is used 3378
principally for agricultural purposes. 3379

(D) "Commercial tractor," except as defined in division (C) 3380
of this section, means any motor vehicle that has motive power and 3381
either is designed or used for drawing other motor vehicles, or is 3382
designed or used for drawing another motor vehicle while carrying 3383
a portion of the other motor vehicle or its load, or both. 3384

(E) "Passenger car" means any motor vehicle that is designed 3385

and used for carrying not more than nine persons and includes any 3386
motor vehicle that is designed and used for carrying not more than 3387
fifteen persons in a ridesharing arrangement. 3388

(F) "Collector's vehicle" means any motor vehicle or 3389
agricultural tractor or traction engine that is of special 3390
interest, that has a fair market value of one hundred dollars or 3391
more, whether operable or not, and that is owned, operated, 3392
collected, preserved, restored, maintained, or used essentially as 3393
a collector's item, leisure pursuit, or investment, but not as the 3394
owner's principal means of transportation. "Licensed collector's 3395
vehicle" means a collector's vehicle, other than an agricultural 3396
tractor or traction engine, that displays current, valid license 3397
tags issued under section 4503.45 of the Revised Code, or a 3398
similar type of motor vehicle that displays current, valid license 3399
tags issued under substantially equivalent provisions in the laws 3400
of other states. 3401

(G) "Historical motor vehicle" means any motor vehicle that 3402
is over twenty-five years old and is owned solely as a collector's 3403
item and for participation in club activities, exhibitions, tours, 3404
parades, and similar uses, but that in no event is used for 3405
general transportation. 3406

(H) "Noncommercial motor vehicle" means any motor vehicle, 3407
including a farm truck as defined in section 4503.04 of the 3408
Revised Code, that is designed by the manufacturer to carry a load 3409
of no more than one ton and is used exclusively for purposes other 3410
than engaging in business for profit. 3411

(I) "Bus" means any motor vehicle that has motor power and is 3412
designed and used for carrying more than nine passengers, except 3413
any motor vehicle that is designed and used for carrying not more 3414
than fifteen passengers in a ridesharing arrangement. 3415

(J) "Commercial car" or "truck" means any motor vehicle that 3416

has motor power and is designed and used for carrying merchandise 3417
or freight, or that is used as a commercial tractor. 3418

(K) "Bicycle" means every device, other than a device that is 3419
designed solely for use as a play vehicle by a child, that is 3420
propelled solely by human power upon which a person may ride, and 3421
that has two or more wheels, any of which is more than fourteen 3422
inches in diameter. 3423

(L) "Motorized bicycle" or "moped" means any vehicle that 3424
either has two tandem wheels or one wheel in the front and two 3425
wheels in the rear, that may be pedaled, and that is equipped with 3426
a helper motor of not more than fifty cubic centimeters piston 3427
displacement that produces no more than one brake horsepower and 3428
is capable of propelling the vehicle at a speed of no greater than 3429
twenty miles per hour on a level surface. "Motorized bicycle" or 3430
"moped" does not include an electric bicycle. 3431

(M) "Trailer" means any vehicle without motive power that is 3432
designed or used for carrying property or persons wholly on its 3433
own structure and for being drawn by a motor vehicle, and includes 3434
any such vehicle that is formed by or operated as a combination of 3435
a semitrailer and a vehicle of the dolly type such as that 3436
commonly known as a trailer dolly, a vehicle used to transport 3437
agricultural produce or agricultural production materials between 3438
a local place of storage or supply and the farm when drawn or 3439
towed on a public road or highway at a speed greater than 3440
twenty-five miles per hour, and a vehicle that is designed and 3441
used exclusively to transport a boat between a place of storage 3442
and a marina, or in and around a marina, when drawn or towed on a 3443
public road or highway for a distance of more than ten miles or at 3444
a speed of more than twenty-five miles per hour. "Trailer" does 3445
not include a manufactured home or travel trailer. 3446

(N) "Noncommercial trailer" means any trailer, except a 3447
travel trailer or trailer that is used to transport a boat as 3448

described in division (B) of this section, but, where applicable, 3449
includes a vehicle that is used to transport a boat as described 3450
in division (M) of this section, that has a gross weight of no 3451
more than ten thousand pounds, and that is used exclusively for 3452
purposes other than engaging in business for a profit, such as the 3453
transportation of personal items for personal or recreational 3454
purposes. 3455

(O) "Mobile home" means a building unit or assembly of closed 3456
construction that is fabricated in an off-site facility, is more 3457
than thirty-five body feet in length or, when erected on site, is 3458
three hundred twenty or more square feet, is built on a permanent 3459
chassis, is transportable in one or more sections, and does not 3460
qualify as a manufactured home as defined in division (C)(4) of 3461
section 3781.06 of the Revised Code or as an industrialized unit 3462
as defined in division (C)(3) of section 3781.06 of the Revised 3463
Code. 3464

(P) "Semitrailer" means any vehicle of the trailer type that 3465
does not have motive power and is so designed or used with another 3466
and separate motor vehicle that in operation a part of its own 3467
weight or that of its load, or both, rests upon and is carried by 3468
the other vehicle furnishing the motive power for propelling 3469
itself and the vehicle referred to in this division, and includes, 3470
for the purpose only of registration and taxation under those 3471
chapters, any vehicle of the dolly type, such as a trailer dolly, 3472
that is designed or used for the conversion of a semitrailer into 3473
a trailer. 3474

(Q) "Recreational vehicle" means a vehicular portable 3475
structure that meets all of the following conditions: 3476

(1) It is designed for the sole purpose of recreational 3477
travel. 3478

(2) It is not used for the purpose of engaging in business 3479

for profit. 3480

(3) It is not used for the purpose of engaging in intrastate 3481
commerce. 3482

(4) It is not used for the purpose of commerce as defined in 3483
49 C.F.R. 383.5, as amended. 3484

(5) It is not regulated by the public utilities commission 3485
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 3486

(6) It is classed as one of the following: 3487

(a) "Travel trailer" or "house vehicle" means a 3488
nonsell-propelled recreational vehicle that does not exceed an 3489
overall length of forty feet, exclusive of bumper and tongue or 3490
coupling. "Travel trailer" includes a tent-type fold-out camping 3491
trailer as defined in section 4517.01 of the Revised Code. 3492

(b) "Motor home" means a self-propelled recreational vehicle 3493
that has no fifth wheel and is constructed with permanently 3494
installed facilities for cold storage, cooking and consuming of 3495
food, and for sleeping. 3496

(c) "Truck camper" means a nonsell-propelled recreational 3497
vehicle that does not have wheels for road use and is designed to 3498
be placed upon and attached to a motor vehicle. "Truck camper" 3499
does not include truck covers that consist of walls and a roof, 3500
but do not have floors and facilities enabling them to be used as 3501
a dwelling. 3502

(d) "Fifth wheel trailer" means a vehicle that is of such 3503
size and weight as to be movable without a special highway permit, 3504
that is constructed with a raised forward section that allows a 3505
bi-level floor plan, and that is designed to be towed by a vehicle 3506
equipped with a fifth-wheel hitch ordinarily installed in the bed 3507
of a truck. 3508

(e) "Park trailer" means a vehicle that is commonly known as 3509

a park model recreational vehicle, meets the American national 3510
standard institute standard A119.5 (1988) for park trailers, is 3511
built on a single chassis, has a gross trailer area of four 3512
hundred square feet or less when set up, is designed for seasonal 3513
or temporary living quarters, and may be connected to utilities 3514
necessary for the operation of installed features and appliances. 3515

(R) "Pneumatic tires" means tires of rubber and fabric or 3516
tires of similar material, that are inflated with air. 3517

(S) "Solid tires" means tires of rubber or similar elastic 3518
material that are not dependent upon confined air for support of 3519
the load. 3520

(T) "Solid tire vehicle" means any vehicle that is equipped 3521
with two or more solid tires. 3522

(U) "Farm machinery" means all machines and tools that are 3523
used in the production, harvesting, and care of farm products, and 3524
includes trailers that are used to transport agricultural produce 3525
or agricultural production materials between a local place of 3526
storage or supply and the farm, agricultural tractors, threshing 3527
machinery, hay-baling machinery, corn shellers, hammermills, and 3528
machinery used in the production of horticultural, agricultural, 3529
and vegetable products. 3530

(V) "Owner" includes any person or firm, other than a 3531
manufacturer or dealer, that has title to a motor vehicle, except 3532
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 3533
includes in addition manufacturers and dealers. 3534

(W) "Manufacturer" and "dealer" include all persons and firms 3535
that are regularly engaged in the business of manufacturing, 3536
selling, displaying, offering for sale, or dealing in motor 3537
vehicles, at an established place of business that is used 3538
exclusively for the purpose of manufacturing, selling, displaying, 3539
offering for sale, or dealing in motor vehicles. A place of 3540

business that is used for manufacturing, selling, displaying, 3541
offering for sale, or dealing in motor vehicles shall be deemed to 3542
be used exclusively for those purposes even though snowmobiles or 3543
all-purpose vehicles are sold or displayed for sale thereat, even 3544
though farm machinery is sold or displayed for sale thereat, or 3545
even though repair, accessory, gasoline and oil, storage, parts, 3546
service, or paint departments are maintained thereat, or, in any 3547
county having a population of less than seventy-five thousand at 3548
the last federal census, even though a department in a place of 3549
business is used to dismantle, salvage, or rebuild motor vehicles 3550
by means of used parts, if such departments are operated for the 3551
purpose of furthering and assisting in the business of 3552
manufacturing, selling, displaying, offering for sale, or dealing 3553
in motor vehicles. Places of business or departments in a place of 3554
business used to dismantle, salvage, or rebuild motor vehicles by 3555
means of using used parts are not considered as being maintained 3556
for the purpose of assisting or furthering the manufacturing, 3557
selling, displaying, and offering for sale or dealing in motor 3558
vehicles. 3559

(X) "Operator" includes any person who drives or operates a 3560
motor vehicle upon the public highways. 3561

(Y) "Chauffeur" means any operator who operates a motor 3562
vehicle, other than a taxicab, as an employee for hire; or any 3563
operator whether or not the owner of a motor vehicle, other than a 3564
taxicab, who operates such vehicle for transporting, for gain, 3565
compensation, or profit, either persons or property owned by 3566
another. Any operator of a motor vehicle who is voluntarily 3567
involved in a ridesharing arrangement is not considered an 3568
employee for hire or operating such vehicle for gain, 3569
compensation, or profit. 3570

(Z) "State" includes the territories and federal districts of 3571
the United States, and the provinces of Canada. 3572

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

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

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

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

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

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

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

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

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

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

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

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

(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.

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

(KK) "Combined gross vehicle weight" with regard to any

combination of a commercial car, trailer, and semitrailer, that is 3634
taxed at the rates established under section 4503.042 or 4503.65 3635
of the Revised Code, means the total unladen weight of the 3636
combination of vehicles fully equipped plus the maximum weight of 3637
the load to be carried on that combination of vehicles. 3638

(LL) "Chauffeured limousine" means a motor vehicle that is 3639
designed to carry nine or fewer passengers and is operated for 3640
hire pursuant to a prearranged contract for the transportation of 3641
passengers on public roads and highways along a route under the 3642
control of the person hiring the vehicle and not over a defined 3643
and regular route. "Prearranged contract" means an agreement, made 3644
in advance of boarding, to provide transportation from a specific 3645
location in a chauffeured limousine. "Chauffeured limousine" does 3646
not include any vehicle that is used exclusively in the business 3647
of funeral directing. 3648

(MM) "Manufactured home" has the same meaning as in division 3649
(C)(4) of section 3781.06 of the Revised Code. 3650

(NN) "Acquired situs," with respect to a manufactured home or 3651
a mobile home, means to become located in this state by the 3652
placement of the home on real property, but does not include the 3653
placement of a manufactured home or a mobile home in the inventory 3654
of a new motor vehicle dealer or the inventory of a manufacturer, 3655
remanufacturer, or distributor of manufactured or mobile homes. 3656

(OO) "Electronic" includes electrical, digital, magnetic, 3657
optical, electromagnetic, or any other form of technology that 3658
entails capabilities similar to these technologies. 3659

(PP) "Electronic record" means a record generated, 3660
communicated, received, or stored by electronic means for use in 3661
an information system or for transmission from one information 3662
system to another. 3663

(QQ) "Electronic signature" means a signature in electronic 3664

form attached to or logically associated with an electronic 3665
record. 3666

(RR) "Financial transaction device" has the same meaning as 3667
in division (A) of section 113.40 of the Revised Code. 3668

(SS) "Electronic motor vehicle dealer" means a motor vehicle 3669
dealer licensed under Chapter 4517. of the Revised Code whom the 3670
registrar of motor vehicles determines meets the criteria 3671
designated in section 4503.035 of the Revised Code for electronic 3672
motor vehicle dealers and designates as an electronic motor 3673
vehicle dealer under that section. 3674

(TT) "Electric personal assistive mobility device" means a 3675
self-balancing two non-tandem wheeled device that is designed to 3676
transport only one person, has an electric propulsion system of an 3677
average of seven hundred fifty watts, and when ridden on a paved 3678
level surface by an operator who weighs one hundred seventy pounds 3679
has a maximum speed of less than twenty miles per hour. 3680

(UU) "Limited driving privileges" means the privilege to 3681
operate a motor vehicle that a court grants under section 4510.021 3682
of the Revised Code to a person whose driver's or commercial 3683
driver's license or permit or nonresident operating privilege has 3684
been suspended. 3685

(VV) "Utility vehicle" means a self-propelled vehicle 3686
designed with a bed, principally for the purpose of transporting 3687
material or cargo in connection with construction, agricultural, 3688
forestry, grounds maintenance, lawn and garden, materials 3689
handling, or similar activities. 3690

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 3691
vehicle with an attainable speed in one mile on a paved level 3692
surface of more than twenty miles per hour but not more than 3693
twenty-five miles per hour and with a gross vehicle weight rating 3694
less than three thousand pounds. 3695

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

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

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

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

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

safety standards. 3728

(CCC) "Autocycle" means a three-wheeled motorcycle that is 3729
manufactured to comply with federal safety requirements for 3730
motorcycles and that is equipped with safety belts, a steering 3731
wheel, and seating that does not require the operator to straddle 3732
or sit astride to ride the motorcycle. 3733

(DDD) "Plug-in electric motor vehicle" means a passenger car 3734
powered wholly or in part by a battery cell energy system that can 3735
be recharged via an external source of electricity. 3736

(EEE) "Hybrid motor vehicle" means a passenger car powered by 3737
an internal propulsion system consisting of both of the following: 3738

(1) A combustion engine; 3739

(2) A battery cell energy system that cannot be recharged via 3740
an external source of electricity but can be recharged by other 3741
vehicle mechanisms that capture and store electric energy. 3742

Sec. 4501.031. All moneys received under section 4504.09 of 3743
the Revised Code shall be paid into the state treasury to the 3744
credit of the local motor vehicle license tax fund, which is 3745
hereby created, for distribution in the manner provided for in 3746
this chapter. The treasurer of state may invest any portion of the 3747
moneys credited to the fund in the same manner and subject to all 3748
the laws governing the investment of state funds by the treasurer 3749
of state. All investment earnings of the fund shall be credited to 3750
the fund. 3751

The registrar of motor vehicles shall open an account with 3752
each county and district of registration in the state, and may 3753
assign each county and district a code for identification 3754
purposes. The code for a county or district may be the same as the 3755
code assigned to the county or district by the registrar under 3756
section 4501.03 of the Revised Code. 3757

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

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

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

Sec. 4501.043. All moneys received under section 4504.09 of the Revised Code with respect to townships levying township license taxes pursuant to ~~section~~ sections 4504.18 and 4504.181 of the Revised Code and paid into the state treasury under section 4501.031 of the Revised Code shall be distributed to the respective townships levying such taxes for allocation and

distribution as provided in section 4504.19 of the Revised Code. 3789

Sec. 4503.038. (A) Not later than ~~nine months~~ ninety days 3790
after ~~June 30, 2017~~ the effective date of this amendment, the 3791
registrar of motor vehicles shall adopt rules in accordance with 3792
Chapter 119. of the Revised Code establishing a service fee that 3793
applies for purposes of sections 4503.03, 4503.036, 4503.042, 3794
4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 3795
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 3796
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 3797
shall be not more than five dollars and twenty-five cents and not 3798
less than three dollars and fifty cents. When establishing the 3799
fee, the registrar shall consider inflation and any other factors 3800
the registrar considers to be relevant to the determination. 3801

(B) Not later than ~~nine months~~ ninety days after ~~June 30,~~ 3802
~~2017~~ the effective date of this amendment, the registrar shall 3803
adopt rules in accordance with Chapter 119. of the Revised Code 3804
establishing prorated service fees that apply for purposes of 3805
multi-year registrations authorized under section 4503.103 of the 3806
Revised Code. When establishing the fee, the registrar shall 3807
consider inflation and any other factors the registrar considers 3808
to be relevant to the determination. 3809

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 3810
motorcycle, and all-purpose vehicle required to be registered 3811
under section 4519.02 of the Revised Code shall file an 3812
application for registration under section 4519.03 of the Revised 3813
Code. The owner of a motor vehicle, other than a snowmobile, 3814
off-highway motorcycle, or all-purpose vehicle, that is not 3815
designed and constructed by the manufacturer for operation on a 3816
street or highway may not register it under this chapter except 3817
upon certification of inspection pursuant to section 4513.02 of 3818
the Revised Code by the sheriff, or the chief of police of the 3819

municipal corporation or township, with jurisdiction over the 3820
political subdivision in which the owner of the motor vehicle 3821
resides. Except as provided in section 4503.103 of the Revised 3822
Code, every owner of every other motor vehicle not previously 3823
described in this section and every person mentioned as owner in 3824
the last certificate of title of a motor vehicle that is operated 3825
or driven upon the public roads or highways shall cause to be 3826
filed each year, by mail or otherwise, in the office of the 3827
registrar of motor vehicles or a deputy registrar, a written or 3828
electronic application or a preprinted registration renewal notice 3829
issued under section 4503.102 of the Revised Code, the form of 3830
which shall be prescribed by the registrar, for registration for 3831
the following registration year, which shall begin on the first 3832
day of January of every calendar year and end on the thirty-first 3833
day of December in the same year. Applications for registration 3834
and registration renewal notices shall be filed at the times 3835
established by the registrar pursuant to section 4503.101 of the 3836
Revised Code. A motor vehicle owner also may elect to apply for or 3837
renew a motor vehicle registration by electronic means using 3838
electronic signature in accordance with rules adopted by the 3839
registrar. Except as provided in division (J) of this section, 3840
applications for registration shall be made on blanks furnished by 3841
the registrar for that purpose, containing the following 3842
information: 3843

(1) A brief description of the motor vehicle to be 3844
registered, including the year, make, model, and vehicle 3845
identification number, and, in the case of commercial cars, the 3846
gross weight of the vehicle fully equipped computed in the manner 3847
prescribed in section 4503.08 of the Revised Code; 3848

(2) The name and residence address of the owner, and the 3849
township and municipal corporation in which the owner resides; 3850

(3) The district of registration, which shall be determined 3851

as follows: 3852

(a) In case the motor vehicle to be registered is used for 3853
hire or principally in connection with any established business or 3854
branch business, conducted at a particular place, the district of 3855
registration is the municipal corporation in which that place is 3856
located or, if not located in any municipal corporation, the 3857
county and township in which that place is located. 3858

(b) In case the vehicle is not so used, the district of 3859
registration is the municipal corporation or county in which the 3860
owner resides at the time of making the application. 3861

(4) Whether the motor vehicle is a new or used motor vehicle; 3862

(5) The date of purchase of the motor vehicle; 3863

(6) Whether the fees required to be paid for the registration 3864
or transfer of the motor vehicle, during the preceding 3865
registration year and during the preceding period of the current 3866
registration year, have been paid. Each application for 3867
registration shall be signed by the owner, either manually or by 3868
electronic signature, or pursuant to obtaining a limited power of 3869
attorney authorized by the registrar for registration, or other 3870
document authorizing such signature. If the owner elects to apply 3871
for or renew the motor vehicle registration with the registrar by 3872
electronic means, the owner's manual signature is not required. 3873

(7) The owner's social security number, driver's license 3874
number, or state identification number, or, where a motor vehicle 3875
to be registered is used for hire or principally in connection 3876
with any established business, the owner's federal taxpayer 3877
identification number. The bureau of motor vehicles shall retain 3878
in its records all social security numbers provided under this 3879
section, but the bureau shall not place social security numbers on 3880
motor vehicle certificates of registration. 3881

(B) Except as otherwise provided in this division, each time 3882

an applicant first registers a motor vehicle in the applicant's 3883
name, the applicant shall present for inspection a physical 3884
certificate of title or memorandum certificate showing title to 3885
the motor vehicle to be registered in the name of the applicant if 3886
a physical certificate of title or memorandum certificate has been 3887
issued by a clerk of a court of common pleas. If, under sections 3888
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 3889
instead has issued an electronic certificate of title for the 3890
applicant's motor vehicle, that certificate may be presented for 3891
inspection at the time of first registration in a manner 3892
prescribed by rules adopted by the registrar. An applicant is not 3893
required to present a certificate of title to an electronic motor 3894
vehicle dealer acting as a limited authority deputy registrar in 3895
accordance with rules adopted by the registrar. When a motor 3896
vehicle inspection and maintenance program is in effect under 3897
section 3704.14 of the Revised Code and rules adopted under it, 3898
each application for registration for a vehicle required to be 3899
inspected under that section and those rules shall be accompanied 3900
by an inspection certificate for the motor vehicle issued in 3901
accordance with that section. The application shall be refused if 3902
any of the following applies: 3903

(1) The application is not in proper form. 3904

(2) The application is prohibited from being accepted by 3905
division (D) of section 2935.27, division (A) of section 2937.221, 3906
division (A) of section 4503.13, division (B) of section 4510.22, 3907
or division (B)(1) of section 4521.10 of the Revised Code. 3908

(3) A certificate of title or memorandum certificate of title 3909
is required but does not accompany the application or, in the case 3910
of an electronic certificate of title, is required but is not 3911
presented in a manner prescribed by the registrar's rules. 3912

(4) All registration and transfer fees for the motor vehicle, 3913
for the preceding year or the preceding period of the current 3914

registration year, have not been paid. 3915

(5) The owner or lessee does not have an inspection 3916
certificate for the motor vehicle as provided in section 3704.14 3917
of the Revised Code, and rules adopted under it, if that section 3918
is applicable. 3919

This section does not require the payment of license or 3920
registration taxes on a motor vehicle for any preceding year, or 3921
for any preceding period of a year, if the motor vehicle was not 3922
taxable for that preceding year or period under sections 4503.02, 3923
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 3924
Revised Code. When a certificate of registration is issued upon 3925
the first registration of a motor vehicle by or on behalf of the 3926
owner, the official issuing the certificate shall indicate the 3927
issuance with a stamp on the certificate of title or memorandum 3928
certificate or, in the case of an electronic certificate of title, 3929
an electronic stamp or other notation as specified in rules 3930
adopted by the registrar, and with a stamp on the inspection 3931
certificate for the motor vehicle, if any. The official also shall 3932
indicate, by a stamp or by other means the registrar prescribes, 3933
on the registration certificate issued upon the first registration 3934
of a motor vehicle by or on behalf of the owner the odometer 3935
reading of the motor vehicle as shown in the odometer statement 3936
included in or attached to the certificate of title. Upon each 3937
subsequent registration of the motor vehicle by or on behalf of 3938
the same owner, the official also shall so indicate the odometer 3939
reading of the motor vehicle as shown on the immediately preceding 3940
certificate of registration. 3941

The registrar shall include in the permanent registration 3942
record of any vehicle required to be inspected under section 3943
3704.14 of the Revised Code the inspection certificate number from 3944
the inspection certificate that is presented at the time of 3945
registration of the vehicle as required under this division. 3946

(C)(1) Except as otherwise provided in division (C)(1) of 3947
this section, the registrar and each deputy registrar shall 3948
collect an additional fee of eleven dollars for each application 3949
for registration and registration renewal received. For vehicles 3950
specified in divisions (A)(1) to (21) of section 4503.042 of the 3951
Revised Code, the registrar and deputy registrar shall collect an 3952
additional fee of thirty dollars for each application for 3953
registration and registration renewal received. No additional fee 3954
shall be charged for vehicles registered under section 4503.65 of 3955
the Revised Code. The additional fee is for the purpose of 3956
defraying the department of public safety's costs associated with 3957
the administration and enforcement of the motor vehicle and 3958
traffic laws of Ohio. Each deputy registrar shall transmit the 3959
fees collected under ~~division~~ divisions (C)(1), (3), and (4) of 3960
this section in the time and manner provided in this section. The 3961
registrar shall deposit all moneys received under division (C)(1) 3962
of this section into the public safety - highway purposes fund 3963
established in section 4501.06 of the Revised Code. 3964

(2) In addition, a charge of twenty-five cents shall be made 3965
for each reflectorized safety license plate issued, and a single 3966
charge of twenty-five cents shall be made for each county 3967
identification sticker or each set of county identification 3968
stickers issued, as the case may be, to cover the cost of 3969
producing the license plates and stickers, including material, 3970
manufacturing, and administrative costs. Those fees shall be in 3971
addition to the license tax. If the total cost of producing the 3972
plates is less than twenty-five cents per plate, or if the total 3973
cost of producing the stickers is less than twenty-five cents per 3974
sticker or per set issued, any excess moneys accruing from the 3975
fees shall be distributed in the same manner as provided by 3976
section 4501.04 of the Revised Code for the distribution of 3977
license tax moneys. If the total cost of producing the plates 3978
exceeds twenty-five cents per plate, or if the total cost of 3979

producing the stickers exceeds twenty-five cents per sticker or 3980
per set issued, the difference shall be paid from the license tax 3981
moneys collected pursuant to section 4503.02 of the Revised Code. 3982

(3) The registrar and each deputy registrar shall collect an 3983
additional fee of two hundred dollars for each application for 3984
registration or registration renewal received for any plug-in 3985
electric motor vehicle. The registrar shall transmit all money 3986
arising from the fee imposed by division (C)(3) of this section to 3987
the treasurer of state for distribution in accordance with 3988
division (E) of section 5735.051 of the Revised Code, subject to 3989
division (D) of section 5735.05 of the Revised Code. 3990

(4) The registrar and each deputy registrar shall collect an 3991
additional fee of one hundred dollars for each application for 3992
registration or registration renewal received for any hybrid motor 3993
vehicle. The registrar shall transmit all money arising from the 3994
fee imposed by division (C)(4) of this section to the treasurer of 3995
state for distribution in accordance with division (E) of section 3996
5735.051 of the Revised Code, subject to division (D) of section 3997
5735.05 of the Revised Code. 3998

The fees established under divisions (C)(3) and (4) of this 3999
section shall not be imposed until January 1, 2020. 4000

(D) Each deputy registrar shall be allowed a fee equal to the 4001
amount established under section 4503.038 of the Revised Code for 4002
each application for registration and registration renewal notice 4003
the deputy registrar receives, which shall be for the purpose of 4004
compensating the deputy registrar for the deputy registrar's 4005
services, and such office and rental expenses, as may be necessary 4006
for the proper discharge of the deputy registrar's duties in the 4007
receiving of applications and renewal notices and the issuing of 4008
registrations. 4009

(E) Upon the certification of the registrar, the county 4010

sheriff or local police officials shall recover license plates 4011
erroneously or fraudulently issued. 4012

(F) Each deputy registrar, upon receipt of any application 4013
for registration or registration renewal notice, together with the 4014
license fee and any local motor vehicle license tax levied 4015
pursuant to Chapter 4504. of the Revised Code, shall transmit that 4016
fee and tax, if any, in the manner provided in this section, 4017
together with the original and duplicate copy of the application, 4018
to the registrar. The registrar, subject to the approval of the 4019
director of public safety, may deposit the funds collected by 4020
those deputies in a local bank or depository to the credit of the 4021
"state of Ohio, bureau of motor vehicles." Where a local bank or 4022
depository has been designated by the registrar, each deputy 4023
registrar shall deposit all moneys collected by the deputy 4024
registrar into that bank or depository not more than one business 4025
day after their collection and shall make reports to the registrar 4026
of the amounts so deposited, together with any other information, 4027
some of which may be prescribed by the treasurer of state, as the 4028
registrar may require and as prescribed by the registrar by rule. 4029
The registrar, within three days after receipt of notification of 4030
the deposit of funds by a deputy registrar in a local bank or 4031
depository, shall draw on that account in favor of the treasurer 4032
of state. The registrar, subject to the approval of the director 4033
and the treasurer of state, may make reasonable rules necessary 4034
for the prompt transmittal of fees and for safeguarding the 4035
interests of the state and of counties, townships, municipal 4036
corporations, and transportation improvement districts levying 4037
local motor vehicle license taxes. The registrar may pay service 4038
charges usually collected by banks and depositories for such 4039
service. If deputy registrars are located in communities where 4040
banking facilities are not available, they shall transmit the fees 4041
forthwith, by money order or otherwise, as the registrar, by rule 4042
approved by the director and the treasurer of state, may 4043

prescribe. The registrar may pay the usual and customary fees for 4044
such service. 4045

(G) This section does not prevent any person from making an 4046
application for a motor vehicle license directly to the registrar 4047
by mail, by electronic means, or in person at any of the 4048
registrar's offices, upon payment of a service fee equal to the 4049
amount established under section 4503.038 of the Revised Code for 4050
each application. 4051

(H) No person shall make a false statement as to the district 4052
of registration in an application required by division (A) of this 4053
section. Violation of this division is falsification under section 4054
2921.13 of the Revised Code and punishable as specified in that 4055
section. 4056

(I)(1) Where applicable, the requirements of division (B) of 4057
this section relating to the presentation of an inspection 4058
certificate issued under section 3704.14 of the Revised Code and 4059
rules adopted under it for a motor vehicle, the refusal of a 4060
license for failure to present an inspection certificate, and the 4061
stamping of the inspection certificate by the official issuing the 4062
certificate of registration apply to the registration of and 4063
issuance of license plates for a motor vehicle under sections 4064
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4065
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4066
4503.47, and 4503.51 of the Revised Code. 4067

(2)(a) The registrar shall adopt rules ensuring that each 4068
owner registering a motor vehicle in a county where a motor 4069
vehicle inspection and maintenance program is in effect under 4070
section 3704.14 of the Revised Code and rules adopted under it 4071
receives information about the requirements established in that 4072
section and those rules and about the need in those counties to 4073
present an inspection certificate with an application for 4074
registration or preregistration. 4075

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

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

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross vehicle weight of the combination vehicle as declared by the registrant;

(3) Any other information the registrar requires by rule.

(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 4107
conduct electronic transactions by July 1, 2010, or sooner. If the 4108
registrar determines that implementing such a program is feasible, 4109
the registrar shall adopt new rules under this division or amend 4110
existing rules adopted under this division as necessary in order 4111
to respond to advances in technology. 4112

If international registration plan guidelines and provisions 4113
allow member jurisdictions to permit applications for 4114
registrations under the international registration plan to be made 4115
via the internet, the rules the registrar adopts under this 4116
division shall permit such action. 4117

Sec. 4503.103. (A)(1) The registrar of motor vehicles may 4118
adopt rules to permit any person or lessee, other than a person 4119
receiving an apportioned license plate under the international 4120
registration plan, who owns or leases one or more motor vehicles 4121
to file a written application for registration for no more than 4122
five succeeding registration years. The rules adopted by the 4123
registrar may designate the classes of motor vehicles that are 4124
eligible for such registration. At the time of application, all 4125
annual taxes and fees shall be paid for each year for which the 4126
person is registering. 4127

(2)(a) The registrar shall adopt rules to permit any person 4128
or lessee who owns or leases a trailer or semitrailer that is 4129
subject to the tax rates prescribed in section 4503.042 of the 4130
Revised Code for such trailers or semitrailers to file a written 4131
application for registration for any number of succeeding 4132
registration years, including a permanent registration. At the 4133
time of application, all annual taxes and fees shall be paid for 4134
each year for which the person is registering, provided that the 4135
annual taxes due, regardless of the number of years for which the 4136
person is registering, shall not exceed two hundred dollars. A 4137

person who registers a vehicle under division (A)(2) of this 4138
section shall pay for each year of registration the additional fee 4139
established under division (C)(1) of section 4503.10 of the 4140
Revised Code, provided that the additional fee due, regardless of 4141
the number of years for which the person is registering, shall not 4142
exceed eighty-eight dollars. The person also shall pay one single 4143
deputy registrar service fee in the amount specified in division 4144
(D) of section 4503.10 of the Revised Code or one single bureau of 4145
motor vehicles service fee in the amount specified in division (G) 4146
of that section, as applicable, regardless of the number of years 4147
for which the person is registering. 4148

(b) In addition, each person registering a trailer or 4149
semitrailer under division (A)(2)(a) of this section shall pay any 4150
applicable local motor vehicle license tax levied under Chapter 4151
4504. of the Revised Code for each year for which the person is 4152
registering, provided that not more than eight times any such 4153
annual local taxes shall be due upon registration. 4154

(c) The period of registration for a trailer or semitrailer 4155
registered under division (A)(2)(a) of this section is exclusive 4156
to the trailer or semitrailer for which that certificate of 4157
registration is issued and is not transferable to any other 4158
trailer or semitrailer if the registration is a permanent 4159
registration. 4160

(3) Except as provided in division (A)(4) of this section, 4161
the registrar shall adopt rules to permit any person who owns a 4162
motor vehicle to file an application for registration for not more 4163
than five succeeding registration years. At the time of 4164
application, the person shall pay the annual taxes and fees for 4165
each registration year, calculated in accordance with division (C) 4166
of section 4503.11 of the Revised Code. A person who is 4167
registering a vehicle under division (A)(3) of this section shall 4168
pay for each year of registration the additional fee established 4169

under division (C)(1), (3), or (4) of section 4503.10 of the Revised Code, as applicable. The person shall also pay the deputy registrar service fee or the bureau of motor vehicles service fee equal to the amount established under section 4503.038 of the Revised Code.

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

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

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

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

a multi-year registration for any vehicle that is required to be 4202
inspected under that section, the district of registration of 4203
which is or is located in the same county as the county named in 4204
the order during the number of years after expiration of the 4205
current multi-year registration that equals the number of years 4206
for which the current multi-year registration was issued. 4207

An order issued under this division shall require the owner 4208
to surrender to the registrar the certificate of registration and 4209
license plates for the vehicle named in the order within five days 4210
after its issuance. If the owner fails to do so within that time, 4211
the registrar shall certify that fact to the county sheriff or 4212
local police officials who shall recover the certificate of 4213
registration and license plates for the vehicle. 4214

(E) Upon the occurrence of either of the following 4215
circumstances, the registrar in accordance with Chapter 119. of 4216
the Revised Code shall issue to the owner a modified order 4217
rescinding the provisions of the order issued under division (D) 4218
of this section impounding the certificate of registration and 4219
license plates for the vehicle named in that original order: 4220

(1) Receipt from the director of environmental protection of 4221
a subsequent notice under rules adopted under section 3704.14 of 4222
the Revised Code that the owner has obtained the inspection 4223
certificate for the vehicle as required under those rules; 4224

(2) Presentation to the registrar by the owner of the 4225
required inspection certificate for the vehicle. 4226

(F) The owner of a motor vehicle for which the certificate of 4227
registration and license plates have been impounded pursuant to an 4228
order issued under division (D) of this section, upon issuance of 4229
a modified order under division (E) of this section, may apply to 4230
the registrar for their return. A fee of two dollars and fifty 4231
cents shall be charged for the return of the certificate of 4232

registration and license plates for each vehicle named in the 4233
application. 4234

Sec. 4503.19. (A)(1) Upon the filing of an application for 4235
registration and the payment of the tax for registration, the 4236
registrar of motor vehicles or a deputy registrar shall determine 4237
whether the owner previously has been issued a license plates 4238
plate for the motor vehicle described in the application. If no 4239
license ~~plates~~ plate previously ~~have~~ has been issued to the owner 4240
for that motor vehicle, the registrar or deputy registrar shall 4241
assign to the motor vehicle a distinctive number and issue and 4242
deliver to the owner in the manner that the registrar may select a 4243
certificate of registration, in the form that the registrar shall 4244
prescribe. The registrar or deputy registrar also shall charge the 4245
owner any fees required under division (C) of section 4503.10 of 4246
the Revised Code. 4247

(2) The registrar or deputy registrar then shall deliver ~~the~~ 4248
~~following:~~ 4249

~~(a) Except as otherwise provided in this section and in~~ 4250
~~division (A)(2) of section 4503.191 of the Revised Code, two a~~ 4251
~~license plates, duplicates of each other, plate and a validation~~ 4252
~~sticker, or a validation sticker alone, to be attached to the~~ 4253
~~number ~~plates~~ plate as provided in section 4503.191 of the Revised~~ 4254
~~Code.~~ 4255

~~(b) For trailers, manufactured homes, mobile homes, and~~ 4256
~~semitrailers, one license plate only and one validation sticker,~~ 4257
~~or a validation sticker alone. The manufacturer thereof, the~~ 4258
~~dealer, or in transit companies therein, If an owner wishes to~~ 4259
~~have two license plates, the registrar or deputy registrar shall~~ 4260
~~deliver two license plates, duplicates of each other, and a~~ 4261
~~validation sticker, or a validation sticker alone, to be attached~~ 4262
~~to the number plates as provided in section 4503.191 of the~~ 4263

Revised Code. The owner shall display the license plate and validation sticker ~~only~~ on the rear of ~~such vehicles~~ the vehicle. 4264
4265

However, 4266

~~(c) For a commercial tractor that does not receive an apportioned license plate under the international registration plan, two license plates and one validation sticker. The shall display the license plate and validation sticker shall be displayed on the front of the commercial tractor.~~ 4267
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~~(d) For an apportioned vehicle receiving an apportioned license plate under the international registration plan, one license plate only and one validation sticker, or a validation sticker alone. The license plate shall be displayed only on the front of a semitractor and on the rear of all other vehicles.~~ 4272
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~~(e) For and a chauffeured limousine, two license plates and validation stickers, or validation stickers alone, and shall display a livery sticker along with a validation sticker as provided in section 4503.24 of the Revised Code.~~ 4277
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(3) The registrar or deputy registrar shall not issue a license ~~plates~~ plate for a school bus. A school bus shall ~~bear~~ display identifying numbers in the manner prescribed by section 4511.764 of the Revised Code. 4281
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(4) The certificate of registration and license ~~plates~~ plate and validation ~~stickers~~ sticker, or validation ~~stickers~~ sticker alone, shall be issued and delivered to the owner in person or by mail. 4285
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(5) In the event of the loss, mutilation, or destruction of any certificate of registration, or of any license ~~plates~~ plate or validation ~~stickers~~ sticker, or if the owner chooses to replace a license ~~plates~~ plate previously issued for a motor vehicle, or if the registration certificate and license ~~plates~~ plate have been impounded as provided by division (B)(1) of section 4507.02 and 4289
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section 4507.16 of the Revised Code, the owner of a motor vehicle, 4295
or manufacturer or dealer, may obtain from the registrar, or from 4296
a deputy registrar if authorized by the registrar, a duplicate 4297
thereof or a new license plates plate bearing a different number, 4298
if the registrar considers it advisable, upon filing an 4299
application prescribed by the registrar, and upon paying a fee of 4300
one dollar for such certificate of registration. The registrar 4301
shall deposit the one dollar fee into the state treasury to the 4302
credit of the public safety - highway purposes fund created in 4303
section 4501.06 of the Revised Code. The registrar or deputy 4304
registrar shall charge a fee of seven dollars and fifty cents for 4305
each set of two license plates or six dollars and fifty cents for 4306
each single license plate or validation sticker issued, which the 4307
registrar shall deposit into the state treasury to the credit of 4308
the public safety - highway purposes fund. 4309

(6) Each applicant for a replacement certificate of 4310
registration, license plate, or validation sticker also shall pay 4311
the fees provided in divisions (C) and (D) of section 4503.10 of 4312
the Revised Code and any applicable fee under section 4503.192 of 4313
the Revised Code. 4314

Additionally, the registrar and each deputy registrar who 4315
either issues a license plates plate and a validation sticker for 4316
use on any vehicle other than a commercial tractor, semitrailer, 4317
or apportioned vehicle, or who issues a validation sticker alone 4318
for use on such a vehicle and the owner has changed the owner's 4319
county of residence since the owner last was issued a county 4320
identification ~~stickers~~ sticker, also shall issue and deliver to 4321
the owner ~~either one or two~~ a county identification ~~stickers~~, ~~as~~ 4322
~~appropriate~~ sticker, which shall be attached to the license ~~plates~~ 4323
plate in a manner prescribed by the director of public safety. The 4324
county identification ~~stickers~~ sticker shall identify prominently 4325
by name the county in which the owner of the vehicle resides at 4326

the time of registration, except that the county identification 4327
sticker for a nonstandard license plate, as defined in section 4328
4503.77 of the Revised Code, shall identify prominently by name or 4329
number the county in which the owner of the vehicle resides at the 4330
time of registration. 4331

(B) A certificate of registration issued under this section 4332
shall have a portion that contains all the information contained 4333
in the main portion of the certificate except for the address of 4334
the person to whom the certificate is issued. Except as provided 4335
in this division, whenever a reference is made in the Revised Code 4336
to a motor vehicle certificate of registration that is issued 4337
under this section, the reference shall be deemed to refer to 4338
either the main portion of the certificate or the portion 4339
containing all information in the main portion except the address 4340
of the person to whom the certificate is issued. If a reference is 4341
made in the Revised Code to the seizure or surrender of a motor 4342
vehicle certificate of registration that is issued under this 4343
section, the reference shall be deemed to refer to both the main 4344
portion of the certificate and the portion containing all 4345
information in the main portion except the address of the person 4346
to whom the certificate is issued. 4347

(C) Whoever violates this section is guilty of a minor 4348
misdemeanor. 4349

Sec. 4503.193. The display of a single current license plate 4350
and validation sticker on a motor vehicle as required under 4351
section 4503.19 of the Revised Code sufficiently indicates that 4352
the vehicle is registered in this state. Any reference in the 4353
Revised Code to license plates, a set of license plates, 4354
registration plates, or validation stickers is deemed to be a 4355
reference to the single license plate and validation sticker 4356
required by that section. 4357

Sec. 4503.21. (A)(1) No person who is the owner or operator 4358
of a motor vehicle shall fail to display in plain view on the 4359
~~front and~~ rear of the motor vehicle a license plate that ~~bears~~ 4360
displays the distinctive number and registration mark assigned to 4361
the motor vehicle by the director of public safety, including any 4362
county identification sticker and any validation sticker issued 4363
under sections 4503.19 and 4503.191 of the Revised Code, ~~except as~~ 4364
~~follows:~~ 4365

~~(a) A manufacturer of motor vehicles or dealer therein, the 4366
holder of an in-transit permit, and the owner or operator of a 4367
motorcycle, motorized bicycle or moped, motor-driven cycle or 4368
motor scooter, autocycle, cab-enclosed motorcycle, manufactured 4369
home, mobile home, trailer, or semitrailer shall display a license 4370
plate on the rear only. 4371~~

~~(b) A motor vehicle that is issued two license plates shall 4372
display the validation sticker only on the rear license plate, 4373
except that a commercial tractor that does not receive an 4374
apportioned license plate under the international registration 4375
plan shall display the license plate and validation sticker on the 4376
front of the commercial tractor. 4377~~

~~(c) An apportioned vehicle receiving an apportioned license 4378
plate under the international registration plan shall display the 4379
license plate only on the front of a commercial tractor and on the 4380
rear of all other vehicles. 4381~~

(2) ~~All~~ The license ~~plates~~ plate shall be securely fastened 4382
so as not to swing, and shall not be covered by any material that 4383
obstructs ~~their~~ its visibility. 4384

(3) No person to whom a temporary license placard or 4385
windshield sticker has been issued for the use of a motor vehicle 4386
under section 4503.182 of the Revised Code, and no operator of 4387
that motor vehicle, shall fail to display the temporary license 4388

placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

~~(B) A law enforcement officer shall only issue a ticket, citation, or summons, or cause the arrest or commence a prosecution, for the failure to display a license plate in plain view on the front of a parked motor vehicle if the officer first determines that another offense has occurred and either places the operator or vehicle owner under arrest or issues a ticket, citation, or summons to the operator or vehicle owner for the other offense.~~

~~(C)(1) Except as provided in division (C)(2) of this section, whoever Whoever violates division (A) of this section is guilty of a minor misdemeanor.~~

~~(2) Whoever violates division (A) of this section by failing to display a license plate in plain view on the front of a motor vehicle as required under division (A) of this section while the motor vehicle is otherwise legally parked is guilty of a minor misdemeanor and may be fined not more than one hundred dollars.~~

~~A person who is subject to the penalty prescribed in division (C)(2) of this section is not subject to the charging of points under section 4510.036 of the Revised Code.~~

~~(3)(C) The offense established under division (A) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.~~

Sec. 4503.23. No motor vehicle designed to carry passengers, 4420
owned or leased by the state, or any of its departments, bureaus, 4421
commissions, or institutions supported in whole or in part by 4422
funds provided by the state, shall be operated or driven by any 4423
person unless it has displayed, in a prominent position on ~~both~~ 4424
the ~~front and~~ rear of the vehicle, ~~identification plates which a~~ 4425
license plate that shall be the same size, shape, and treated for 4426
increased visibility in the same manner as those issued by the 4427
registrar of motor vehicles for private vehicles. ~~Such~~ 4428
~~identification plates~~ The license plate shall be attached to the 4429
vehicle in the same manner as provided by statute for the 4430
illumination and attachment of a license plates plate on private 4431
vehicles. The registrar shall designate the colors of the license 4432
~~tags which~~ plate that shall be used on state-owned cars; ~~such the~~ 4433
colors shall be other than those used on privately owned motor 4434
vehicles, and shall apply only to license plates used on 4435
state-owned motor vehicles. ~~Said plates~~ The plate shall ~~bear~~ 4436
display a special serial number, and the words "Ohio State Car." 4437

Sec. 4503.41. (A) Any disabled veteran who, because of a 4438
service-connected disability, has been or is awarded funds for the 4439
purchase of a motor vehicle under the "Disabled Veterans' and 4440
Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 4441
U.S.C. 1901, and amendments thereto, and any disabled veteran 4442
having a service-connected disability rated at one hundred per 4443
cent by the veterans' administration, may apply to the registrar 4444
for the registration of the disabled veteran's personal motor 4445
vehicle ~~without the payment of.~~ Except as provided in division (C) 4446
of this section, a disabled veteran is not required to pay any 4447
registration fee and service fee as required by sections 4503.038, 4448
4503.04, 4503.10, and 4503.102, and 4503.103 of the Revised Code, 4449
~~and without the payment of~~ any local motor vehicle tax levied 4450

under Chapter 4504. of the Revised Code, or any fee charged under 4451
section 4503.19 of the Revised Code. The application for 4452
registration shall be accompanied by such documentary evidence of 4453
disability as the registrar may require by rule. 4454

(B) Upon the receipt of an application for registration of a 4455
motor vehicle under this section, and presentation of satisfactory 4456
evidence of disability, the registrar or deputy registrar shall 4457
issue to the applicant a set of license plates, which shall be 4458
red, white, and blue in color and shall, in addition to the 4459
letters and numbers ordinarily inscribed thereon, be inscribed 4460
with the word "veteran" and imprinted with the international 4461
wheelchair symbol. 4462

(C) A disabled veteran who is eligible to register a motor 4463
vehicle under this section may register as many vehicles as are 4464
titled and registered in that disabled veteran's name. For each 4465
additional registration after the first registration, the 4466
registrar or deputy registrar shall collect any applicable fee 4467
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 4468
4503.103, and 4503.19 of the Revised Code, and any local motor 4469
vehicle tax levied under Chapter 4504. of the Revised Code. 4470

Sec. 4504.10. Except as otherwise provided in this chapter, 4471
the levy of any excise, license, income, or property tax by the 4472
state or by any political subdivision thereof shall not be 4473
construed as preempting the power of a county to levy a county 4474
motor vehicle license tax pursuant to section 4504.02, 4504.15, 4475
4504.16, or 4504.24 of the Revised Code, of a township to levy a 4476
township motor vehicle license tax pursuant to ~~section~~ sections 4477
4504.18 and 4504.181 of the Revised Code, or of a municipal 4478
corporation to levy a municipal motor vehicle license tax pursuant 4479
to section 4504.06, 4504.17, 4504.171, ~~or~~ 4504.172, or 4504.173 of 4480
the Revised Code. 4481

Sec. 4504.173. (A)(1) The legislative authority of a 4482
municipal corporation may levy an annual license tax upon the 4483
operation of motor vehicles on the public roads and highways in 4484
that municipal corporation for any authorized purpose. A tax 4485
levied under this section is in addition to the tax levied by 4486
sections 4503.02 and 4503.07 of the Revised Code and any other tax 4487
levied under this chapter. The tax shall be at the rate of five 4488
dollars per motor vehicle on all motor vehicles the district of 4489
registration of which is located in the municipal corporation 4490
levying the tax, as defined in section 4503.10 of the Revised 4491
Code. The rate of the tax is in addition to the tax rates 4492
prescribed in sections 4503.04 and 4503.042 of the Revised Code 4493
and is subject to both of the following: 4494

(a) The reductions in the manner provided in section 4503.11 4495
of the Revised Code; 4496

(b) The exemptions provided in sections 4503.16, 4503.17, 4497
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4498
4503.571 of the Revised Code. 4499

(2) As used in division (A)(1) of this section, "authorized 4500
purpose" means any of the following: 4501

(a) Paying the costs and expenses of enforcing and 4502
administering the tax provided for in this section; 4503

(b) Planning, constructing, improving, maintaining, and 4504
repairing public roads, highways, and streets; 4505

(c) Maintaining and repairing bridges and viaducts; 4506

(d) Paying the municipal corporation's portion of the costs 4507
and expenses of cooperating with the department of transportation 4508
in the planning, improvement, and construction of state highways; 4509

(e) Paying the municipal corporation's portion of the 4510
compensation, damages, costs, and expenses of planning, 4511

<u>constructing, reconstructing, improving, maintaining, and</u>	4512
<u>repairing roads and streets;</u>	4513
<u>(f) Paying any costs apportioned to the municipal corporation</u>	4514
<u>under section 4907.47 of the Revised Code;</u>	4515
<u>(g) Paying debt service charges on notes or bonds of the</u>	4516
<u>municipal corporation issued for such purposes;</u>	4517
<u>(h) Purchasing, erecting, and maintaining street and traffic</u>	4518
<u>signs and markers;</u>	4519
<u>(i) Purchasing, erecting, and maintaining traffic lights and</u>	4520
<u>signals;</u>	4521
<u>(j) Supplementing revenue already available for the</u>	4522
<u>aforementioned purposes.</u>	4523
<u>(B)(1) No ordinance, resolution, or other measure levying a</u>	4524
<u>municipal motor vehicle license tax pursuant to this section shall</u>	4525
<u>be enacted as an emergency measure under section 731.30 of the</u>	4526
<u>Revised Code or pursuant to the charter of the municipal</u>	4527
<u>corporation.</u>	4528
<u>(2) An ordinance, resolution, or other measure levying a</u>	4529
<u>municipal motor vehicle license tax pursuant to this section is</u>	4530
<u>subject to a referendum as provided in sections 731.29 to 731.41</u>	4531
<u>of the Revised Code or by the charter of the municipal</u>	4532
<u>corporation.</u>	4533
<u>(C) A municipal motor vehicle license tax levied under this</u>	4534
<u>section continues in effect until repealed.</u>	4535
<u>Sec. 4504.181.</u> (A)(1) <u>The board of township trustees of a</u>	4536
<u>township may, by resolution, levy an annual license tax upon the</u>	4537
<u>operation of motor vehicles on the public roads and highways in</u>	4538
<u>the unincorporated territory of the township for any authorized</u>	4539
<u>purpose. A tax levied under this section is in addition to the tax</u>	4540
<u>levied by sections 4503.02 and 4503.07 of the Revised Code and any</u>	4541

other tax levied under this chapter. The tax shall be at the rate 4542
of five dollars per motor vehicle on all motor vehicles the 4543
district of registration of which is located in the unincorporated 4544
area of the township levying the tax, as defined in section 4545
4503.10 of the Revised Code. The rate of the tax is in addition to 4546
the tax rates prescribed in sections 4503.04 and 4503.042 of the 4547
Revised Code and is subject to both of the following: 4548

(a) The reductions in the manner provided in section 4503.11 4549
of the Revised Code; 4550

(b) The exemptions provided in sections 4503.16, 4503.17, 4551
4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4552
4503.571 of the Revised Code. 4553

(2) As used in division (A)(1) of this section, "authorized 4554
purpose" means any of the following: 4555

(a) Paying the costs and expenses of enforcing and 4556
administering the tax provided for in this section; 4557

(b) Paying for construction, reconstruction, improvement, 4558
maintenance, and repair of township roads, bridges, and culverts; 4559

(c) Purchasing, erecting, and maintaining traffic signs, 4560
markers, lights, and signals; 4561

(d) Purchasing road machinery and equipment, and planning, 4562
constructing, and maintaining suitable buildings to house such 4563
equipment; 4564

(e) Paying any costs apportioned to the township under 4565
section 4907.47 of the Revised Code; 4566

(f) Supplementing revenue already available for the 4567
aforementioned purposes. 4568

(B) Prior to the adoption of any resolution under this 4569
section, the board of township trustees shall conduct two public 4570

hearings on the resolution, the second hearing to be not less than 4571
three but not more than ten days after the first hearing. The 4572
board shall provide notice of the date, time, and place of both 4573
hearings by publication in a newspaper of general circulation in 4574
the township, or as provided in section 7.16 of the Revised Code, 4575
once a week on the same day of the week for two consecutive weeks. 4576
The second publication shall be not less than ten but not more 4577
than thirty days prior to the first hearing. 4578

(C) No resolution adopted under this section shall become 4579
effective sooner than thirty days following its adoption. A 4580
resolution under this section is subject to a referendum in the 4581
same manner, except as to the form of the petition, as provided in 4582
division (H) of section 519.12 of the Revised Code for a proposed 4583
amendment to a township zoning resolution. In addition, a petition 4584
under this section shall be governed by the rules specified in 4585
section 3501.38 of the Revised Code. 4586

No resolution levying a tax under this section for which a 4587
referendum vote has been requested shall go into effect unless 4588
approved by a majority of those voting upon it. 4589

(D) A township license tax levied under this section 4590
continues in effect until repealed. 4591

Sec. 4504.201. No commercial car that is taxed under division 4592
(A) of section 4503.65 of the Revised Code, and no commercial bus 4593
that is taxed under division (B) of section 4503.65 of the Revised 4594
Code, is subject to a tax established under section 4504.02, 4595
4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.173, 4596
4504.18, 4504.181, or 4504.24 of the Revised Code. 4597

Sec. 4505.101. (A)(1) Any repair garage or place of storage 4598
in which a motor vehicle with a value of less than three thousand 4599
five hundred dollars has been left unclaimed for fifteen days or 4600

more following completion of the requested repair or the agreed 4601
term of storage shall send by certified mail, return receipt 4602
requested, to the last known address of any owner and any 4603
lienholder of the motor vehicle a notice to remove the motor 4604
vehicle. In order to identify any owner or lienholder, prior to 4605
sending a notice, the repair garage or place of storage shall 4606
cause a search to be made of the records of the bureau of motor 4607
vehicles. Any notice to a lienholder shall state where the motor 4608
vehicle is located and the value of the vehicle. If the person who 4609
requested the repair or who agreed to the storage of the motor 4610
vehicle is not the owner or a lienholder of the motor vehicle as 4611
indicated in the records of the bureau, the repair garage or place 4612
of storage also shall notify the sheriff of the county or the 4613
police department of the municipal corporation, township, port 4614
authority, or township or joint police district in which the 4615
repair garage or place of storage is located that the repair 4616
garage or place of storage is in possession of the vehicle. 4617

(2) The repair garage or place of storage may obtain a 4618
certificate of title to the motor vehicle if all of the following 4619
apply: 4620

(a) The motor vehicle remains unclaimed by any owner or 4621
lienholder of the vehicle for fifteen days after the mailing of 4622
all required notices. 4623

(b) For each notice, the repair garage or place of storage 4624
has either received the signed receipt from the certified mail or 4625
has been notified that the delivery was not possible. Unless the 4626
lienholder claims the motor vehicle within fifteen days from the 4627
mailing of the notice, the lienholder's lien is invalid. 4628

(c) An agent of the repair garage or place of storage that 4629
mailed the notice executes an affidavit, in a form established by 4630
the registrar of motor vehicles by rule, affirming that all of the 4631

requirements of this section necessary to authorize the issuance 4632
of a certificate of title for the motor vehicle have been met. The 4633
affidavit shall set forth an itemized statement of the value of 4634
the motor vehicle; the length of time that the motor vehicle has 4635
remained unclaimed; that a notice to remove the vehicle has been 4636
mailed to any titled owner or lienholder by certified mail, return 4637
receipt requested; and that a search of the records of the bureau 4638
of motor vehicles has been made in accordance with division (A)(1) 4639
of this section. 4640

(B) A towing service or storage facility that is in 4641
possession of a vehicle may obtain a certificate of title to the 4642
vehicle as provided in division (C) of this section if all of the 4643
following apply: 4644

(1) The vehicle was towed under division (B) of section 4645
4513.601 of the Revised Code. 4646

(2) The vehicle has a value of less than three thousand five 4647
hundred dollars. 4648

(3) The vehicle has been left unclaimed for sixty days after 4649
the date the earliest notice required by division (F)(1) of 4650
section 4513.601 of the Revised Code is received, as evidenced by 4651
a receipt signed by any person, or the towing service or storage 4652
facility has been notified that the delivery was not possible. 4653

(4) An agent of the towing service or storage facility 4654
executes an affidavit, in a form established by the registrar of 4655
motor vehicles by rule, affirming that all of the requirements of 4656
this section necessary to authorize the issuance of a certificate 4657
of title for the motor vehicle have been met. The affidavit shall 4658
set forth an itemized statement of the value of the motor vehicle; 4659
that notices to remove the vehicle have been mailed to the owner 4660
and any lienholder as required under division (F) of section 4661
4513.601 of the Revised Code; the length of time that the motor 4662

vehicle has remained unclaimed after the date the earliest notice 4663
required under division (F) of section 4513.601 of the Revised 4664
Code was received or the towing service or storage facility was 4665
notified that delivery was not possible; and that a search of the 4666
records of the bureau of motor vehicles has been made for 4667
outstanding liens on the motor vehicle. 4668

(C)(1) The clerk of courts shall issue a certificate of 4669
title, free and clear of all liens and encumbrances as follows: 4670

(a) To a repair garage or place of storage that presents an 4671
affidavit that complies with all of the requirements of division 4672
(A) of this section; 4673

(b) To a towing service or storage facility that presents an 4674
affidavit in compliance with division (B) of this section. 4675

(2) A repair garage or place of storage may use the process 4676
established under division (A) of this section in order to take 4677
title to a motor vehicle even if the person who requested the 4678
repair or who agreed to the storage of the motor vehicle is not 4679
the owner or a lienholder of the motor vehicle as indicated in the 4680
records of the bureau of motor vehicles. 4681

(3) Upon receipt of the certificate of title, a repair garage 4682
or place of storage, or a towing service or storage facility, 4683
shall pay to the clerk of courts the value of the motor vehicle 4684
minus both of the following: 4685

(a) If the motor vehicle was towed by the party seeking title 4686
to the motor vehicle under this section, a towing fee; 4687

(b) Storage fees for the period of time the vehicle was 4688
stored without payment. 4689

The clerk of courts shall deposit any money received under 4690
this section into the county general fund. 4691

(D) Whoever violates this section shall be fined not more 4692

than two hundred dollars, imprisoned not more than ninety days, or 4693
both. 4694

(E) As used in this section: 4695

(1) "Repair garage or place of storage" means any business 4696
with which a person entered into an agreement for the repair of a 4697
motor vehicle or any business with which a person entered into an 4698
agreement for the storage of a motor vehicle. 4699

(2) "Towing service or storage facility" means any for-hire 4700
motor carrier that removes a motor vehicle under the authority of 4701
section 4513.601 of the Revised Code and any place to which such a 4702
for-hire motor carrier delivers a motor vehicle towed under that 4703
section. 4704

(3) "Value" means the wholesale value for that make and model 4705
of motor vehicle at the time an affidavit is submitted under 4706
division (C) of this section, as provided in a vehicle valuation 4707
guide that is generally available and recognized by the motor 4708
vehicle industry, minus both of the following: 4709

(a) The estimated cost of repairs to restore the motor 4710
vehicle to the wholesale value for that make and model of motor 4711
vehicle; 4712

(b) The cost of any agreed-upon repairs. 4713

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 4714
approval by the director of public safety, shall adopt rules 4715
conforming with applicable standards adopted by the federal motor 4716
carrier safety administration as regulations under Pub. L. No. 4717
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 4718
31317. The rules shall establish requirements for the 4719
qualification and testing of persons applying for a commercial 4720
driver's license, which are in addition to other requirements 4721
established by this chapter. Except as provided in division (B) of 4722

this section, the highway patrol or any other employee of the 4723
department of public safety the registrar authorizes shall 4724
supervise and conduct the testing of persons applying for a 4725
commercial driver's license. 4726

(B) The director may adopt rules, in accordance with Chapter 4727
119. of the Revised Code and applicable requirements of the 4728
federal motor carrier safety administration, authorizing the 4729
skills test specified in this section to be administered by any 4730
person, by an agency of this or another state, or by an agency, 4731
department, or instrumentality of local government. Each party 4732
authorized under this division to administer the skills test may 4733
charge a maximum divisible fee of ~~eighty-five~~ one hundred fifteen 4734
dollars for each skills test given as part of a commercial 4735
driver's license examination. The fee shall consist of not more 4736
than ~~twenty~~ twenty-seven dollars for the pre-trip inspection 4737
portion of the test, not more than ~~twenty~~ twenty-seven dollars for 4738
the off-road maneuvering portion of the test, and not more than 4739
~~forty-five~~ sixty-one dollars for the on-road portion of the test. 4740
Each such party may require an appointment fee in the same manner 4741
provided in division (E)(2) of this section, except that the 4742
maximum amount such a party may require as an appointment fee is 4743
~~eighty-five~~ one hundred fifteen dollars. The skills test 4744
administered by another party under this division shall be the 4745
same as otherwise would be administered by this state. The other 4746
party shall enter into an agreement with the director that, 4747
without limitation, does all of the following: 4748

(1) Allows the director or the director's representative and 4749
the federal motor carrier safety administration or its 4750
representative to conduct random examinations, inspections, and 4751
audits of the other party, whether covert or overt, without prior 4752
notice; 4753

(2) Requires the director or the director's representative to 4754

conduct on-site inspections of the other party at least annually; 4755

(3) Requires that all examiners of the other party meet the 4756
same qualification and training standards as examiners of the 4757
department of public safety, including criminal background checks, 4758
to the extent necessary to conduct skills tests in the manner 4759
required by 49 C.F.R. 383.110 through 383.135. In accordance with 4760
federal guidelines, any examiner employed on ~~the effective date of~~ 4761
~~this amendment~~ July 1, 2017, shall have a criminal background 4762
check conducted at least once, and any examiner hired after July 4763
1, 2015, shall have a criminal background check conducted after 4764
the examiner is initially hired. 4765

(4) Requires either that state employees take, at least 4766
annually and as though the employees were test applicants, the 4767
tests actually administered by the other party, that the director 4768
test a sample of drivers who were examined by the other party to 4769
compare the test results, or that state employees accompany a test 4770
applicant during an actual test; 4771

(5) Unless the other party is a governmental entity, requires 4772
the other party to initiate and maintain a bond in an amount 4773
determined by the director to sufficiently pay for the retesting 4774
of drivers in the event that the other party or its skills test 4775
examiners are involved in fraudulent activities related to skills 4776
testing; 4777

(6) Requires the other party to use only skills test 4778
examiners who have successfully completed a commercial driver's 4779
license examiner training course as prescribed by the director, 4780
and have been certified by the state as a commercial driver's 4781
license skills test examiner qualified to administer skills tests; 4782

(7) Requires the other party to use designated road test 4783
routes that have been approved by the director; 4784

(8) Requires the other party to submit a schedule of skills 4785

test appointments to the director not later than two business days 4786
prior to each skills test; 4787

(9) Requires the other party to maintain copies of the 4788
following records at its principal place of business: 4789

(a) The other party's commercial driver's license skills 4790
testing program certificate; 4791

(b) Each skills test examiner's certificate of authorization 4792
to administer skills tests for the classes and types of commercial 4793
motor vehicles listed in the certificate; 4794

(c) Each completed skills test scoring sheet for the current 4795
calendar year as well as the prior two calendar years; 4796

(d) A complete list of the test routes that have been 4797
approved by the director; 4798

(e) A complete and accurate copy of each examiner's training 4799
record. 4800

(10) If the other party also is a driver training school, 4801
prohibits its skills test examiners from administering skills 4802
tests to applicants that the examiner personally trained; 4803

(11) Requires each skills test examiner to administer a 4804
complete skills test to a minimum of thirty-two different 4805
individuals per calendar year; 4806

(12) Reserves to this state the right to take prompt and 4807
appropriate remedial action against the other party and its skills 4808
test examiners if the other party or its skills test examiners 4809
fail to comply with standards of this state or federal standards 4810
for the testing program or with any other terms of the contract. 4811

(C) The director shall enter into an agreement with the 4812
department of education authorizing the skills test specified in 4813
this section to be administered by the department at any location 4814
operated by the department for purposes of training and testing 4815

school bus drivers, provided that the agreement between the 4816
director and the department complies with the requirements of 4817
division (B) of this section. Skills tests administered by the 4818
department shall be limited to persons applying for a commercial 4819
driver's license with a school bus endorsement. 4820

(D)(1) The director shall adopt rules, in accordance with 4821
Chapter 119. of the Revised Code, authorizing waiver of the skills 4822
test specified in this section for any applicant for a commercial 4823
driver's license who meets all of the following requirements: 4824

(a) As authorized under 49 C.F.R. 383.3(c), the applicant 4825
operates a commercial motor vehicle for military purposes and is 4826
one of the following: 4827

(i) Active duty military personnel; 4828

(ii) A member of the military reserves; 4829

(iii) A member of the national guard on active duty, 4830
including full-time national guard duty, part-time national guard 4831
training, and national guard military technicians; 4832

(iv) Active duty U.S. coast guard personnel. 4833

(b) The applicant certifies that, during the two-year period 4834
immediately preceding application for a commercial driver's 4835
license, all of the following apply: 4836

(i) The applicant has not had more than one license, 4837
excluding any military license. 4838

(ii) The applicant has not had any license suspended, 4839
revoked, or canceled. 4840

(iii) The applicant has not had any convictions for any type 4841
of motor vehicle for the offenses for which disqualification is 4842
prescribed in section 4506.16 of the Revised Code. 4843

(iv) The applicant has not had more than one conviction for 4844
any type of motor vehicle for a serious traffic violation. 4845

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

(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 4877
commercial driver's license who schedules an appointment with the 4878
highway patrol or other authorized employee of the department of 4879
public safety to take all portions of the skills test and to pay 4880
an appointment fee of fifty dollars at the time of scheduling the 4881
appointment. If the applicant appears at the time and location 4882
specified for the appointment and takes all portions of the skills 4883
test during that appointment, the appointment fee serves as the 4884
skills test fee. If the applicant schedules an appointment to take 4885
all portions of the skills test and fails to appear at the time 4886
and location specified for the appointment, the director shall not 4887
refund any portion of the appointment fee. If the applicant 4888
schedules an appointment to take all portions of the skills test 4889
and appears at the time and location specified for the 4890
appointment, but declines or is unable to take all portions of the 4891
skills test, the director shall not refund any portion of the 4892
appointment fee. If the applicant cancels a scheduled appointment 4893
forty-eight hours or more prior to the time of the appointment 4894
time, the applicant shall not forfeit the appointment fee. 4895

An applicant for a commercial driver's license who schedules 4896
an appointment to take one or more, but not all, portions of the 4897
skills test is required to pay an appointment fee equal to the 4898
costs of each test scheduled, as prescribed in division (E)(1) of 4899
this section, when scheduling such an appointment. If the 4900
applicant appears at the time and location specified for the 4901
appointment and takes all the portions of the skills test during 4902
that appointment that the applicant was scheduled to take, the 4903
appointment fee serves as the skills test fee. If the applicant 4904
schedules an appointment to take one or more, but not all, 4905
portions of the skills test and fails to appear at the time and 4906
location specified for the appointment, the director shall not 4907
refund any portion of the appointment fee. If the applicant 4908
schedules an appointment to take one or more, but not all, 4909

portions of the skills test and appears at the time and location 4910
specified for the appointment, but declines or is unable to take 4911
all portions of the skills test that the applicant was scheduled 4912
to take, the director shall not refund any portion of the 4913
appointment fee. If the applicant cancels a scheduled appointment 4914
forty-eight hours or more prior to the time of the appointment 4915
time, the applicant shall not forfeit the appointment fee. 4916

(3) The department of public safety shall deposit all fees it 4917
collects under division (E) of this section in the public safety - 4918
highway purposes fund established in section 4501.06 of the 4919
Revised Code. 4920

(F) A person who has successfully completed commercial 4921
driver's license training in this state but seeks a commercial 4922
driver's license in another state where the person is domiciled 4923
may schedule an appointment to take the skills test in this state 4924
and shall pay the appropriate appointment fee. Upon the person's 4925
completion of the skills test, this state shall electronically 4926
transmit the applicant's results to the state where the person is 4927
domiciled. If a person who is domiciled in this state takes a 4928
skills test in another state, this state shall accept the results 4929
of the skills test from the other state. If the person passed the 4930
other state's skills test and meets all of the other licensing 4931
requirements set forth in this chapter and rules adopted under 4932
this chapter, the registrar of motor vehicles or a deputy 4933
registrar shall issue a commercial driver's license to that 4934
person. 4935

(G) Unless otherwise specified, the director or the 4936
director's representative shall conduct the examinations, 4937
inspections, audits, and test monitoring set forth in divisions 4938
(B)(2),(3), and (4) of this section at least annually. If the 4939
other party or any of its skills test examiners fail to comply 4940
with state or federal standards for the skills testing program, 4941

the director or the director's representative shall take prompt 4942
and appropriate remedial action against the party and its skills 4943
test examiners. Remedial action may include termination of the 4944
agreement or revocation of a skills test examiner's certification. 4945

(H) As used in this section, "skills test" means a test of an 4946
applicant's ability to drive the type of commercial motor vehicle 4947
for which the applicant seeks a commercial driver's license by 4948
having the applicant drive such a motor vehicle while under the 4949
supervision of an authorized state driver's license examiner or 4950
tester. 4951

Sec. 4506.11. (A) Every commercial driver's license shall be 4952
marked "commercial driver's license" or "CDL" and shall be of such 4953
material and so designed as to prevent its reproduction or 4954
alteration without ready detection, ~~and, to this end, shall be~~ 4955
~~laminated with a transparent plastic material.~~ The commercial 4956
driver's license for licensees under twenty-one years of age shall 4957
have characteristics prescribed by the registrar of motor vehicles 4958
distinguishing it from that issued to a licensee who is twenty-one 4959
years of age or older. Every commercial driver's license shall 4960
display all of the following information: 4961

(1) The name and residence address of the licensee; 4962

(2) A color photograph of the licensee showing the licensee's 4963
uncovered face; 4964

(3) A physical description of the licensee, including sex, 4965
height, weight, and color of eyes and hair; 4966

(4) The licensee's date of birth; 4967

(5) The licensee's social security number if the person has 4968
requested that the number be displayed in accordance with section 4969
4501.31 of the Revised Code or if federal law requires the social 4970
security number to be displayed and any number or other identifier 4971

the director of public safety considers appropriate and 4972
establishes by rules adopted under Chapter 119. of the Revised 4973
Code and in compliance with federal law; 4974

(6) The licensee's signature; 4975

(7) The classes of commercial motor vehicles the licensee is 4976
authorized to drive and any endorsements or restrictions relating 4977
to the licensee's driving of those vehicles; 4978

(8) The name of this state; 4979

(9) The dates of issuance and of expiration of the license; 4980

(10) If the licensee has certified willingness to make an 4981
anatomical gift under section 2108.05 of the Revised Code, any 4982
symbol chosen by the registrar of motor vehicles to indicate that 4983
the licensee has certified that willingness; 4984

(11) If the licensee has executed a durable power of attorney 4985
for health care or a declaration governing the use or 4986
continuation, or the withholding or withdrawal, of life-sustaining 4987
treatment and has specified that the licensee wishes the license 4988
to indicate that the licensee has executed either type of 4989
instrument, any symbol chosen by the registrar to indicate that 4990
the licensee has executed either type of instrument; 4991

(12) On and after October 7, 2009, if the licensee has 4992
specified that the licensee wishes the license to indicate that 4993
the licensee is a veteran, active duty, or reservist of the armed 4994
forces of the United States and has presented a copy of the 4995
licensee's DD-214 form or an equivalent document, any symbol 4996
chosen by the registrar to indicate that the licensee is a 4997
veteran, active duty, or reservist of the armed forces of the 4998
United States; 4999

(13) Any other information the registrar considers advisable 5000
and requires by rule. 5001

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

(C) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the commercial driver's license issued to persons who are twenty-one years of age or older.

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

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

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

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

(B) A test or tests as provided in division (A) of this section may be administered at the direction of a peace officer having reasonable ground to stop or detain the person and, after investigating the circumstances surrounding the operation of the ~~commercial~~ motor vehicle, also having reasonable ground to believe

the person was driving the ~~commercial~~ motor vehicle while having a 5032
measurable or detectable amount of alcohol or of a controlled 5033
substance or a metabolite of a controlled substance in the 5034
person's whole blood, blood serum or plasma, breath, or urine. Any 5035
such test shall be given within two hours of the time of the 5036
alleged violation. 5037

(C) A person requested by a peace officer to submit to a test 5038
under division (A) of this section shall be advised by the peace 5039
officer that a refusal to submit to the test will result in the 5040
person immediately being placed out-of-service for a period of 5041
twenty-four hours and being disqualified from operating a 5042
commercial motor vehicle for a period of not less than one year, 5043
and that the person is required to surrender the person's 5044
commercial driver's license or permit to the peace officer. 5045

(D) If a person refuses to submit to a test after being 5046
warned as provided in division (C) of this section or submits to a 5047
test that discloses the presence of an amount of alcohol or a 5048
controlled substance prohibited by divisions (A)(1) to (5) of 5049
section 4506.15 of the Revised Code or a metabolite of a 5050
controlled substance, the person immediately shall surrender the 5051
person's commercial driver's license or permit to the peace 5052
officer. The peace officer shall forward the license or permit, 5053
together with a sworn report, to the registrar of motor vehicles 5054
certifying that the test was requested pursuant to division (A) of 5055
this section and that the person either refused to submit to 5056
testing or submitted to a test that disclosed the presence of one 5057
of the prohibited concentrations of a substance listed in 5058
divisions (A)(1) to (5) of section 4506.15 of the Revised Code or 5059
a metabolite of a controlled substance. The form and contents of 5060
the report required by this section shall be established by the 5061
registrar by rule, but shall contain the advice to be read to the 5062
driver and a statement to be signed by the driver acknowledging 5063

that the driver has been read the advice and that the form was 5064
shown to the driver. 5065

(E) Upon receipt of a sworn report from a peace officer as 5066
provided in division (D) of this section, or upon receipt of 5067
notification that a person has been disqualified under a similar 5068
law of another state or foreign jurisdiction, the registrar shall 5069
disqualify the person named in the report from driving a 5070
commercial motor vehicle for the period described below: 5071

(1) Upon a first incident, one year; 5072

(2) Upon an incident of refusal or of a prohibited 5073
concentration of alcohol, a controlled substance, or a metabolite 5074
of a controlled substance after one or more previous incidents of 5075
either refusal or of a prohibited concentration of alcohol, a 5076
controlled substance, or a metabolite of a controlled substance, 5077
the person shall be disqualified for life or such lesser period as 5078
prescribed by rule by the registrar. 5079

(F) A test of a person's whole blood or a person's blood 5080
serum or plasma given under this section shall comply with the 5081
applicable provisions of division (D) of section 4511.19 of the 5082
Revised Code and any physician, registered nurse, emergency 5083
medical technician-intermediate, emergency medical 5084
technician-paramedic, or qualified technician, chemist, or 5085
phlebotomist who withdraws whole blood or blood serum or plasma 5086
from a person under this section, and any hospital, first-aid 5087
station, clinic, or other facility at which whole blood or blood 5088
serum or plasma is withdrawn from a person pursuant to this 5089
section, is immune from criminal liability, and from civil 5090
liability that is based upon a claim of assault and battery or 5091
based upon any other claim of malpractice, for any act performed 5092
in withdrawing whole blood or blood serum or plasma from the 5093
person. The immunity provided in this division also extends to an 5094
emergency medical service organization that employs an emergency 5095

medical technician-intermediate or emergency medical 5096
technician-paramedic who withdraws blood under this section. 5097

(G) When a person submits to a test under this section, the 5098
results of the test, at the person's request, shall be made 5099
available to the person, the person's attorney, or the person's 5100
agent, immediately upon completion of the chemical test analysis. 5101
The person also may have an additional test administered by a 5102
physician, a registered nurse, or a qualified technician, chemist, 5103
or phlebotomist of the person's own choosing as provided in 5104
division (D) of section 4511.19 of the Revised Code for tests 5105
administered under that section, and the failure to obtain such a 5106
test has the same effect as in that division. 5107

(H) No person shall refuse to immediately surrender the 5108
person's commercial driver's license or permit to a peace officer 5109
when required to do so by this section. 5110

(I) A peace officer issuing an out-of-service order or 5111
receiving a commercial driver's license or permit surrendered 5112
under this section may remove or arrange for the removal of any 5113
commercial motor vehicle affected by the issuance of that order or 5114
the surrender of that license. 5115

(J)(1) Except for civil actions arising out of the operation 5116
of a motor vehicle and civil actions in which the state is a 5117
plaintiff, no peace officer of any law enforcement agency within 5118
this state is liable in compensatory damages in any civil action 5119
that arises under the Revised Code or common law of this state for 5120
an injury, death, or loss to person or property caused in the 5121
performance of official duties under this section and rules 5122
adopted under this section, unless the officer's actions were 5123
manifestly outside the scope of the officer's employment or 5124
official responsibilities, or unless the officer acted with 5125
malicious purpose, in bad faith, or in a wanton or reckless 5126
manner. 5127

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

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

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

(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person

whose commercial driver's license or permit is suspended shall not 5160
apply to the registrar for or receive a driver's license under 5161
Chapter 4507. of the Revised Code during the period of suspension. 5162

(N) Whoever violates division (H) of this section is guilty 5163
of a misdemeanor of the first degree. 5164

(O) As used in this section, "emergency medical 5165
technician-intermediate" and "emergency medical 5166
technician-paramedic" have the same meanings as in section 4765.01 5167
of the Revised Code. 5168

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 5169
"motorized bicycle," "state," "owner," "operator," "chauffeur," 5170
and "highways" have the same meanings as in section 4501.01 of the 5171
Revised Code. 5172

"Driver's license" means a class D license issued to any 5173
person to operate a motor vehicle or motor-driven cycle, other 5174
than a commercial motor vehicle, and includes "probationary 5175
license," "restricted license," and any operator's or chauffeur's 5176
license issued before January 1, 1990. 5177

"Probationary license" means the license issued to any person 5178
between sixteen and eighteen years of age to operate a motor 5179
vehicle. 5180

"Restricted license" means the license issued to any person 5181
to operate a motor vehicle subject to conditions or restrictions 5182
imposed by the registrar of motor vehicles. 5183

"Commercial driver's license" means the license issued to a 5184
person under Chapter 4506. of the Revised Code to operate a 5185
commercial motor vehicle. 5186

"Commercial motor vehicle" has the same meaning as in section 5187
4506.01 of the Revised Code. 5188

"Motorcycle operator's temporary instruction permit, license, 5189

or endorsement" includes a temporary instruction permit, license, 5190
or endorsement for a motor-driven cycle or motor scooter unless 5191
otherwise specified. 5192

"Motorized bicycle license" means the license issued under 5193
section 4511.521 of the Revised Code to any person to operate a 5194
motorized bicycle including a "probationary motorized bicycle 5195
license." 5196

"Probationary motorized bicycle license" means the license 5197
issued under section 4511.521 of the Revised Code to any person 5198
between fourteen and sixteen years of age to operate a motorized 5199
bicycle. 5200

"Identification card" means a card issued under sections 5201
4507.50 and 4507.51 of the Revised Code. 5202

"Resident" means a person who, in accordance with standards 5203
prescribed in rules adopted by the registrar, resides in this 5204
state on a permanent basis. 5205

"Temporary resident" means a person who, in accordance with 5206
standards prescribed in rules adopted by the registrar, resides in 5207
this state on a temporary basis. 5208

(B) In the administration of this chapter and Chapter 4506. 5209
of the Revised Code, the registrar has the same authority as is 5210
conferred on the registrar by section 4501.02 of the Revised Code. 5211
Any act of an authorized deputy registrar of motor vehicles under 5212
direction of the registrar is deemed the act of the registrar. 5213

To carry out this chapter, the registrar shall appoint such 5214
deputy registrars in each county as are necessary. 5215

The registrar also shall provide at each place where an 5216
application for a driver's or commercial driver's license or 5217
identification card may be made the necessary equipment to take a 5218
color photograph of the applicant for such license or card as 5219

required under section 4506.11 or 4507.06 of the Revised Code, and 5220
to conduct the vision screenings required by section 4507.12 of 5221
the Revised Code, ~~and equipment to laminate licenses, motorized 5222~~
~~bicycle licenses, and identification cards as required by sections 5223~~
~~4507.13, 4507.52, and 4511.521 of the Revised Code. 5224~~

The registrar shall assign one or more deputy registrars to 5225
any driver's license examining station operated under the 5226
supervision of the director of public safety, whenever the 5227
registrar considers such assignment possible. Space shall be 5228
provided in the driver's license examining station for any such 5229
deputy registrar so assigned. The deputy registrars shall not 5230
exercise the powers conferred by such sections upon the registrar, 5231
unless they are specifically authorized to exercise such powers by 5232
such sections. 5233

(C) No agent for any insurance company, writing automobile 5234
insurance, shall be appointed deputy registrar, and any such 5235
appointment is void. No deputy registrar shall in any manner 5236
solicit any form of automobile insurance, nor in any manner 5237
advise, suggest, or influence any licensee or applicant for 5238
license for or against any kind or type of automobile insurance, 5239
insurance company, or agent, nor have the deputy registrar's 5240
office directly connected with the office of any automobile 5241
insurance agent, nor impart any information furnished by any 5242
applicant for a license or identification card to any person, 5243
except the registrar. This division shall not apply to any 5244
nonprofit corporation appointed deputy registrar. 5245

(D) The registrar shall immediately remove a deputy registrar 5246
who violates the requirements of this chapter. 5247

~~(E) The registrar shall periodically solicit bids and enter 5248~~
~~into a contract for the provision of laminating equipment and 5249~~
~~laminating materials to the registrar and all deputy registrars. 5250~~
~~The registrar shall not consider any bid that does not provide for 5251~~

~~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 registrar shall observe all procedures required by law.~~

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall issue a driver's license to every person licensed as an operator of motor vehicles other than commercial motor vehicles. No person licensed as a commercial motor vehicle driver under Chapter 4506. of the Revised Code need procure a driver's license, but no person shall drive any commercial motor vehicle unless licensed as a commercial motor vehicle driver.

(2) Every driver's license shall display ~~on it the~~ all of the following information:

(a) The distinguishing number assigned to the licensee ~~and shall display the.~~

(b) The licensee's name and date of birth; ~~the~~

(c) The licensee's residence address and county of residence;
a

(d) A color photograph of the licensee; a

(e) A brief description of the licensee for the purpose of identification; a

(f) A facsimile of the signature of the licensee as it appears on the application for the license; a

(g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject; ~~if~~

(h) If the licensee has executed a durable power of attorney 5281
for health care or a declaration governing the use or 5282
continuation, or the withholding or withdrawal, of life-sustaining 5283
treatment and has specified that the licensee wishes the license 5284
to indicate that the licensee has executed either type of 5285
instrument, any symbol chosen by the registrar to indicate that 5286
the licensee has executed either type of instrument; ~~on and after~~ 5287
~~October 7, 2009, if~~ 5288

(i) If the licensee has specified that the licensee wishes 5289
the license to indicate that the licensee is a veteran, active 5290
duty, or reservist of the armed forces of the United States and 5291
has presented a copy of the licensee's DD-214 form or an 5292
equivalent document, any symbol chosen by the registrar to 5293
indicate that the licensee is a veteran, active duty, or reservist 5294
of the armed forces of the United States; ~~and any~~ 5295

(j) Any additional information that the registrar requires by 5296
rule. 5297

(3) No license shall display the licensee's social security 5298
number unless the licensee specifically requests that the 5299
licensee's social security number be displayed on the license. If 5300
federal law requires the licensee's social security number to be 5301
displayed on the license, the social security number shall be 5302
displayed on the license notwithstanding this section. 5303

(4) The driver's license for licensees under twenty-one years 5304
of age shall have characteristics prescribed by the registrar 5305
distinguishing it from that issued to a licensee who is twenty-one 5306
years of age or older, except that a driver's license issued to a 5307
person who applies no more than thirty days before the applicant's 5308
twenty-first birthday shall have the characteristics of a license 5309
issued to a person who is twenty-one years of age or older. 5310

(5) The driver's license issued to a temporary resident shall 5311

contain the word "nonrenewable" and shall have any additional 5312
characteristics prescribed by the registrar distinguishing it from 5313
a license issued to a resident. 5314

(6) Every driver's or commercial driver's license displaying 5315
a motorcycle operator's endorsement and every restricted license 5316
to operate a motor vehicle also shall display the designation 5317
"novice," if the endorsement or license is issued to a person who 5318
is eighteen years of age or older and previously has not been 5319
licensed to operate a motorcycle by this state or another 5320
jurisdiction recognized by this state. The "novice" designation 5321
shall be effective for one year after the date of issuance of the 5322
motorcycle operator's endorsement or license. 5323

(7) Each license issued under this section shall be of such 5324
material and so designed as to prevent its reproduction or 5325
alteration without ready detection ~~and, to this end, shall be~~ 5326
~~laminated with a transparent plastic material.~~ 5327

(B) Except in regard to a driver's license issued to a person 5328
who applies no more than thirty days before the applicant's 5329
twenty-first birthday, neither the registrar nor any deputy 5330
registrar shall issue a driver's license to anyone under 5331
twenty-one years of age that does not have the characteristics 5332
prescribed by the registrar distinguishing it from the driver's 5333
license issued to persons who are twenty-one years of age or 5334
older. 5335

(C) Whoever violates division (B) of this section is guilty 5336
of a minor misdemeanor. 5337

Sec. 4507.18. (A) The registrar of motor vehicles shall 5338
permit all of the following to renew a driver's license or 5339
motorcycle operator's endorsement issued by this state by 5340
electronic means: 5341

(1) Any person who is on active duty in the armed forces of the United States who is stationed outside of this state; 5342
5343

(2) The spouse of a person described in division (A)(1) of this section who is also outside of this state; 5344
5345

(3) The dependents of a person described in division (A)(1) of this section who are also outside of this state. 5346
5347

(B) The registrar shall require all of the following: 5348

(1) That the applicant provide a digital copy of the applicant's military identification card or military dependent identification card; 5349
5350
5351

(2) That any spouse or dependent applicant provide a digital copy of a form provided by the registrar demonstrating that the applicant received and passed a vision examination in accordance with the vision requirements under section 4507.12 of the Revised Code; 5352
5353
5354
5355
5356

(3) That the applicant provide a digital copy of a current two inch by two inch color passport quality photograph with a white background to be used as the applicant's new driver's license or motorcycle operator's endorsement photograph; 5357
5358
5359
5360

(4) That the applicant provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements. 5361
5362
5363
5364

(C) The registrar shall make it possible for applicants to upload and send by electronic means all required copies of supporting documents and photographs for a driver's license or motorcycle operator's endorsement renewal under this section. 5365
5366
5367
5368

(D)(1) This section does not impact a person's ability to use the exemption from the license requirements available under division (B) of section 4507.03 of the Revised Code. 5369
5370
5371

(2) This section does not prevent a person who is permitted to renew a driver's license or motorcycle operator's endorsement by electronic means under this section from making an application, as provided in section 4507.10 of the Revised Code, in person at a deputy registrar office.

(E) The registrar shall adopt rules under Chapter 119. of the Revised Code to implement and administer this section.

Sec. 4507.23. (A) Except as provided in division (I) of this section, each application for a temporary instruction permit and examination shall be accompanied by a fee of five dollars.

(B) Except as provided in division (I) of this section, each application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.

(C)(1) Except as provided in divisions (E) and (I) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars.

(2) Except as provided in division (I) of this section, each application for a duplicate driver's license shall be accompanied by a fee of seven dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.

(D) Except as provided in division (I) of this section, each application for a motorized bicycle license or duplicate thereof shall be accompanied by a fee of two dollars and fifty cents.

(E) Except as provided in division (I) of this section, each application for a driver's license or renewal of a driver's license that will be issued to a person who is less than twenty-one years of age shall be accompanied by whichever of the following fees is applicable:

(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 dollars. The additional fee is for the purpose of defraying the department of public safety's costs associated with the administration and enforcement of the motor vehicle and traffic laws of Ohio.

(H) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees collected under divisions (A), (B), (C), (D), and (E), those portions of the fees specified in and collected under division (F), and the additional fee under division (G) of this section to the registrar. The registrar shall deposit the fees into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(I) 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, without the payment of any fee prescribed in this section, of any of the following items:

- (1) A temporary instruction permit and examination;
- (2) A new, renewal, or duplicate driver's or commercial driver's license;
- (3) A motorcycle operator's endorsement;
- (4) A motorized bicycle license or duplicate thereof;
- (5) ~~Lamination of a driver's license, motorized bicycle license, or temporary instruction permit identification card~~ A

document authentication fee as provided in division (F) of this 5463
section. 5464

An application made under division (I) of this section shall 5465
be accompanied by such documentary evidence of disability as the 5466
registrar may require by rule. 5467

(J)(1) The registrar of motor vehicles shall adopt rules that 5468
establish a prorated fee schedule that specifies the fee to be 5469
charged by the registrar or a deputy registrar for the issuance of 5470
a duplicate driver's license. The rules shall require the base fee 5471
to be equal to the fee for a duplicate driver's license that 5472
existed immediately prior to July 1, 2015. In order to determine 5473
the prorated amount for a duplicate license under the rules, the 5474
registrar shall reduce the base fee by an amount determined by the 5475
registrar that is correlated with the number of months between the 5476
date a person applies for the duplicate and the date of expiration 5477
of the license. The registrar shall allocate the money received 5478
from a prorated duplicate driver's license fee to the same funds 5479
and in the same proportion as the allocation of the base fee. 5480

(2) Notwithstanding any other provision of law, after the 5481
registrar has adopted rules under division (J)(1) of this section, 5482
an applicant for a duplicate driver's license shall be required to 5483
pay only the appropriate prorated fee established under those 5484
rules. 5485

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy 5486
registrar, upon receipt of an application filed in compliance with 5487
section 4507.51 of the Revised Code by any person who is a 5488
resident or a temporary resident of this state and, except as 5489
otherwise provided in this section, is not licensed as an operator 5490
of a motor vehicle in this state or another licensing 5491
jurisdiction, and, except as provided in division (B) or (C) of 5492
this section, upon receipt of a fee of three dollars and fifty 5493

cents, shall issue an identification card to that person. 5494

Any person who is a resident or temporary resident of this 5495
state whose Ohio driver's or commercial driver's license has been 5496
suspended or canceled, upon application in compliance with section 5497
4507.51 of the Revised Code and, except as provided in division 5498
(B) or (C) of this section, payment of a fee of three dollars and 5499
fifty cents, may be issued a temporary identification card. The 5500
temporary identification card shall be identical to an 5501
identification card, except that it shall be printed on its face 5502
with a statement that the card is valid during the effective dates 5503
of the suspension or cancellation of the cardholder's license, or 5504
until the birthday of the cardholder in the fourth year after the 5505
date on which it is issued, whichever is shorter. The cardholder 5506
shall surrender the identification card to the registrar or any 5507
deputy registrar before the cardholder's driver's or commercial 5508
driver's license is restored or reissued. 5509

Except as provided in division (B) or (C) of this section, 5510
the deputy registrar shall be allowed a fee equal to the amount 5511
established under section 4503.038 of the Revised Code for each 5512
identification card issued under this section. The fee allowed to 5513
the deputy registrar shall be in addition to the fee for issuing 5514
an identification card. 5515

Neither the registrar nor any deputy registrar shall charge a 5516
fee in excess of one dollar and fifty cents for ~~laminating the~~ 5517
authentication of the documents required for processing an 5518
identification card or temporary identification card. A deputy 5519
registrar ~~laminating such a card that authenticates the required~~ 5520
documents shall retain the entire amount of the fee ~~charged for~~ 5521
~~lamination, less the actual cost to the registrar of the~~ 5522
~~laminating materials used for that lamination, as specified in the~~ 5523
~~contract executed by the bureau for the laminating materials and~~ 5524

~~laminating equipment. The deputy registrar shall forward the~~ 5525
~~amount of the cost of the laminating materials to the registrar~~ 5526
~~for deposit as provided in this section.~~ 5527

The fee collected for issuing an identification card under 5528
this section, except the fee allowed to the deputy registrar, 5529
shall be paid into the state treasury to the credit of the public 5530
safety - highway purposes fund created in section 4501.06 of the 5531
Revised Code. 5532

(B) A disabled veteran who has a service-connected disability 5533
rated at one hundred per cent by the veterans' administration may 5534
apply to the registrar or a deputy registrar for the issuance to 5535
that veteran of an identification card or a temporary 5536
identification card under this section without payment of any fee 5537
prescribed in division (A) of this section, ~~including any~~ 5538
~~lamination fee.~~ 5539

An application made under division (B) of this section shall 5540
be accompanied by such documentary evidence of disability as the 5541
registrar may require by rule. 5542

(C) A resident who is eligible for an identification card 5543
with an expiration date that is in accordance with division 5544
(A)(8)(b) of section 4507.52 of the Revised Code and who is 5545
currently unemployed may apply to the registrar or a deputy 5546
registrar for the issuance of an identification card under this 5547
section without payment of any fee as prescribed in division (A) 5548
of this section, ~~including any lamination fee.~~ 5549

An application made under division (C) of this section shall 5550
be accompanied by such documentary evidence of disability and 5551
unemployment as the registrar may require by rule. 5552

Sec. 4507.52. (A)(1) Each identification card issued by the 5553
registrar of motor vehicles or a deputy registrar shall display a 5554

distinguishing number assigned to the cardholder, and shall 5555
display the following inscription: 5556

"STATE OF OHIO IDENTIFICATION CARD 5557

This card is not valid for the purpose of operating a motor 5558
vehicle. It is provided solely for the purpose of establishing the 5559
identity of the bearer described on the card, who currently is not 5560
licensed to operate a motor vehicle in the state of Ohio." 5561

(2) The identification card shall display substantially the 5562
same information as contained in the application and as described 5563
in division (A)(1) of section 4507.51 of the Revised Code, but 5564
shall not display the cardholder's social security number unless 5565
the cardholder specifically requests that the cardholder's social 5566
security number be displayed on the card. If federal law requires 5567
the cardholder's social security number to be displayed on the 5568
identification card, the social security number shall be displayed 5569
on the card notwithstanding this section. 5570

(3) The identification card also shall display the color 5571
photograph of the cardholder. 5572

(4) If the cardholder has executed a durable power of 5573
attorney for health care or a declaration governing the use or 5574
continuation, or the withholding or withdrawal, of life-sustaining 5575
treatment and has specified that the cardholder wishes the 5576
identification card to indicate that the cardholder has executed 5577
either type of instrument, the card also shall display any symbol 5578
chosen by the registrar to indicate that the cardholder has 5579
executed either type of instrument. 5580

(5) If the cardholder has specified that the cardholder 5581
wishes the identification card to indicate that the cardholder is 5582
a veteran, active duty, or reservist of the armed forces of the 5583
United States and has presented a copy of the cardholder's DD-214 5584
form or an equivalent document, the card also shall display any 5585

symbol chosen by the registrar to indicate that the cardholder is 5586
a veteran, active duty, or reservist of the armed forces of the 5587
United States. 5588

(6) The card shall be ~~sealed in transparent plastic or~~ 5589
~~similar material and shall be so~~ designed as to prevent its 5590
reproduction or alteration without ready detection. 5591

(7) The identification card for persons under twenty-one 5592
years of age shall have characteristics prescribed by the 5593
registrar distinguishing it from that issued to a person who is 5594
twenty-one years of age or older, except that an identification 5595
card issued to a person who applies no more than thirty days 5596
before the applicant's twenty-first birthday shall have the 5597
characteristics of an identification card issued to a person who 5598
is twenty-one years of age or older. 5599

(8)(a) Except as provided in division (A)(8)(b) of this 5600
section, every identification card issued to a resident of this 5601
state shall expire, unless canceled or surrendered earlier, on the 5602
birthday of the cardholder in the fourth year after the date on 5603
which it is issued. 5604

(b) The registrar or a deputy registrar shall issue an 5605
identification card to a resident of this state who is permanently 5606
or irreversibly disabled that shall expire, unless canceled or 5607
surrendered earlier, on the birthday of the cardholder in the 5608
eighth year after the date on which it is issued. The registrar 5609
shall issue a reminder notice to a cardholder, at the last known 5610
address of the cardholder, six months before the identification 5611
card is scheduled to expire. The registrar shall adopt rules 5612
governing the documentation a cardholder shall submit to certify 5613
that the cardholder is permanently or irreversibly disabled. 5614

As used in this section, "permanently or irreversibly 5615
disabled" means a condition of disability from which there is no 5616

present indication of recovery. 5617

(c) Every identification card issued to a temporary resident 5618
shall expire in accordance with rules adopted by the registrar and 5619
is nonrenewable, but may be replaced with a new identification 5620
card upon the applicant's compliance with all applicable 5621
requirements. 5622

(9) A cardholder may renew the cardholder's identification 5623
card within ninety days prior to the day on which it expires by 5624
filing an application and paying the prescribed fee in accordance 5625
with section 4507.50 of the Revised Code. 5626

(10) If a cardholder applies for a driver's or commercial 5627
driver's license in this state or another licensing jurisdiction, 5628
the cardholder shall surrender the cardholder's identification 5629
card to the registrar or any deputy registrar before the license 5630
is issued. 5631

(B)(1) If a card is lost, destroyed, or mutilated, the person 5632
to whom the card was issued may obtain a duplicate by doing both 5633
of the following: 5634

(a) Furnishing suitable proof of the loss, destruction, or 5635
mutilation to the registrar or a deputy registrar; 5636

(b) Filing an application and presenting documentary evidence 5637
under section 4507.51 of the Revised Code. 5638

(2) Any person who loses a card and, after obtaining a 5639
duplicate, finds the original, immediately shall surrender the 5640
original to the registrar or a deputy registrar. 5641

(3) A cardholder may obtain a replacement identification card 5642
that reflects any change of the cardholder's name by furnishing 5643
suitable proof of the change to the registrar or a deputy 5644
registrar and surrendering the cardholder's existing card. 5645

(4)(a) When a cardholder applies for a duplicate or obtains a 5646

replacement identification card, the cardholder shall pay a fee of 5647
two dollars and fifty cents. A deputy registrar shall be allowed 5648
an additional fee equal to the amount established under section 5649
4503.038 of the Revised Code for issuing a duplicate or 5650
replacement identification card. 5651

(b) A disabled veteran who is a cardholder and has a 5652
service-connected disability rated at one hundred per cent by the 5653
veterans' administration may apply to the registrar or a deputy 5654
registrar for the issuance of a duplicate or replacement 5655
identification card without payment of any fee prescribed in this 5656
section, ~~and without payment of any lamination fee if the disabled~~ 5657
~~veteran would not be required to pay a lamination fee in~~ 5658
~~connection with the issuance of an identification card or~~ 5659
~~temporary identification card as provided in division (B) of~~ 5660
~~section 4507.50 of the Revised Code.~~ 5661

(c) A resident who is permanently or irreversibly disabled 5662
and who is unemployed may apply to the registrar or a deputy 5663
registrar for the issuance of a duplicate or replacement 5664
identification card without payment of any fee prescribed in this 5665
section, ~~and without payment of any lamination fee, if the~~ 5666
~~resident would not be required to pay any fee in connection with~~ 5667
~~the issuance of an identification card as provided in division (C)~~ 5668
~~of section 4507.50 of the Revised Code.~~ 5669

(5) A duplicate or replacement identification card expires on 5670
the same date as the card it replaces. 5671

(C) The registrar shall cancel any card upon determining that 5672
the card was obtained unlawfully, issued in error, or was altered. 5673
The registrar also shall cancel any card that is surrendered to 5674
the registrar or to a deputy registrar after the holder has 5675
obtained a duplicate, replacement, or driver's or commercial 5676
driver's license. 5677

(D)(1) No agent of the state or its political subdivisions 5678
shall condition the granting of any benefit, service, right, or 5679
privilege upon the possession by any person of an identification 5680
card. Nothing in this section shall preclude any publicly operated 5681
or franchised transit system from using an identification card for 5682
the purpose of granting benefits or services of the system. 5683

(2) No person shall be required to apply for, carry, or 5684
possess an identification card. 5685

(E) Except in regard to an identification card issued to a 5686
person who applies no more than thirty days before the applicant's 5687
twenty-first birthday, neither the registrar nor any deputy 5688
registrar shall issue an identification card to a person under 5689
twenty-one years of age that does not have the characteristics 5690
prescribed by the registrar distinguishing it from the 5691
identification card issued to persons who are twenty-one years of 5692
age or older. 5693

(F) Whoever violates division (E) of this section is guilty 5694
of a minor misdemeanor. 5695

Sec. 4509.101. (A)(1) No person shall operate, or permit the 5696
operation of, a motor vehicle in this state, unless proof of 5697
financial responsibility is maintained continuously throughout the 5698
registration period with respect to that vehicle, or, in the case 5699
of a driver who is not the owner, with respect to that driver's 5700
operation of that vehicle. 5701

(2) Whoever violates division (A)(1) of this section shall be 5702
subject to the following civil penalties: 5703

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 5704
class (F) suspension of the person's driver's license, commercial 5705
driver's license, temporary instruction permit, probationary 5706
license, or nonresident operating privilege for the period of time 5707

specified in division (B)(6) of section 4510.02 of the Revised Code and impoundment of the person's license.

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

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

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

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

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

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

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

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

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

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container

bearing a postmark showing a date no later than the date specified 5771
in the order. 5772

(5) Except as provided in division ~~(A)(6)~~ or (L) of this 5773
section, the registrar shall not restore any operating privileges 5774
or registration rights suspended under this section, return any 5775
license, certificate of registration, or license plates impounded 5776
under this section, or reissue license plates under section 5777
4503.232 of the Revised Code, if the registrar destroyed the 5778
impounded license plates under that section, or reissue a license 5779
under section 4510.52 of the Revised Code, if the registrar 5780
destroyed the suspended license under that section, unless the 5781
rights are not subject to suspension or revocation under any other 5782
law and unless the person, in addition to complying with all other 5783
conditions required by law for reinstatement of the operating 5784
privileges or registration rights, complies with all of the 5785
following: 5786

(a) Pays to the registrar or an eligible deputy registrar a 5787
financial responsibility reinstatement fee of one hundred dollars 5788
for the first violation of division (A)(1) of this section, three 5789
hundred dollars for a second violation of that division, and six 5790
hundred dollars for a third or subsequent violation of that 5791
division; 5792

(b) If the person has not voluntarily surrendered the 5793
license, certificate, or license plates in compliance with the 5794
order, pays to the registrar or an eligible deputy registrar a 5795
financial responsibility nonvoluntary compliance fee in an amount, 5796
not to exceed fifty dollars, determined by the registrar; 5797

(c) Files and continuously maintains proof of financial 5798
responsibility under sections 4509.44 to 4509.65 of the Revised 5799
Code; 5800

(d) Pays a deputy registrar a service fee of ten dollars to 5801

compensate the deputy registrar for services performed under this 5802
section. The deputy registrar shall retain eight dollars of the 5803
service fee and shall transmit the reinstatement fee, any 5804
nonvoluntary compliance fee, and two dollars of the service fee to 5805
the registrar in the manner the registrar shall determine. 5806

~~(6) If the registrar issues an order under division (A)(2) of 5807
this section resulting from the failure of a person to respond to 5808
a financial responsibility random verification request under 5809
division (A)(3)(c) of this section and the person successfully 5810
maintains an affirmative defense to a violation of section 4510.16 5811
of the Revised Code or is determined by the registrar or a deputy 5812
registrar to have been in compliance with division (A)(1) of this 5813
section at the time of the initial financial responsibility random 5814
verification request, the registrar shall do both of the 5815
following: 5816~~

~~(a) Terminate the order of suspension or impoundment; 5817~~

~~(b) Restore the operating privileges and registration rights 5818
of the person without payment of the fees established in divisions 5819
(A)(5)(a) and (b) of this section and without a requirement to 5820
file proof of financial responsibility. 5821~~

(B)(1) Every party required to file an accident report under 5822
section 4509.06 of the Revised Code also shall include with the 5823
report a document described in division (G)(1)(a) of this section 5824
or shall present proof of financial responsibility through use of 5825
an electronic wireless communications device as permitted by 5826
division (G)(1)(b) of this section. 5827

If the registrar determines, within forty-five days after the 5828
report is filed, that an operator or owner has violated division 5829
(A)(1) of this section, the registrar shall do all of the 5830
following: 5831

(a) Order the impoundment, with respect to the motor vehicle 5832

involved, required under division (A)(2)(d) of this section, of 5833
the certificate of registration and license plates of any owner 5834
who has violated division (A)(1) of this section; 5835

(b) Order the suspension required under division (A)(2)(a), 5836
(b), or (c) of this section of the license of any operator or 5837
owner who has violated division (A)(1) of this section; 5838

(c) Record the name and address of the person whose 5839
certificate of registration and license plates have been impounded 5840
or are under an order of impoundment, or whose license has been 5841
suspended or is under an order of suspension; the serial number of 5842
the person's license; the serial numbers of the person's 5843
certificate of registration and license plates; and the person's 5844
social security account number, if assigned, or, where the motor 5845
vehicle is used for hire or principally in connection with any 5846
established business, the person's federal taxpayer identification 5847
number. The information shall be recorded in such a manner that it 5848
becomes a part of the person's permanent record, and assists the 5849
registrar in monitoring compliance with the orders of suspension 5850
or impoundment. 5851

(d) Send written notification to every person to whom the 5852
order pertains, at the person's last known address as shown on the 5853
records of the bureau. The person, within ten days after the date 5854
of the mailing of the notification, shall surrender to the 5855
registrar, in a manner set forth in division (A)(4) of this 5856
section, any certificate of registration and registration plates 5857
under an order of impoundment, or any license under an order of 5858
suspension. 5859

(2) The registrar shall issue any order under division (B)(1) 5860
of this section without a hearing. Any person adversely affected 5861
by the order, within ten days after the issuance of the order, may 5862
request an administrative hearing before the registrar, who shall 5863
provide the person with an opportunity for a hearing in accordance 5864

with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

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

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

~~(a) Except as provided in division (D)(1)(b) of this section,~~
any (b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order

of impoundment, pursuant to this section, may confiscate the 5897
license, certificate of registration, and license plates, and 5898
return them to the registrar. 5899

~~(b) Any peace officer who, in the performance of the peace 5900
officer's duties as authorized by law, becomes aware of a person 5901
whose license is under an order of suspension, or whose 5902
certificate of registration and license plates are under an order 5903
of impoundment resulting from failure to respond to a financial 5904
responsibility random verification, shall not, for that reason, 5905
arrest the owner or operator or seize the vehicle or license 5906
plates. Instead, the peace officer shall issue a citation for a 5907
violation of section 4510.16 of the Revised Code specifying the 5908
circumstances as failure to respond to a financial responsibility 5909
random verification. 5910~~

(2) A peace officer shall request the owner or operator of a 5911
motor vehicle to produce proof of financial responsibility in a 5912
manner described in division (G) of this section at the time the 5913
peace officer acts to enforce the traffic laws of this state and 5914
during motor vehicle inspections conducted pursuant to section 5915
4513.02 of the Revised Code. 5916

(3) A peace officer shall indicate on every traffic ticket 5917
whether the person receiving the traffic ticket produced proof of 5918
the maintenance of financial responsibility in response to the 5919
officer's request under division (D)(2) of this section. The peace 5920
officer shall inform every person who receives a traffic ticket 5921
and who has failed to produce proof of the maintenance of 5922
financial responsibility that the person must submit proof to the 5923
traffic violations bureau with any payment of a fine and costs for 5924
the ticketed violation or, if the person is to appear in court for 5925
the violation, the person must submit proof to the court. 5926

(4)(a) If a person who has failed to produce proof of the 5927
maintenance of financial responsibility appears in court for a 5928

ticketed violation, the court may permit the defendant to present 5929
evidence of proof of financial responsibility to the court at such 5930
time and in such manner as the court determines to be necessary or 5931
appropriate. In a manner prescribed by the registrar, the clerk of 5932
courts shall provide the registrar with the identity of any person 5933
who fails to submit proof of the maintenance of financial 5934
responsibility pursuant to division (D)(3) of this section. 5935

(b) If a person who has failed to produce proof of the 5936
maintenance of financial responsibility also fails to submit that 5937
proof to the traffic violations bureau with payment of a fine and 5938
costs for the ticketed violation, the traffic violations bureau, 5939
in a manner prescribed by the registrar, shall notify the 5940
registrar of the identity of that person. 5941

(5)(a) Upon receiving notice from a clerk of courts or 5942
traffic violations bureau pursuant to division (D)(4) of this 5943
section, the registrar shall order the suspension of the license 5944
of the person required under division (A)(2)(a), (b), or (c) of 5945
this section and the impoundment of the person's certificate of 5946
registration and license plates required under division (A)(2)(d) 5947
of this section, effective thirty days after the date of the 5948
mailing of notification. The registrar also shall notify the 5949
person that the person must present the registrar with proof of 5950
financial responsibility in accordance with this section, 5951
surrender to the registrar the person's certificate of 5952
registration, license plates, and license, or submit a statement 5953
subject to section 2921.13 of the Revised Code that the person did 5954
not operate or permit the operation of the motor vehicle at the 5955
time of the offense. Notification shall be in writing and shall be 5956
sent to the person at the person's last known address as shown on 5957
the records of the bureau of motor vehicles. The person, within 5958
fifteen days after the date of the mailing of notification, shall 5959
present proof of financial responsibility, surrender the 5960

certificate of registration, license plates, and license to the 5961
registrar in a manner set forth in division (A)(4) of this 5962
section, or submit the statement required under this section 5963
together with other information the person considers appropriate. 5964

If the registrar does not receive proof or the person does 5965
not surrender the certificate of registration, license plates, and 5966
license, in accordance with this division, the registrar shall 5967
permit the order for the suspension of the license of the person 5968
and the impoundment of the person's certificate of registration 5969
and license plates to take effect. 5970

(b) In the case of a person who presents, within the 5971
fifteen-day period, proof of financial responsibility, the 5972
registrar shall terminate the order of suspension and the 5973
impoundment of the registration and license plates required under 5974
division (A)(2)(d) of this section and shall send written 5975
notification to the person, at the person's last known address as 5976
shown on the records of the bureau. 5977

(c) Any person adversely affected by the order of the 5978
registrar under division (D)(5)(a) or (b) of this section, within 5979
ten days after the issuance of the order, may request an 5980
administrative hearing before the registrar, who shall provide the 5981
person with an opportunity for a hearing in accordance with this 5982
paragraph. A request for a hearing does not operate as a 5983
suspension of the order. The scope of the hearing shall be limited 5984
to whether, at the time of the hearing, the person presents proof 5985
of financial responsibility covering the vehicle and whether the 5986
person is eligible for an exemption in accordance with this 5987
section or any rule adopted under it. The registrar shall 5988
determine the date, time, and place of any hearing; provided, that 5989
the hearing shall be held, and an order issued or findings made, 5990
within thirty days after the registrar receives a request for a 5991
hearing. If requested by the person in writing, the registrar may 5992

designate as the place of hearing the county seat of the county in 5993
which the person resides or a place within fifty miles of the 5994
person's residence. Such person shall pay the cost of the hearing 5995
before the registrar, if the registrar's order of suspension or 5996
impoundment under division (D)(5)(a) or (b) of this section is 5997
upheld. 5998

(6) A peace officer may charge an owner or operator of a 5999
motor vehicle with a violation of section 4510.16 of the Revised 6000
Code when the owner or operator fails to show proof of the 6001
maintenance of financial responsibility pursuant to a peace 6002
officer's request under division (D)(2) of this section, if a 6003
check of the owner or operator's driving record indicates that the 6004
owner or operator, at the time of the operation of the motor 6005
vehicle, is required to file and maintain proof of financial 6006
responsibility under section 4509.45 of the Revised Code for a 6007
previous violation of this chapter. 6008

(7) Any forms used by law enforcement agencies in 6009
administering this section shall be prescribed, supplied, and paid 6010
for by the registrar. 6011

(8) No peace officer, law enforcement agency employing a 6012
peace officer, or political subdivision or governmental agency 6013
that employs a peace officer shall be liable in a civil action for 6014
damages or loss to persons arising out of the performance of any 6015
duty required or authorized by this section. 6016

(9) As used in this section, "peace officer" has the meaning 6017
set forth in section 2935.01 of the Revised Code. 6018

(E) All fees, except court costs, fees paid to a deputy 6019
registrar, and those portions of the financial responsibility 6020
reinstatement fees as otherwise specified in this division, 6021
collected under this section shall be paid into the state treasury 6022
to the credit of the public safety - highway purposes fund 6023

established in section 4501.06 of the Revised Code and used to 6024
cover costs incurred by the bureau in the administration of this 6025
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 6026
Code, and by any law enforcement agency employing any peace 6027
officer who returns any license, certificate of registration, and 6028
license plates to the registrar pursuant to division (C) of this 6029
section. 6030

Of each financial responsibility reinstatement fee the 6031
registrar collects pursuant to division (A)(5)(a) of this section 6032
or receives from a deputy registrar under division (A)(5)(d) of 6033
this section, the registrar shall deposit twenty-five dollars of 6034
each one-hundred-dollar reinstatement fee, fifty dollars of each 6035
three-hundred-dollar reinstatement fee, and one hundred dollars of 6036
each six-hundred-dollar reinstatement fee into the state treasury 6037
to the credit of the indigent defense support fund created by 6038
section 120.08 of the Revised Code. 6039

(F) Chapter 119. of the Revised Code applies to this section 6040
only to the extent that any provision in that chapter is not 6041
clearly inconsistent with this section. 6042

(G)(1)(a) The registrar, court, traffic violations bureau, or 6043
peace officer may require proof of financial responsibility to be 6044
demonstrated by use of a standard form prescribed by the 6045
registrar. If the use of a standard form is not required, a person 6046
may demonstrate proof of financial responsibility under this 6047
section by presenting to the traffic violations bureau, court, 6048
registrar, or peace officer any of the following documents or a 6049
copy of the documents: 6050

(i) A financial responsibility identification card as 6051
provided in section 4509.103 of the Revised Code; 6052

(ii) A certificate of proof of financial responsibility on a 6053
form provided and approved by the registrar for the filing of an 6054

accident report required to be filed under section 4509.06 of the Revised Code;

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

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

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

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

(b) A person also may present proof of financial responsibility under this section to the traffic violations bureau, court, registrar, or peace officer through use of an electronic wireless communications device as specified under section 4509.103 of the Revised Code.

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

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

(4)(a) A finding by the registrar or court that a person is

covered by proof of financial responsibility in the form of an 6085
insurance policy or surety bond is not binding upon the named 6086
insurer or surety or any of its officers, employees, agents, or 6087
representatives and has no legal effect except for the purpose of 6088
administering this section. 6089

(b) The preparation and delivery of a financial 6090
responsibility identification card or any other document 6091
authorized to be used as proof of financial responsibility and the 6092
generation and delivery of proof of financial responsibility to an 6093
electronic wireless communications device that is displayed on the 6094
device as text or images does not do any of the following: 6095

(i) Create any liability or estoppel against an insurer or 6096
surety, or any of its officers, employees, agents, or 6097
representatives; 6098

(ii) Constitute an admission of the existence of, or of any 6099
liability or coverage under, any policy or bond; 6100

(iii) Waive any defenses or counterclaims available to an 6101
insurer, surety, agent, employee, or representative in an action 6102
commenced by an insured or third-party claimant upon a cause of 6103
action alleged to have arisen under an insurance policy or surety 6104
bond or by reason of the preparation and delivery of a document 6105
for use as proof of financial responsibility or the generation and 6106
delivery of proof of financial responsibility to an electronic 6107
wireless communications device. 6108

(c) Whenever it is determined by a final judgment in a 6109
judicial proceeding that an insurer or surety, which has been 6110
named on a document or displayed on an electronic wireless 6111
communications device accepted by a court or the registrar as 6112
proof of financial responsibility covering the operation of a 6113
motor vehicle at the time of an accident or offense, is not liable 6114
to pay a judgment for injuries or damages resulting from such 6115

operation, the registrar, notwithstanding any previous contrary 6116
finding, shall forthwith suspend the operating privileges and 6117
registration rights of the person against whom the judgment was 6118
rendered as provided in division (A)(2) of this section. 6119

(H) In order for any document or display of text or images on 6120
an electronic wireless communications device described in division 6121
(G)(1) of this section to be used for the demonstration of proof 6122
of financial responsibility under this section, the document or 6123
words or images shall state the name of the insured or obligor, 6124
the name of the insurer or surety company, and the effective and 6125
expiration dates of the financial responsibility, and designate by 6126
explicit description or by appropriate reference all motor 6127
vehicles covered which may include a reference to fleet insurance 6128
coverage. 6129

(I) For purposes of this section, "owner" does not include a 6130
licensed motor vehicle leasing dealer as defined in section 6131
4517.01 of the Revised Code, but does include a motor vehicle 6132
renting dealer as defined in section 4549.65 of the Revised Code. 6133
Nothing in this section or in section 4509.51 of the Revised Code 6134
shall be construed to prohibit a motor vehicle renting dealer from 6135
entering into a contractual agreement with a person whereby the 6136
person renting the motor vehicle agrees to be solely responsible 6137
for maintaining proof of financial responsibility, in accordance 6138
with this section, with respect to the operation, maintenance, or 6139
use of the motor vehicle during the period of the motor vehicle's 6140
rental. 6141

(J) The purpose of this section is to require the maintenance 6142
of proof of financial responsibility with respect to the operation 6143
of motor vehicles on the highways of this state, so as to minimize 6144
those situations in which persons are not compensated for injuries 6145
and damages sustained in motor vehicle accidents. The general 6146
assembly finds that this section contains reasonable civil 6147

penalties and procedures for achieving this purpose. 6148

(K) Nothing in this section shall be construed to be subject 6149
to section 4509.78 of the Revised Code. 6150

(L)(1) The registrar may terminate any suspension imposed 6151
under this section and not require the owner to comply with 6152
divisions (A)(5)(a), (b), and (c) of this section if the registrar 6153
with or without a hearing determines that the owner of the vehicle 6154
has established by clear and convincing evidence that all of the 6155
following apply: 6156

(a) The owner customarily maintains proof of financial 6157
responsibility. 6158

(b) Proof of financial responsibility was not in effect for 6159
the vehicle on the date in question for one of the following 6160
reasons: 6161

(i) The vehicle was inoperable. 6162

(ii) The vehicle is operated only seasonally, and the date in 6163
question was outside the season of operation. 6164

(iii) A person other than the vehicle owner or driver was at 6165
fault for the lapse of proof of financial responsibility through 6166
no fault of the owner or driver. 6167

(iv) The lapse of proof of financial responsibility was 6168
caused by excusable neglect under circumstances that are not 6169
likely to recur and do not suggest a purpose to evade the 6170
requirements of this chapter. 6171

(2) ~~The registrar may grant an owner or driver relief for a 6172
reason specified in division (L)(1)(b)(i) or (ii) of this section 6173
whenever the owner or driver is randomly selected to verify the 6174
existence of proof of financial responsibility for such a vehicle. 6175
However, the registrar may grant an owner or driver relief for a 6176
reason specified in division (L)(1)(b)(iii) or (iv) of this 6177~~

section only if the owner or driver has not previously been 6178
granted relief under division (L)(1)(b)(iii) or (iv) of this 6179
section. 6180

(M) The registrar shall adopt rules in accordance with 6181
Chapter 119. of the Revised Code that are necessary to administer 6182
and enforce this section. The rules shall include procedures for 6183
the surrender of license plates upon failure to maintain proof of 6184
financial responsibility and provisions relating to reinstatement 6185
of registration rights, acceptable forms of proof of financial 6186
responsibility, the use of an electronic wireless communications 6187
device to present proof of financial responsibility, and 6188
verification of the existence of financial responsibility during 6189
the period of registration. 6190

(N)(1) When a person utilizes an electronic wireless 6191
communications device to present proof of financial 6192
responsibility, only the evidence of financial responsibility 6193
displayed on the device shall be viewed by the registrar, peace 6194
officer, employee or official of the traffic violations bureau, or 6195
the court. No other content of the device shall be viewed for 6196
purposes of obtaining proof of financial responsibility. 6197

(2) When a person provides an electronic wireless 6198
communications device to the registrar, a peace officer, an 6199
employee or official of a traffic violations bureau, or the court, 6200
the person assumes the risk of any resulting damage to the device 6201
unless the registrar, peace officer, employee, or official, or 6202
court personnel purposely, knowingly, or recklessly commits an 6203
action that results in damage to the device. 6204

Sec. 4510.04. It is an affirmative defense to any prosecution 6205
brought under section 4510.11, 4510.14, 4510.16, or 4510.21 of the 6206
Revised Code or under any substantially equivalent municipal 6207
ordinance that the alleged offender drove under suspension, 6208

without a valid permit or driver's or commercial driver's license, 6209
or in violation of a restriction because of a substantial 6210
emergency, and because no other person was reasonably available to 6211
drive in response to the emergency. 6212

~~It is an affirmative defense to any prosecution brought under 6213
section 4510.16 of the Revised Code that the order of suspension 6214
resulted from the failure of the alleged offender to respond to a 6215
financial responsibility random verification request under 6216
division (A)(3)(c) of section 4509.101 of the Revised Code and 6217
that, at the time of the initial financial responsibility random 6218
verification request, the alleged offender was in compliance with 6219
division (A)(1) of section 4509.101 of the Revised Code as shown 6220
by proof of financial responsibility that was in effect at the 6221
time of that request. 6222~~

Sec. 4511.092. As used in sections 4511.092 to 4511.0914 of 6223
the Revised Code: 6224

(A) "Designated party" means the person whom the registered 6225
owner of a motor vehicle, upon receipt of a ticket based upon 6226
images recorded by a traffic law photo-monitoring device that 6227
indicate a traffic law violation, identifies as the person who was 6228
operating the vehicle of the registered owner at the time of the 6229
violation. 6230

~~(B) "Hearing officer" means any person appointed by the 6231
mayor, board of county commissioners, or board of township 6232
trustees of a local authority, as applicable, to conduct 6233
administrative hearings on violations recorded by traffic law 6234
photo monitoring devices, other than a person who is employed by a 6235
law enforcement agency as defined in section 109.573 of the 6236
Revised Code. 6237~~

~~(C) "Law enforcement officer" means a sheriff, deputy 6238~~

sheriff, marshal, deputy marshal, police officer of a police 6239
department of any municipal corporation, police constable of any 6240
township, or police officer of a township or joint police 6241
district, who is employed on a permanent, full-time basis by the 6242
law enforcement agency of a local authority that assigns such 6243
person to the location of a traffic law photo-monitoring device. 6244

~~(D)~~(C) "Local authority" means a municipal corporation, 6245
county, or township. 6246

~~(E)~~(D) "Motor vehicle leasing dealer" has the same meaning as 6247
in section 4517.01 of the Revised Code. 6248

~~(F)~~(E) "Motor vehicle renting dealer" has the same meaning as 6249
in section 4549.65 of the Revised Code. 6250

~~(G)~~(F) "Recorded images" means any of the following images 6251
recorded by a traffic law photo-monitoring device that show, on at 6252
least one image or on a portion of the videotape, the rear of a 6253
motor vehicle and the letters and numerals on the rear license 6254
plate of the vehicle: 6255

(1) Two or more photographs, microphotographs, electronic 6256
images, or digital images; 6257

(2) Videotape. 6258

~~(H)~~(G) "Registered owner" means all of the following: 6259

(1) Any person or entity identified by the bureau of motor 6260
vehicles or any other state motor vehicle registration bureau, 6261
department, or office as the owner of a motor vehicle; 6262

(2) The lessee of a motor vehicle under a lease of six months 6263
or longer; 6264

(3) The renter of a motor vehicle pursuant to a written 6265
rental agreement with a motor vehicle renting dealer. 6266

~~(I)~~(H) "System location" means the approach to an 6267
intersection or area of roadway toward which a traffic law 6268

photo-monitoring device is directed and is in operation. 6269

~~(J)~~(I) "Ticket" means any traffic ticket, citation, summons, 6270
or other ticket issued in response to an alleged traffic law 6271
violation detected by a traffic law photo-monitoring device, that 6272
represents a civil violation. 6273

~~(K)~~(J) "Traffic law photo-monitoring device" means an 6274
electronic system consisting of a photographic, video, or 6275
electronic camera and a means of sensing the presence of a motor 6276
vehicle that automatically produces recorded images. 6277

~~(L)~~(K) "Traffic law violation" means either of the following: 6278

(1) A violation of section 4511.12 of the Revised Code based 6279
on the failure to comply with section 4511.13 of the Revised Code 6280
or a substantially equivalent municipal ordinance that occurs at 6281
an intersection due to failure to obey a traffic control signal; 6282

(2) A violation of section 4511.21 or 4511.211 of the Revised 6283
Code or a substantially equivalent municipal ordinance due to 6284
failure to observe the applicable speed limit. 6285

Sec. 4511.093. (A) A local authority may utilize a traffic 6286
law photo-monitoring device for the purpose of detecting traffic 6287
law violations. If the local authority is a county or township, 6288
the board of county commissioners or the board of township 6289
trustees may adopt such resolutions as may be necessary to enable 6290
the county or township to utilize traffic law photo-monitoring 6291
devices. 6292

(B) The use of a traffic law photo-monitoring device is 6293
subject to the following conditions: 6294

(1) A local authority shall use a traffic law 6295
photo-monitoring device to detect and enforce traffic law 6296
violations only if a law enforcement officer is present at the 6297
location of the device at all times during the operation of the 6298

device and if the local authority complies with sections 4511.094 6299
and 4511.095 of the Revised Code. 6300

(2) A law enforcement officer who is present at the location 6301
of any traffic law photo-monitoring device and who personally 6302
witnesses a traffic law violation may issue a ticket for the 6303
violation. Such a ticket shall be issued in accordance with 6304
section ~~2935.25~~ 2935.26 of the Revised Code and is not subject to 6305
sections 4511.096 to 4511.0910 and section 4511.912 of the Revised 6306
Code. 6307

(3) If a traffic law photo-monitoring device records a 6308
traffic law violation and the law enforcement officer who was 6309
present at the location of the traffic law photo-monitoring device 6310
does not issue a ticket as provided under division (B)(2) of this 6311
section, the local authority may only issue a ticket in accordance 6312
with sections 4511.096 to 4511.0912 of the Revised Code. 6313

(C) No township constable appointed under section 509.01 of 6314
the Revised Code, member of a police force of a township or joint 6315
police district created under section 505.48 or 505.482 of the 6316
Revised Code, or other representative of a township shall utilize 6317
a traffic law photo-monitoring device to detect and enforce 6318
traffic law violations on an interstate highway. 6319

Sec. 4511.096. (A) A law enforcement officer employed by a 6320
local authority utilizing a traffic law photo-monitoring device 6321
shall examine evidence of alleged traffic law violations recorded 6322
by the device to determine whether such a violation has occurred. 6323
If the image recorded by the traffic law photo-monitoring device 6324
shows such a violation, contains the date and time of the 6325
violation, and shows the letter and numerals on the license plate 6326
of the vehicle involved as well as the state that issued the 6327
license plate, the officer may use any lawful means to identify 6328
the registered owner. 6329

(B) The fact that a person or entity is the registered owner of a motor vehicle is prima facie evidence that that person or entity is the person who was operating the vehicle at the time of the traffic law violation.

(C) Within thirty days of the traffic law violation, the local authority or its designee may issue and send by regular mail a ticket charging the registered owner with the violation. The ticket shall comply with section 4511.097 of the Revised Code. If the local authority mails a ticket charging the registered owner with the violation, the local authority shall file a certified copy of the ticket with the municipal court or county court with jurisdiction over the civil action.

(D) A certified copy of the ticket alleging a traffic law violation, sworn to or affirmed by a law enforcement officer employed by the local authority, including by electronic means, and the recorded images produced by the traffic law photo-monitoring device, is prima facie evidence of the facts contained therein and is admissible in a civil action or proceeding ~~for review of~~ concerning the ticket issued under this section.

Sec. 4511.097. (A) A traffic law violation for which a ticket is issued by a local authority ~~pursuant to division (B)(3) of section 4511.093 of the Revised Code~~ based on evidence recorded by a traffic law photo-monitoring device is a civil violation. If a local authority issues a ticket for such a violation, the ticket shall comply with the requirements of this section and the fine for such a ticket shall not exceed the amount of the fine that may be imposed for a substantially equivalent criminal traffic law violation.

(B) A local authority or its designee shall process such a ticket for a civil violation and shall send the ticket by ordinary

mail to any registered owner of the motor vehicle that is the 6361
subject of the traffic law violation. The local authority or 6362
designee shall ensure that the ticket contains all of the 6363
following: 6364

(1) The name and address of the registered owner; 6365

(2) The letters and numerals appearing on the license plate 6366
issued to the motor vehicle; 6367

(3) The traffic law violation charged; 6368

(4) The system location; 6369

(5) The date and time of the violation; 6370

(6) A copy of the recorded images; 6371

(7) The name and badge number of the law enforcement officer 6372
who was present at the system location at the time of the 6373
violation, if applicable; 6374

(8) The amount of the civil penalty imposed, the date by 6375
which the civil penalty is required to be paid, and the address of 6376
the municipal court or county court with jurisdiction over the 6377
civil action to which the payment is to be sent; 6378

(9) A statement signed by a law enforcement officer employed 6379
by the local authority indicating that, based on an inspection of 6380
recorded images, the motor vehicle was involved in a traffic law 6381
violation, and a statement indicating that the recorded images are 6382
prima facie evidence of that traffic law violation both of which 6383
may be signed electronically; 6384

(10) Information advising the person or entity alleged to be 6385
liable of the options prescribed in section 4511.098 of the 6386
Revised Code, specifically to include the time, place, and manner 6387
in which ~~an administrative appeal may be initiated~~ the person or 6388
entity may appear in court to contest the violation and ticket and 6389
the procedure for disclaiming liability by submitting an affidavit 6390

to the municipal court or county court as prescribed in that 6391
section; 6392

(11) A warning that failure to exercise one of the options 6393
prescribed in section 4511.098 of the Revised Code is deemed to be 6394
an admission of liability and waiver of the opportunity to contest 6395
the violation. 6396

(C) A local authority or its designee shall send a ticket not 6397
later than thirty days after the date of the alleged traffic law 6398
violation. 6399

(D) The local authority or its designee may elect to send by 6400
ordinary mail a warning notice in lieu of a ticket under this 6401
section. 6402

Sec. 4511.098. (A) A person or entity who receives a ticket 6403
for a civil violation sent in compliance with section 4511.097 of 6404
the Revised Code shall elect to do one of the following: 6405

(1) In accordance with instructions on the ticket, pay the 6406
civil penalty, thereby ~~failing to contest~~ admitting liability and 6407
waiving the opportunity to contest the violation; 6408

(2)(a) Within thirty days after receipt of the ticket, 6409
provide the ~~law enforcement agency of the local authority~~ 6410
municipal court or county court with jurisdiction over the civil 6411
action with either of the following affidavits: 6412

(i) An affidavit executed by the registered owner stating 6413
that another person was operating the vehicle of the registered 6414
owner at the time of the violation, identifying that person as a 6415
designated party who may be held liable for the violation, and 6416
containing at a minimum the name and address of the designated 6417
party; 6418

(ii) An affidavit executed by the registered owner stating 6419
that at the time of the violation, the motor vehicle or the 6420

license plates issued to the motor vehicle were stolen and 6421
therefore were in the care, custody, or control of some person or 6422
entity to whom the registered owner did not grant permission to 6423
use the motor vehicle. In order to demonstrate that the motor 6424
vehicle or the license plates were stolen prior to the traffic law 6425
violation and therefore were not under the control or possession 6426
of the registered owner at the time of the violation, the 6427
registered owner shall submit proof that a report about the stolen 6428
motor vehicle or license plates was filed with the appropriate law 6429
enforcement agency prior to the violation or within forty-eight 6430
hours after the violation occurred. 6431

(b) A registered owner is not responsible for a traffic law 6432
violation if, within thirty days after the date of mailing of the 6433
ticket, the registered owner furnishes an affidavit specified in 6434
division (A)(2)(a)(i) or (ii) of this section to the ~~local~~ 6435
~~authority~~ court with jurisdiction in a form established by the 6436
~~local authority~~ court and the following conditions are met: 6437

(i) If the registered owner submits an affidavit as specified 6438
in division (A)(2)(a)(i) of this section, the designated party 6439
either accepts liability for the violation by paying the civil 6440
penalty or by failing to request an administrative a court hearing 6441
within thirty days or is determined liable in ~~an administrative a~~ 6442
court hearing; 6443

(ii) If the registered owner submits an affidavit as 6444
specified in division (A)(2)(a)(ii) of this section, the affidavit 6445
is supported by a stolen vehicle or stolen license plate report as 6446
required in that division. 6447

(3) If the registered owner is a motor vehicle leasing dealer 6448
or a motor vehicle renting dealer, notify the ~~law enforcement~~ 6449
~~agency of the local authority~~ court with jurisdiction of the name 6450
and address of the lessee or renter of the motor vehicle at the 6451
time of the traffic law violation. The court shall establish the 6452

form of the notice. A motor vehicle leasing dealer or motor 6453
vehicle renting dealer who receives a ticket for an alleged 6454
traffic law violation detected by a traffic law photo-monitoring 6455
device is not liable for a ticket issued for a motor vehicle that 6456
was in the care, custody, or control of a lessee or renter at the 6457
time of the alleged violation. The dealer shall not pay such a 6458
ticket and subsequently attempt to collect a fee or assess the 6459
lessee or renter a charge for any payment of such a ticket made on 6460
behalf of the lessee or renter. 6461

(4) If the vehicle involved in the traffic law violation is a 6462
commercial motor vehicle and the ticket is issued to a corporate 6463
entity, provide to the ~~law enforcement agency of the local~~ 6464
~~authority~~ court with jurisdiction an affidavit in a form 6465
established by the court, sworn to or affirmed by an agent of the 6466
corporate entity, that provides the name and address of the 6467
employee who was operating the motor vehicle at the time of the 6468
alleged violation and who is the designated party. 6469

(5) Contest the ticket by filing a written request for ~~an~~ 6470
~~administrative~~ a court hearing to review the ticket in a form 6471
established by the court. The person or entity shall file the 6472
written request not later than thirty days after receipt of the 6473
ticket. The failure to request a hearing within this time period 6474
constitutes a waiver of the right to contest the violation and 6475
ticket, and is deemed to constitute an admission of liability and 6476
waiver of the opportunity to contest the violation. 6477

(B) A ~~local authority~~ court with jurisdiction that receives 6478
an affidavit described in division (A)(2)(a)(i) or (A)(4) of this 6479
section or a notification under division (A)(3) of this section 6480
from a registered owner may proceed to notify the local authority 6481
to send a ticket that conforms with division (B) of section 6482
4511.097 of the Revised Code to the designated party. The local 6483
authority shall send the ticket to the designated party by 6484

ordinary mail not later than twenty-one days after receipt of the 6485
affidavit ~~or~~ notification. 6486

Sec. 4511.099. (A) Subject to division (B) of this section 6487
and notwithstanding any other provision in the Revised Code to the 6488
contrary, when a certified copy of a ticket issued by a local 6489
authority based on evidence recorded by a traffic law 6490
photo-monitoring device is filed with the municipal court or 6491
county court with jurisdiction over the civil action, the court 6492
shall require the local authority to provide an advance deposit 6493
for the filing of the civil action. The advance deposit shall 6494
consist of all applicable court costs and fees for the civil 6495
action. The court shall retain the advance deposit regardless of 6496
which party prevails in the civil action and shall not charge to 6497
the registered owner or designated party any court costs and fees 6498
for the civil action. 6499

(B) Division (A) of this section does not apply to any civil 6500
action related to a ticket issued by a local authority based on 6501
evidence recorded by a traffic law photo-monitoring device when 6502
the traffic law photo-monitoring device was located in a school 6503
zone. The court shall charge the applicable court costs and fees 6504
for such a civil action to the party that does not prevail in the 6505
action. 6506

As used in this division, "school zone" has the same meaning 6507
as in section 4511.21 of the Revised Code. 6508

Sec. 4511.0910. A traffic law violation for which a civil 6509
penalty is imposed under sections 4511.097 ~~to 4511.099~~ and 6510
4511.098 of the Revised Code is not a moving violation and points 6511
shall not be assessed against a person's driver's license under 6512
section 4510.036 of the Revised Code. In no case shall such a 6513
violation be reported to the bureau of motor vehicles or motor 6514

vehicle registration bureau, department, or office of any other 6515
state, nor shall such a violation be recorded on the driving 6516
record of the owner or operator of the vehicle involved in the 6517
violation. 6518

Sec. 4511.21. (A) No person shall operate a motor vehicle, 6519
trackless trolley, or streetcar at a speed greater or less than is 6520
reasonable or proper, having due regard to the traffic, surface, 6521
and width of the street or highway and any other conditions, and 6522
no person shall drive any motor vehicle, trackless trolley, or 6523
streetcar in and upon any street or highway at a greater speed 6524
than will permit the person to bring it to a stop within the 6525
assured clear distance ahead. 6526

(B) It is prima-facie lawful, in the absence of a lower limit 6527
declared or established pursuant to this section by the director 6528
of transportation or local authorities, for the operator of a 6529
motor vehicle, trackless trolley, or streetcar to operate the same 6530
at a speed not exceeding the following: 6531

(1)(a) Twenty miles per hour in school zones during school 6532
recess and while children are going to or leaving school during 6533
the opening or closing hours, and when twenty miles per hour 6534
school speed limit signs are erected; except that, on 6535
controlled-access highways and expressways, if the right-of-way 6536
line fence has been erected without pedestrian opening, the speed 6537
shall be governed by division (B)(4) of this section and on 6538
freeways, if the right-of-way line fence has been erected without 6539
pedestrian opening, the speed shall be governed by divisions 6540
(B)(10) and (11) of this section. The end of every school zone may 6541
be marked by a sign indicating the end of the zone. Nothing in 6542
this section or in the manual and specifications for a uniform 6543
system of traffic control devices shall be construed to require 6544
school zones to be indicated by signs equipped with flashing or 6545

other lights, or giving other special notice of the hours in which 6546
the school zone speed limit is in effect. 6547

(b) As used in this section and in section 4511.212 of the 6548
Revised Code, "school" means any school chartered under section 6549
3301.16 of the Revised Code and any nonchartered school that 6550
during the preceding year filed with the department of education 6551
in compliance with rule 3301-35-08 of the Ohio Administrative 6552
Code, a copy of the school's report for the parents of the 6553
school's pupils certifying that the school meets Ohio minimum 6554
standards for nonchartered, nontax-supported schools and presents 6555
evidence of this filing to the jurisdiction from which it is 6556
requesting the establishment of a school zone. "School" also 6557
includes a special elementary school that in writing requests the 6558
county engineer of the county in which the special elementary 6559
school is located to create a school zone at the location of that 6560
school. Upon receipt of such a written request, the county 6561
engineer shall create a school zone at that location by erecting 6562
the appropriate signs. 6563

(c) As used in this section, "school zone" means that portion 6564
of a street or highway passing a school fronting upon the street 6565
or highway that is encompassed by projecting the school property 6566
lines to the fronting street or highway, and also includes that 6567
portion of a state highway. Upon request from local authorities 6568
for streets and highways under their jurisdiction and that portion 6569
of a state highway under the jurisdiction of the director of 6570
transportation or a request from a county engineer in the case of 6571
a school zone for a special elementary school, the director may 6572
extend the traditional school zone boundaries. The distances in 6573
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 6574
exceed three hundred feet per approach per direction and are 6575
bounded by whichever of the following distances or combinations 6576
thereof the director approves as most appropriate: 6577

(i) The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of three hundred feet on each approach direction;

(ii) The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of three hundred feet on each approach direction;

(iii) The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of three hundred feet on each approach direction of the highway.

Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (B)(1)(a) and (c) of this section.

(d) As used in this division, "crosswalk" has the meaning given that term in division (LL)(2) of section 4511.01 of the Revised Code.

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as

measured in a straight line, from the school property line nearest 6609
the crosswalk to the nearest point of the crosswalk is no more 6610
than one thousand three hundred twenty feet. Such a school zone 6611
shall include the distance encompassed by the crosswalk and 6612
extending three hundred feet on each approach direction of the 6613
state route. 6614

(e) As used in this section, "special elementary school" 6615
means a school that meets all of the following criteria: 6616

(i) It is not chartered and does not receive tax revenue from 6617
any source. 6618

(ii) It does not educate children beyond the eighth grade. 6619

(iii) It is located outside the limits of a municipal 6620
corporation. 6621

(iv) A majority of the total number of students enrolled at 6622
the school are not related by blood. 6623

(v) The principal or other person in charge of the special 6624
elementary school annually sends a report to the superintendent of 6625
the school district in which the special elementary school is 6626
located indicating the total number of students enrolled at the 6627
school, but otherwise the principal or other person in charge does 6628
not report any other information or data to the superintendent. 6629

(2) Twenty-five miles per hour in all other portions of a 6630
municipal corporation, except on state routes outside business 6631
districts, through highways outside business districts, and 6632
alleys; 6633

(3) Thirty-five miles per hour on all state routes or through 6634
highways within municipal corporations outside business districts, 6635
except as provided in divisions (B)(4) and (6) of this section; 6636

(4) Fifty miles per hour on controlled-access highways and 6637
expressways within municipal corporations, except as provided in 6638

<u>divisions (B)(12), (13), (14), (15), and (16) of this section;</u>	6639
(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) <u>(12)</u> , (13), (14), (15) , and (17) <u>(16)</u> of this section;	6640 6641 6642 6643 6644 6645
(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;	6646 6647 6648
(7) Fifteen miles per hour on all alleys within the municipal corporation;	6649 6650
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	6651 6652
(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;	6653 6654 6655 6656
(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;	6657 6658 6659
(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) <u>(14)</u> and (17) <u>(16)</u> of this section;	6660 6661 6662
(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;	6663 6664 6665
(13) Sixty miles per hour for operators of any motor vehicle at all times <u>on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in</u>	6666 6667 6668

divisions (B)(13) and (14) of this section; 6669

~~(14)(13) Sixty-five miles per hour for operators of any motor vehicle at all times~~ on all rural expressways without traffic control signals; 6670
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6672

~~(15)(14) Seventy miles per hour for operators of any motor vehicle at all times~~ on all rural freeways; 6673
6674

~~(16)(15) Fifty-five miles per hour for operators of any motor vehicle at all times~~ on all portions of freeways or expressways in congested areas as determined by the director ~~and that are part of the interstate system~~ and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B)(16) of this section; 6675
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~~(17)(16) Sixty-five miles per hour for operators of any motor vehicle at all times~~ on all portions of freeways or expressways without traffic control signals in ~~urban~~ urbanized areas as determined by the director ~~and that are part of the interstate system and are part of an interstate freeway outerbelt.~~ 6681
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(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)(a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit. 6686
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(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows: 6696
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(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B)(10) of 6698
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this section and upon a highway, expressway, or freeway as 6700
provided in divisions (B)(12), (13), (14), ~~(15)~~, and ~~(17)~~(16) of 6701
this section; 6702

(2) At a speed exceeding sixty miles per hour upon a two-lane 6703
state route as provided in division (B)(10) of this section and 6704
upon a highway as provided in division (B)~~(13)~~(12) of this 6705
section; 6706

(3) At a speed exceeding sixty-five miles per hour upon an 6707
expressway as provided in division (B)~~(14)~~(13) or upon a freeway 6708
as provided in division (B)~~(17)~~(16) of this section, except upon a 6709
freeway as provided in division (B)~~(15)~~(14) of this section; 6710

(4) At a speed exceeding seventy miles per hour upon a 6711
freeway as provided in division (B)~~(15)~~(14) of this section; 6712

(5) At a speed exceeding the posted speed limit upon a 6713
highway, expressway, or freeway for which the director has 6714
determined and declared a speed limit pursuant to division (I)(2) 6715
or (L)(2) of this section. 6716

(E) In every charge of violation of this section the 6717
affidavit and warrant shall specify the time, place, and speed at 6718
which the defendant is alleged to have driven, and in charges made 6719
in reliance upon division (C) of this section also the speed which 6720
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 6721
limit declared or established pursuant to, this section declares 6722
is prima-facie lawful at the time and place of such alleged 6723
violation, except that in affidavits where a person is alleged to 6724
have driven at a greater speed than will permit the person to 6725
bring the vehicle to a stop within the assured clear distance 6726
ahead the affidavit and warrant need not specify the speed at 6727
which the defendant is alleged to have driven. 6728

(F) When a speed in excess of both a prima-facie limitation 6729
and a limitation in division (D) of this section is alleged, the 6730

defendant shall be charged in a single affidavit, alleging a 6731
single act, with a violation indicated of both division (B)(1)(a), 6732
(2), (3), (4), (6), (7), (8), or (9) of this section, or of a 6733
limit declared or established pursuant to this section by the 6734
director or local authorities, and of the limitation in division 6735
(D) of this section. If the court finds a violation of division 6736
(B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit 6737
declared or established pursuant to, this section has occurred, it 6738
shall enter a judgment of conviction under such division and 6739
dismiss the charge under division (D) of this section. If it finds 6740
no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 6741
or (9) of, or a limit declared or established pursuant to, this 6742
section, it shall then consider whether the evidence supports a 6743
conviction under division (D) of this section. 6744

(G) Points shall be assessed for violation of a limitation 6745
under division (D) of this section in accordance with section 6746
4510.036 of the Revised Code. 6747

(H)(1) Whenever the director determines upon the basis of a 6748
~~geometric and traffic characteristic~~ criteria established by an 6749
engineering study, as defined by the director, that any speed 6750
limit set forth in divisions (B)(1)(a) to (D) of this section is 6751
greater or less than is reasonable or safe under the conditions 6752
found to exist at any portion of a street or highway under the 6753
jurisdiction of the director, the director shall determine and 6754
declare a reasonable and safe prima-facie speed limit, which shall 6755
be effective when appropriate signs giving notice of it are 6756
erected at the location. 6757

(2) Whenever the director determines upon the basis of a 6758
~~geometric and traffic characteristic~~ criteria established by an 6759
engineering study, as defined by the director, that the speed 6760
limit of fifty-five miles per hour on a two-lane state route 6761
outside a municipal corporation is less than is reasonable or safe 6762

under the conditions found to exist at that portion of the state 6763
route, the director may determine and declare a speed limit of 6764
sixty miles per hour for that portion of the state route, which 6765
shall be effective when appropriate signs giving notice of it are 6766
erected at the location. 6767

(3)(a) For purposes of the safe and orderly movement of 6768
traffic upon any portion of a street or highway under the 6769
jurisdiction of the director, the director may establish a 6770
variable speed limit that is different than the speed limit 6771
established by or under this section on all or portions of 6772
interstate six hundred seventy, interstate two hundred 6773
seventy-five, and interstate ninety commencing at the intersection 6774
of that interstate with interstate seventy-one and continuing to 6775
the border of the state of Ohio with the state of Pennsylvania. 6776
The director shall establish criteria for determining the 6777
appropriate use of variable speed limits and shall establish 6778
variable speed limits in accordance with the criteria. The 6779
director may establish variable speed limits based upon the time 6780
of day, weather conditions, traffic incidents, or other factors 6781
that affect the safe speed on a street or highway. The director 6782
shall not establish a variable speed limit that is based on a 6783
particular type or class of vehicle. A variable speed limit 6784
established by the director under this section is effective when 6785
appropriate signs giving notice of the speed limit are displayed 6786
at the location. 6787

(b) Except for variable speed limits established under 6788
division (H)(3)(a) of this section, the director shall establish a 6789
variable speed limit under the authority granted to the director 6790
by this section on not more than two additional highways and only 6791
pursuant to criteria established in rules adopted in accordance 6792
with Chapter 119. of the Revised Code. The rules shall be based on 6793
the criteria described in division (H)(3)(a) of this section. The 6794

rules also shall establish the parameters of any engineering study 6795
necessary for determining when variable speed limits are 6796
appropriate. 6797

(4) Nothing in this section shall be construed to limit the 6798
authority of the director to establish speed limits within a 6799
construction zone as authorized under section 4511.98 of the 6800
Revised Code. 6801

(I)(1) Except as provided in divisions (I)(2) ~~and, (J), (K),~~ 6802
~~and (N)~~ of this section, whenever local authorities determine upon 6803
the basis of criteria established by an engineering ~~and traffic~~ 6804
investigation study, as defined by the director, that the speed 6805
permitted by divisions (B)(1)(a) to (D) of this section, on any 6806
part of a highway under their jurisdiction, is greater than is 6807
reasonable and safe under the conditions found to exist at such 6808
location, the local authorities may by resolution request the 6809
director to determine and declare a reasonable and safe 6810
prima-facie speed limit. Upon receipt of such request the director 6811
may determine and declare a reasonable and safe prima-facie speed 6812
limit at such location, and if the director does so, then such 6813
declared speed limit shall become effective only when appropriate 6814
signs giving notice thereof are erected at such location by the 6815
local authorities. The director may withdraw the declaration of a 6816
prima-facie speed limit whenever in the director's opinion the 6817
altered prima-facie speed limit becomes unreasonable. Upon such 6818
withdrawal, the declared prima-facie speed limit shall become 6819
ineffective and the signs relating thereto shall be immediately 6820
removed by the local authorities. 6821

(2) A local authority may determine on the basis of a 6822
~~geometric and traffic characteristic~~ criteria established by an 6823
engineering study, as defined by the director, that the speed 6824
limit of sixty-five or seventy miles per hour on a portion of a 6825
freeway under its jurisdiction ~~that was established through the~~ 6826

~~operation of division (L)(3) of this section~~ is greater than is 6827
reasonable or safe under the conditions found to exist at that 6828
portion of the freeway. If the local authority makes such a 6829
determination, the local authority by resolution may request the 6830
director to determine and declare a reasonable and safe speed 6831
limit of not less than fifty-five miles per hour for that portion 6832
of the freeway. If the director takes such action, the declared 6833
speed limit becomes effective only when appropriate signs giving 6834
notice of it are erected at such location by the local authority. 6835

(J) Local authorities in their respective jurisdictions may 6836
authorize by ordinance higher prima-facie speeds than those stated 6837
in this section upon through highways, or upon highways or 6838
portions thereof where there are no intersections, or between 6839
widely spaced intersections, provided signs are erected giving 6840
notice of the authorized speed, but local authorities shall not 6841
modify or alter the basic rule set forth in division (A) of this 6842
section or in any event authorize by ordinance a speed in excess 6843
of ~~fifty miles per hour~~ the maximum speed permitted by division 6844
(D) of this section for the specified type of highway. 6845

Alteration of prima-facie limits on state routes by local 6846
authorities shall not be effective until the alteration has been 6847
approved by the director. The director may withdraw approval of 6848
any altered prima-facie speed limits whenever in the director's 6849
opinion any altered prima-facie speed becomes unreasonable, and 6850
upon such withdrawal, the altered prima-facie speed shall become 6851
ineffective and the signs relating thereto shall be immediately 6852
removed by the local authorities. 6853

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 6854
section, "unimproved highway" means a highway consisting of any of 6855
the following: 6856

(a) Unimproved earth; 6857

(b) Unimproved graded and drained earth; 6858

(c) Gravel. 6859

(2) Except as otherwise provided in divisions (K)(4) and (5) 6860
of this section, whenever a board of township trustees determines 6861
upon the basis of criteria established by an engineering and 6862
traffic investigation study, as defined by the director, that the 6863
speed permitted by division (B)(5) of this section on any part of 6864
an unimproved highway under its jurisdiction and in the 6865
unincorporated territory of the township is greater than is 6866
reasonable or safe under the conditions found to exist at the 6867
location, the board may by resolution declare a reasonable and 6868
safe prima-facie speed limit of fifty-five but not less than 6869
twenty-five miles per hour. An altered speed limit adopted by a 6870
board of township trustees under this division becomes effective 6871
when appropriate traffic control devices, as prescribed in section 6872
4511.11 of the Revised Code, giving notice thereof are erected at 6873
the location, which shall be no sooner than sixty days after 6874
adoption of the resolution. 6875

(3)(a) Whenever, in the opinion of a board of township 6876
trustees, any altered prima-facie speed limit established by the 6877
board under this division becomes unreasonable, the board may 6878
adopt a resolution withdrawing the altered prima-facie speed 6879
limit. Upon the adoption of such a resolution, the altered 6880
prima-facie speed limit becomes ineffective and the traffic 6881
control devices relating thereto shall be immediately removed. 6882

(b) Whenever a highway ceases to be an unimproved highway and 6883
the board has adopted an altered prima-facie speed limit pursuant 6884
to division (K)(2) of this section, the board shall, by 6885
resolution, withdraw the altered prima-facie speed limit as soon 6886
as the highway ceases to be unimproved. Upon the adoption of such 6887
a resolution, the altered prima-facie speed limit becomes 6888
ineffective and the traffic control devices relating thereto shall 6889

be immediately removed. 6890

(4)(a) If the boundary of two townships rests on the 6891
centerline of an unimproved highway in unincorporated territory 6892
and both townships have jurisdiction over the highway, neither of 6893
the boards of township trustees of such townships may declare an 6894
altered prima-facie speed limit pursuant to division (K)(2) of 6895
this section on the part of the highway under their joint 6896
jurisdiction unless the boards of township trustees of both of the 6897
townships determine, upon the basis of criteria established by an 6898
engineering and traffic investigation study, as defined by the 6899
director, that the speed permitted by division (B)(5) of this 6900
section is greater than is reasonable or safe under the conditions 6901
found to exist at the location and both boards agree upon a 6902
reasonable and safe prima-facie speed limit of less than 6903
fifty-five but not less than twenty-five miles per hour for that 6904
location. If both boards so agree, each shall follow the procedure 6905
specified in division (K)(2) of this section for altering the 6906
prima-facie speed limit on the highway. Except as otherwise 6907
provided in division (K)(4)(b) of this section, no speed limit 6908
altered pursuant to division (K)(4)(a) of this section may be 6909
withdrawn unless the boards of township trustees of both townships 6910
determine that the altered prima-facie speed limit previously 6911
adopted becomes unreasonable and each board adopts a resolution 6912
withdrawing the altered prima-facie speed limit pursuant to the 6913
procedure specified in division (K)(3)(a) of this section. 6914

(b) Whenever a highway described in division (K)(4)(a) of 6915
this section ceases to be an unimproved highway and two boards of 6916
township trustees have adopted an altered prima-facie speed limit 6917
pursuant to division (K)(4)(a) of this section, both boards shall, 6918
by resolution, withdraw the altered prima-facie speed limit as 6919
soon as the highway ceases to be unimproved. Upon the adoption of 6920
the resolution, the altered prima-facie speed limit becomes 6921

ineffective and the traffic control devices relating thereto shall 6922
be immediately removed. 6923

(5) As used in division (K)(5) of this section: 6924

(a) "Commercial subdivision" means any platted territory 6925
outside the limits of a municipal corporation and fronting a 6926
highway where, for a distance of three hundred feet or more, the 6927
frontage is improved with buildings in use for commercial 6928
purposes, or where the entire length of the highway is less than 6929
three hundred feet long and the frontage is improved with 6930
buildings in use for commercial purposes. 6931

(b) "Residential subdivision" means any platted territory 6932
outside the limits of a municipal corporation and fronting a 6933
highway, where, for a distance of three hundred feet or more, the 6934
frontage is improved with residences or residences and buildings 6935
in use for business, or where the entire length of the highway is 6936
less than three hundred feet long and the frontage is improved 6937
with residences or residences and buildings in use for business. 6938

Whenever a board of township trustees finds upon the basis of 6939
criteria established by an engineering and traffic investigation 6940
study, as defined by the director, that the prima-facie speed 6941
permitted by division (B)(5) of this section on any part of a 6942
highway under its jurisdiction that is located in a commercial or 6943
residential subdivision, except on highways or portions thereof at 6944
the entrances to which vehicular traffic from the majority of 6945
intersecting highways is required to yield the right-of-way to 6946
vehicles on such highways in obedience to stop or yield signs or 6947
traffic control signals, is greater than is reasonable and safe 6948
under the conditions found to exist at the location, the board may 6949
by resolution declare a reasonable and safe prima-facie speed 6950
limit of less than fifty-five but not less than twenty-five miles 6951
per hour at the location. An altered speed limit adopted by a 6952
board of township trustees under this division shall become 6953

effective when appropriate signs giving notice thereof are erected 6954
at the location by the township. Whenever, in the opinion of a 6955
board of township trustees, any altered prima-facie speed limit 6956
established by it under this division becomes unreasonable, it may 6957
adopt a resolution withdrawing the altered prima-facie speed, and 6958
upon such withdrawal, the altered prima-facie speed shall become 6959
ineffective, and the signs relating thereto shall be immediately 6960
removed by the township. 6961

(L)(1) ~~On September 29, 2013, the~~ The director of 6962
transportation, based upon an engineering study, as defined by the 6963
director, of a highway, expressway, or freeway described in 6964
division (B)~~(12)~~, (13), (14), (15), or (16), ~~or (17)~~ of this 6965
section, in consultation with the director of public safety and, 6966
if applicable, the local authority having jurisdiction over the 6967
studied highway, expressway, or freeway, may determine and declare 6968
that the speed limit established on such highway, expressway, or 6969
freeway under division (B)~~(12)~~, (13), (14), (15), or (16), ~~or (17)~~ 6970
of this section either is reasonable and safe or is more or less 6971
than that which is reasonable and safe. 6972

(2) If the established speed limit for a highway, expressway, 6973
or freeway studied pursuant to division (L)(1) of this section is 6974
determined to be more or less than that which is reasonable and 6975
safe, the director of transportation, in consultation with the 6976
director of public safety and, if applicable, the local authority 6977
having jurisdiction over the studied highway, expressway, or 6978
freeway, shall determine and declare a reasonable and safe speed 6979
limit for that highway, expressway, or freeway. 6980

(M)(1)(a) If the boundary of two local authorities rests on 6981
the centerline of a highway and both authorities have jurisdiction 6982
over the highway, the speed limit for the part of the highway 6983
within their joint jurisdiction shall be either one of the 6984
following as agreed to by both authorities: 6985

(i) Either prima-facie speed limit permitted by division (B) 6986
of this section; 6987

(ii) An altered speed limit determined and posted in 6988
accordance with this section. 6989

(b) If the local authorities are unable to reach an 6990
agreement, the speed limit shall remain as established and posted 6991
under this section. 6992

(2) Neither local authority may declare an altered 6993
prima-facie speed limit pursuant to this section on the part of 6994
the highway under their joint jurisdiction unless both of the 6995
local authorities determine, upon the basis of criteria 6996
established by an engineering and traffic investigation study, as 6997
defined by the director, that the speed permitted by this section 6998
is greater than is reasonable or safe under the conditions found 6999
to exist at the location and both authorities agree upon a uniform 7000
reasonable and safe prima-facie speed limit of less than 7001
fifty-five but not less than twenty-five miles per hour for that 7002
location. If both authorities so agree, each shall follow the 7003
procedure specified in this section for altering the prima-facie 7004
speed limit on the highway, and the speed limit for the part of 7005
the highway within their joint jurisdiction shall be uniformly 7006
altered. No altered speed limit may be withdrawn unless both local 7007
authorities determine that the altered prima-facie speed limit 7008
previously adopted becomes unreasonable and each adopts a 7009
resolution withdrawing the altered prima-facie speed limit 7010
pursuant to the procedure specified in this section. 7011

(N) The legislative authority of a municipal corporation or 7012
township in which a boarding school is located, by resolution or 7013
ordinance, may establish a boarding school zone. The legislative 7014
authority may alter the speed limit on any street or highway 7015
within the boarding school zone and shall specify the hours during 7016
which the altered speed limit is in effect. For purposes of 7017

determining the boundaries of the boarding school zone, the 7018
altered speed limit within the boarding school zone, and the hours 7019
the altered speed limit is in effect, the legislative authority 7020
shall consult with the administration of the boarding school and 7021
with the county engineer or other appropriate engineer, as 7022
applicable. A boarding school zone speed limit becomes effective 7023
only when appropriate signs giving notice thereof are erected at 7024
the appropriate locations. 7025

(0) As used in this section: 7026

(1) "Interstate system" has the same meaning as in 23 7027
U.S.C.A. 101. 7028

(2) "Commercial bus" means a motor vehicle designed for 7029
carrying more than nine passengers and used for the transportation 7030
of persons for compensation. 7031

(3) "Noncommercial bus" includes but is not limited to a 7032
school bus or a motor vehicle operated solely for the 7033
transportation of persons associated with a charitable or 7034
nonprofit organization. 7035

(4) "Outerbelt" means a portion of a freeway that is part of 7036
the interstate system and is located in the outer vicinity of a 7037
major municipal corporation or group of municipal corporations, as 7038
designated by the director. 7039

(5) "Rural" means an area outside urbanized areas, ~~as~~ 7040
~~designated in accordance with 23 U.S.C. 101,~~ and outside of a 7041
business or urban district, and areas that extend within urbanized 7042
areas where the roadway characteristics remain mostly unchanged 7043
from those outside the urbanized areas. 7044

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 7045
101. 7046

(7) "Divided" means a roadway having two or more travel lanes 7047

for vehicles moving in opposite directions and that is separated 7048
by a median of more than four feet, excluding turn lanes. 7049

(P)(1) A violation of any provision of this section is one of 7050
the following: 7051

(a) Except as otherwise provided in divisions (P)(1)(b), 7052
(1)(c), (2), and (3) of this section, a minor misdemeanor; 7053

(b) If, within one year of the offense, the offender 7054
previously has been convicted of or pleaded guilty to two 7055
violations of any provision of this section or of any provision of 7056
a municipal ordinance that is substantially similar to any 7057
provision of this section, a misdemeanor of the fourth degree; 7058

(c) If, within one year of the offense, the offender 7059
previously has been convicted of or pleaded guilty to three or 7060
more violations of any provision of this section or of any 7061
provision of a municipal ordinance that is substantially similar 7062
to any provision of this section, a misdemeanor of the third 7063
degree. 7064

(2) If the offender has not previously been convicted of or 7065
pleaded guilty to a violation of any provision of this section or 7066
of any provision of a municipal ordinance that is substantially 7067
similar to this section and operated a motor vehicle faster than 7068
thirty-five miles an hour in a business district of a municipal 7069
corporation, faster than fifty miles an hour in other portions of 7070
a municipal corporation, or faster than thirty-five miles an hour 7071
in a school zone during recess or while children are going to or 7072
leaving school during the school's opening or closing hours, a 7073
misdemeanor of the fourth degree. 7074

(3) Notwithstanding division (P)(1) of this section, if the 7075
offender operated a motor vehicle in a construction zone where a 7076
sign was then posted in accordance with section 4511.98 of the 7077
Revised Code, the court, in addition to all other penalties 7078

provided by law, shall impose upon the offender a fine of two 7079
times the usual amount imposed for the violation. No court shall 7080
impose a fine of two times the usual amount imposed for the 7081
violation upon an offender if the offender alleges, in an 7082
affidavit filed with the court prior to the offender's sentencing, 7083
that the offender is indigent and is unable to pay the fine 7084
imposed pursuant to this division and if the court determines that 7085
the offender is an indigent person and unable to pay the fine. 7086

(4) If the offender commits the offense while distracted and 7087
the distracting activity is a contributing factor to the 7088
commission of the offense, the offender is subject to the 7089
additional fine established under section 4511.991 of the Revised 7090
Code. 7091

Sec. 4511.521. (A) No person shall operate a motorized 7092
bicycle upon a highway or any public or private property used by 7093
the public for purposes of vehicular travel or parking, unless all 7094
of the following conditions are met: 7095

(1) The person is fourteen or fifteen years of age and holds 7096
a valid probationary motorized bicycle license issued after the 7097
person has passed the test provided for in this section, or the 7098
person is sixteen years of age or older and holds either a valid 7099
commercial driver's license issued under Chapter 4506. or a 7100
driver's license issued under Chapter 4507. of the Revised Code or 7101
a valid motorized bicycle license issued after the person has 7102
passed the test provided for in this section, except that if a 7103
person is sixteen years of age, has a valid probationary motorized 7104
bicycle license and desires a motorized bicycle license, the 7105
person is not required to comply with the testing requirements 7106
provided for in this section; 7107

(2) The motorized bicycle is equipped in accordance with the 7108
rules adopted under division (B) of this section and is in proper 7109

working order; 7110

(3) The person, if under eighteen years of age, is wearing a 7111
protective helmet on the person's head with the chin strap 7112
properly fastened and the motorized bicycle is equipped with a 7113
rear-view mirror. 7114

(4) The person operates the motorized bicycle when 7115
practicable within three feet of the right edge of the roadway 7116
obeying all traffic rules applicable to vehicles. 7117

(B) The director of public safety, subject to sections 119.01 7118
to 119.13 of the Revised Code, shall adopt and promulgate rules 7119
concerning protective helmets, the equipment of motorized 7120
bicycles, and the testing and qualifications of persons who do not 7121
hold a valid driver's or commercial driver's license. The test 7122
shall be as near as practicable to the examination required for a 7123
motorcycle operator's endorsement under section 4507.11 of the 7124
Revised Code. The test shall also require the operator to give an 7125
actual demonstration of the operator's ability to operate and 7126
control a motorized bicycle by driving one under the supervision 7127
of an examining officer. 7128

(C) Every motorized bicycle license expires on the birthday 7129
of the applicant in the fourth year after the date it is issued, 7130
but in no event shall any motorized bicycle license be issued for 7131
a period longer than four years. 7132

(D) No person operating a motorized bicycle shall carry 7133
another person upon the motorized bicycle. 7134

(E) The protective helmet and rear-view mirror required by 7135
division (A)(3) of this section shall, on and after January 1, 7136
1985, conform with rules adopted by the director under division 7137
(B) of this section. 7138

~~(F) Each probationary motorized bicycle license or motorized 7139
bicycle license shall be laminated with a transparent plastic 7140~~

~~material.~~ 7141

(G) Whoever violates division (A), (D), or (E) of this 7142
section is guilty of a minor misdemeanor. 7143

Sec. 4511.54. (A) No person riding upon any bicycle, electric 7144
bicycle, coaster, roller skates, sled, skateboard, or toy vehicle 7145
shall attach the same or self to any streetcar, trackless trolley, 7146
or vehicle upon a roadway. 7147

No operator shall knowingly permit any person riding upon any 7148
bicycle, electric bicycle, coaster, roller skates, sled, 7149
skateboard, or toy vehicle to attach the same or self to any 7150
streetcar, trackless trolley, or vehicle while it is moving upon a 7151
roadway. 7152

This section does not apply to the towing of a disabled 7153
vehicle. 7154

(B) Except as otherwise provided in this division, whoever 7155
violates this section is guilty of a minor misdemeanor. If, within 7156
one year of the offense, the offender previously has been 7157
convicted of or pleaded guilty to one predicate motor vehicle or 7158
traffic offense, whoever violates this section is guilty of a 7159
misdemeanor of the fourth degree. If, within one year of the 7160
offense, the offender previously has been convicted of two or more 7161
predicate motor vehicle or traffic offenses, whoever violates this 7162
section is guilty of a misdemeanor of the third degree. 7163

If the offender commits the offense while distracted and the 7164
distracting activity is a contributing factor to the commission of 7165
the offense, the offender is subject to the additional fine 7166
established under section 4511.991 of the Revised Code. 7167

Sec. 4511.76. (A) The department of public safety, by and 7168
with the advice of the superintendent of public instruction, shall 7169
adopt and enforce rules relating to the construction, design, and 7170

equipment, including lighting equipment required by section 7171
4511.771 of the Revised Code, of all school buses both publicly 7172
and privately owned and operated in this state. 7173

(B) The department of education, by and with the advice of 7174
the director of public safety, shall adopt and enforce rules 7175
relating to the operation of all vehicles used for pupil 7176
transportation. 7177

(C) No person shall operate a vehicle used for pupil 7178
transportation within this state in violation of the rules of the 7179
department of education or the department of public safety. No 7180
person, being the owner thereof or having the supervisory 7181
responsibility therefor, shall permit the operation of a vehicle 7182
used for pupil transportation within this state in violation of 7183
the rules of the department of education or the department of 7184
public safety. 7185

(D) The department of public safety shall adopt and enforce 7186
rules relating to the issuance of a license under section 4511.763 7187
of the Revised Code. The rules may relate to the moral character 7188
of the applicant; the condition of the equipment to be operated; 7189
the liability and property damage insurance carried by the 7190
applicant; the posting of satisfactory and sufficient bond; and 7191
such other rules as the director of public safety determines 7192
reasonably necessary for the safety of the pupils to be 7193
transported. 7194

(E) A chartered nonpublic school may own and operate, or 7195
contract with a vendor that supplies, a vehicle originally 7196
designed for not more than nine passengers, not including the 7197
driver, to transport students to and from regularly scheduled 7198
school sessions when one of the following applies: 7199

(1) A student's school district of residence has declared the 7200
transportation of the student impractical pursuant to section 7201

3327.02 of the Revised Code; or 7202

(2) A student does not live within thirty minutes of the 7203
chartered nonpublic school and the student's school district is 7204
not required to transport the student under section 3327.01 of the 7205
Revised Code. 7206

(F) As used in this section, "vehicle used for pupil 7207
transportation" means any vehicle that is identified as such by 7208
the department of education by rule and that is subject to Chapter 7209
3301-83 of the Administrative Code. 7210

~~(F)~~(G) Except as otherwise provided in this division, whoever 7211
violates this section is guilty of a minor misdemeanor. If the 7212
offender previously has been convicted of or pleaded guilty to one 7213
or more violations of this section or section 4511.63, 4511.761, 7214
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 7215
municipal ordinance that is substantially similar to any of those 7216
sections, whoever violates this section is guilty of a misdemeanor 7217
of the fourth degree. 7218

Sec. 4513.263. (A) As used in this section and in section 7219
4513.99 of the Revised Code: 7220

(1) "Automobile" means any commercial tractor, passenger car, 7221
commercial car, or truck that is required to be factory-equipped 7222
with an occupant restraining device for the operator or any 7223
passenger by regulations adopted by the United States secretary of 7224
transportation pursuant to the "National Traffic and Motor Vehicle 7225
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 7226

(2) "Occupant restraining device" means a seat safety belt, 7227
shoulder belt, harness, or other safety device for restraining a 7228
person who is an operator of or passenger in an automobile and 7229
that satisfies the minimum federal vehicle safety standards 7230
established by the United States department of transportation. 7231

(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; 7263

(4) Operate a taxicab on any street or highway unless all 7264
factory-equipped occupant restraining devices in the taxicab are 7265
maintained in usable form. 7266

(C)(1) Division (B)(3) of this section does not apply to a 7267
person who is required by section 4511.81 of the Revised Code to 7268
be secured in a child restraint device or booster seat. 7269

(2) Division (B)(1) of this section does not apply to a 7270
person who is an employee of the United States postal service or 7271
of a newspaper home delivery service, during any period in which 7272
the person is engaged in the operation of an automobile to deliver 7273
mail or newspapers to addressees. 7274

(3) Divisions (B)(1) and (3) of this section do not apply to 7275
a person who has an affidavit signed by a physician licensed to 7276
practice in this state under Chapter 4731. of the Revised Code or 7277
a chiropractor licensed to practice in this state under Chapter 7278
4734. of the Revised Code that states ~~that~~ the following: 7279

(a) That the person has a physical impairment that makes use 7280
of an occupant restraining device impossible or impractical; 7281

(b) Whether the physical impairment is temporary, permanent, 7282
or reasonably expected to be permanent; 7283

(c) If the physical impairment is temporary, how long the 7284
physical impairment is expected to make the use of an occupant 7285
restraining device impossible or impractical. 7286

(4) Divisions (B)(1) and (3) of this section do not apply to 7287
a person who has registered with the registrar of motor vehicles 7288
in accordance with division (C)(5) of this section. 7289

(5) A person who has received an affidavit under division 7290
(C)(3) of this section stating that the person has a permanent or 7291
reasonably expected to be permanent physical impairment that makes 7292

use of an occupant restraining device impossible or impracticable 7293
may register with the registrar attesting to that fact. Upon such 7294
registration, the registrar shall make that information available 7295
in the law enforcement automated data system. A person included in 7296
the database under division (C)(5) of this section is not required 7297
to have the affidavit obtained in accordance with division (C)(3) 7298
of this section in their possession while operating or occupying 7299
an automobile. 7300

(6) A physician or chiropractor who issues an affidavit for 7301
the purposes of division (C)(3) or (4) of this section is immune 7302
from civil liability arising from any injury or death sustained by 7303
the person who was issued the affidavit due to the failure of the 7304
person to wear an occupant restraining device unless the physician 7305
or chiropractor, in issuing the affidavit, acted in a manner that 7306
constituted willful, wanton, or reckless misconduct. 7307

(7) The registrar shall adopt rules in accordance with 7308
Chapter 119. of the Revised Code establishing a process for a 7309
person to be included in the database under division (C)(5) of 7310
this section. The information provided and included in the 7311
database under division (C)(5) of this section is not a public 7312
record subject to inspection or copying under section 149.43 of 7313
the Revised Code. 7314

(D) Notwithstanding any provision of law to the contrary, no 7315
law enforcement officer shall cause an operator of an automobile 7316
being operated on any street or highway to stop the automobile for 7317
the sole purpose of determining whether a violation of division 7318
(B) of this section has been or is being committed or for the sole 7319
purpose of issuing a ticket, citation, or summons for a violation 7320
of that nature or causing the arrest of or commencing a 7321
prosecution of a person for a violation of that nature, and no law 7322
enforcement officer shall view the interior or visually inspect 7323
any automobile being operated on any street or highway for the 7324

sole purpose of determining whether a violation of that nature has 7325
been or is being committed. 7326

(E) All fines collected for violations of division (B) of 7327
this section, or for violations of any ordinance or resolution of 7328
a political subdivision that is substantively comparable to that 7329
division, shall be forwarded to the treasurer of state for deposit 7330
into the state treasury to the credit of the trauma and emergency 7331
medical services fund, which is hereby created. In addition, the 7332
portion of the driver's license reinstatement fee described in 7333
division (F)(2)(g) of section 4511.191 of the Revised Code, plus 7334
all fees collected under section 4765.11 of the Revised Code, plus 7335
all fines imposed under section 4765.55 of the Revised Code, plus 7336
the fees and other moneys specified in section 4766.05 of the 7337
Revised Code, and plus five per cent of fines and moneys arising 7338
from bail forfeitures as directed by section 5503.04 of the 7339
Revised Code, also shall be deposited into the trauma and 7340
emergency medical services fund. All money deposited into the 7341
trauma and emergency medical services fund shall be used by the 7342
department of public safety for the administration and operation 7343
of the division of emergency medical services and the state board 7344
of emergency medical, fire, and transportation services, and by 7345
the state board of emergency medical, fire, and transportation 7346
services to make grants, in accordance with section 4765.07 of the 7347
Revised Code and rules the board adopts under section 4765.11 of 7348
the Revised Code. The director of budget and management may 7349
transfer excess money from the trauma and emergency medical 7350
services fund to the public safety - highway purposes fund 7351
established in section 4501.06 of the Revised Code if the director 7352
of public safety determines that the amount of money in the trauma 7353
and emergency medical services fund exceeds the amount required to 7354
cover such costs incurred by the emergency medical services agency 7355
and the grants made by the state board of emergency medical, fire, 7356
and transportation services and requests the director of budget 7357

and management to make the transfer. 7358

(F)(1) Subject to division (F)(2) of this section, the 7359
failure of a person to wear all of the available elements of a 7360
properly adjusted occupant restraining device in violation of 7361
division (B)(1) or (3) of this section or the failure of a person 7362
to ensure that each minor who is a passenger of an automobile 7363
being operated by that person is wearing all of the available 7364
elements of a properly adjusted occupant restraining device in 7365
violation of division (B)(2) of this section shall not be 7366
considered or used by the trier of fact in a tort action as 7367
evidence of negligence or contributory negligence. But, the trier 7368
of fact may determine based on evidence admitted consistent with 7369
the Ohio Rules of Evidence that the failure contributed to the 7370
harm alleged in the tort action and may diminish a recovery of 7371
compensatory damages that represents noneconomic loss, as defined 7372
in section 2307.011 of the Revised Code, in a tort action that 7373
could have been recovered but for the plaintiff's failure to wear 7374
all of the available elements of a properly adjusted occupant 7375
restraining device. Evidence of that failure shall not be used as 7376
a basis for a criminal prosecution of the person other than a 7377
prosecution for a violation of this section; and shall not be 7378
admissible as evidence in a criminal action involving the person 7379
other than a prosecution for a violation of this section. 7380

(2) If, at the time of an accident involving a passenger car 7381
equipped with occupant restraining devices, any occupant of the 7382
passenger car who sustained injury or death was not wearing an 7383
available occupant restraining device, was not wearing all of the 7384
available elements of such a device, or was not wearing such a 7385
device as properly adjusted, then, consistent with the Rules of 7386
Evidence, the fact that the occupant was not wearing the available 7387
occupant restraining device, was not wearing all of the available 7388
elements of such a device, or was not wearing such a device as 7389

properly adjusted is admissible in evidence in relation to any 7390
claim for relief in a tort action to the extent that the claim for 7391
relief satisfies all of the following: 7392

(a) It seeks to recover damages for injury or death to the 7393
occupant. 7394

(b) The defendant in question is the manufacturer, designer, 7395
distributor, or seller of the passenger car. 7396

(c) The claim for relief against the defendant in question is 7397
that the injury or death sustained by the occupant was enhanced or 7398
aggravated by some design defect in the passenger car or that the 7399
passenger car was not crashworthy. 7400

(G)(1) Whoever violates division (B)(1) of this section shall 7401
be fined thirty dollars. 7402

(2) Whoever violates division (B)(3) of this section shall be 7403
fined twenty dollars. 7404

(3) Except as otherwise provided in this division, whoever 7405
violates division (B)(4) of this section is guilty of a minor 7406
misdemeanor. If the offender previously has been convicted of or 7407
pleaded guilty to a violation of division (B)(4) of this section, 7408
whoever violates division (B)(4) of this section is guilty of a 7409
misdemeanor of the third degree. 7410

Sec. 4513.34. (A)(1) The director of transportation with 7411
respect to all highways that are a part of the state highway 7412
system and local authorities with respect to highways under their 7413
jurisdiction, upon application in writing, shall issue a special 7414
regional heavy hauling permit authorizing the applicant to operate 7415
or move a vehicle or combination of vehicles as follows: 7416

(a) At a size or weight of vehicle or load exceeding the 7417
maximum specified in sections 5577.01 to 5577.09 of the Revised 7418
Code, or otherwise not in conformity with sections 4513.01 to 7419

4513.37 of the Revised Code; 7420

(b) Upon any highway under the jurisdiction of the authority 7421
granting the permit except those highways with a condition 7422
insufficient to bear the weight of the vehicle or combination of 7423
vehicles as stated in the application. 7424

~~(c) For regional trips at distances of one hundred fifty 7425
miles or less from a facility stated on the application as the 7426
applicant's point of origin. 7427~~

Issuance of a special regional heavy hauling permit is 7428
subject to the payment of a fee established by the director or 7429
local authority in accordance with this section. 7430

(2) In circumstances where a person is not eligible to 7431
receive a permit under division (A)(1) of this section, the 7432
director of transportation with respect to all highways that are a 7433
part of the state highway system and local authorities with 7434
respect to highways under their jurisdiction, upon application in 7435
writing and for good cause shown, may issue a special permit in 7436
writing authorizing the applicant to operate or move a vehicle or 7437
combination of vehicles of a size or weight of vehicle or load 7438
exceeding the maximum specified in sections 5577.01 to 5577.09 of 7439
the Revised Code, or otherwise not in conformity with sections 7440
4513.01 to 4513.37 of the Revised Code, upon any highway under the 7441
jurisdiction of the authority granting the permit. 7442

(3) For purposes of this section, the director may designate 7443
certain state highways or portions of state highways as special 7444
economic development highways. If an application submitted to the 7445
director under this section involves travel of a nonconforming 7446
vehicle or combination of vehicles upon a special economic 7447
development highway, the director, in determining whether good 7448
cause has been shown that issuance of a permit is justified, shall 7449
consider the effect the travel of the vehicle or combination of 7450

vehicles will have on the economic development in the area in 7451
which the designated highway or portion of highway is located. 7452

(B) Notwithstanding sections 715.22 and 723.01 of the Revised 7453
Code, the holder of a permit issued by the director under this 7454
section may move the vehicle or combination of vehicles described 7455
in the permit on any highway that is a part of the state highway 7456
system when the movement is partly within and partly without the 7457
corporate limits of a municipal corporation. No local authority 7458
shall require any other permit or license or charge any license 7459
fee or other charge against the holder of a permit for the 7460
movement of a vehicle or combination of vehicles on any highway 7461
that is a part of the state highway system. The director shall not 7462
require the holder of a permit issued by a local authority to 7463
obtain a special permit for the movement of vehicles or 7464
combination of vehicles on highways within the jurisdiction of the 7465
local authority. Permits may be issued for any period of time not 7466
to exceed one year, as the director in the director's discretion 7467
or a local authority in its discretion determines advisable, or 7468
for the duration of any public construction project. 7469

(C)(1) The application for a permit issued under this section 7470
shall be in the form that the director or local authority 7471
prescribes. The director or local authority may prescribe a permit 7472
fee to be imposed and collected when any permit described in this 7473
section is issued. The permit fee may be in an amount sufficient 7474
to reimburse the director or local authority for the 7475
administrative costs incurred in issuing the permit, and also to 7476
cover the cost of the normal and expected damage caused to the 7477
roadway or a street or highway structure as the result of the 7478
operation of the nonconforming vehicle or combination of vehicles. 7479
The director, in accordance with Chapter 119. of the Revised Code, 7480
shall establish a schedule of fees for permits issued by the 7481
director under this section; however, the fee to operate a triple 7482

trailer unit, at locations authorized under federal law, shall be 7483
one hundred dollars. 7484

(2) For the purposes of this section and of rules adopted by 7485
the director under this section, milk transported in bulk by 7486
vehicle is deemed a nondivisible load. 7487

(3) For purposes of this section and of rules adopted by the 7488
director under this section, three or fewer aluminum coils, 7489
transported by a vehicle, are deemed a nondivisible load. The 7490
director shall adopt rules establishing requirements for an 7491
aluminum coil permit that are substantially similar to the 7492
requirements for a steel coil permit under Chapter 5501:2-1 of the 7493
Administrative Code. 7494

(D) The director or a local authority shall issue a special 7495
regional heavy hauling permit under division (A)(1) of this 7496
section upon application and payment of the applicable fee. 7497
However, the director or local authority may issue or withhold a 7498
special permit specified in division (A)(2) of this section. If a 7499
permit is to be issued, the director or local authority may limit 7500
or prescribe conditions of operation for the vehicle and may 7501
require the posting of a bond or other security conditioned upon 7502
the sufficiency of the permit fee to compensate for damage caused 7503
to the roadway or a street or highway structure. In addition, a 7504
local authority, as a condition of issuance of an overweight 7505
permit, may require the applicant to develop and enter into a 7506
mutual agreement with the local authority to compensate for or to 7507
repair excess damage caused to the roadway by travel under the 7508
permit. 7509

For a permit that will allow travel of a nonconforming 7510
vehicle or combination of vehicles on a special economic 7511
development highway, the director, as a condition of issuance, may 7512
require the applicant to agree to make periodic payments to the 7513
department to compensate for damage caused to the roadway by 7514

travel under the permit. 7515

(E) Every permit issued under this section shall be carried 7516
in the vehicle or combination of vehicles to which it refers and 7517
shall be open to inspection by any police officer or authorized 7518
agent of any authority granting the permit. No person shall 7519
violate any of the terms of a permit. 7520

(F) The director may debar an applicant from applying for a 7521
permit under this section upon a finding based on a reasonable 7522
belief that the applicant has done any of the following: 7523

(1) Abused the process by repeatedly submitting false 7524
information or false travel plans or by using another company or 7525
individual's name, insurance, or escrow account without proper 7526
authorization; 7527

(2) Failed to comply with or substantially perform under a 7528
previously issued permit according to its terms, conditions, and 7529
specifications within specified time limits; 7530

(3) Failed to cooperate in the application process for the 7531
permit or in any other procedures that are related to the issuance 7532
of the permit by refusing to provide information or documents 7533
required in a permit or by failing to respond to and correct 7534
matters related to the permit; 7535

(4) Accumulated repeated justified complaints regarding 7536
performance under a permit that was previously issued to the 7537
applicant or previously failed to obtain a permit when such a 7538
permit was required; 7539

(5) Attempted to influence a public employee to breach 7540
ethical conduct standards; 7541

(6) Been convicted of a criminal offense related to the 7542
application for, or performance under, a permit, including, but 7543
not limited to, bribery, falsification, fraud or destruction of 7544

records, receiving stolen property, and any other offense that 7545
directly reflects on the applicant's integrity or commercial 7546
driver's license; 7547

(7) Accumulated repeated convictions under a state or federal 7548
safety law governing commercial motor vehicles or a rule or 7549
regulation adopted under such a law; 7550

(8) Accumulated repeated convictions under a law, rule, or 7551
regulation governing the movement of traffic over the public 7552
streets and highways; 7553

(9) Failed to pay any fees associated with any permitted 7554
operation or move; 7555

(10) Deliberately or willfully submitted false or misleading 7556
information in connection with the application for, or performance 7557
under, a permit issued under this section. 7558

If the applicant is a partnership, association, or 7559
corporation, the director also may debar from consideration for 7560
permits any partner of the partnership, or the officers, 7561
directors, or employees of the association or corporation being 7562
debarred. 7563

The director may adopt rules in accordance with Chapter 119. 7564
of the Revised Code governing the debarment of an applicant. 7565

(G) When the director reasonably believes that grounds for 7566
debarment exist, the director shall send the person that is 7567
subject to debarment a notice of the proposed debarment. A notice 7568
of proposed debarment shall indicate the grounds for the debarment 7569
of the person and the procedure for requesting a hearing. The 7570
notice and hearing shall be in accordance with Chapter 119. of the 7571
Revised Code. If the person does not respond with a request for a 7572
hearing in the manner specified in that chapter, the director 7573
shall issue the debarment decision without a hearing and shall 7574
notify the person of the decision by certified mail, return 7575

receipt requested. The debarment period may be of any length 7576
determined by the director, and the director may modify or rescind 7577
the debarment at any time. During the period of debarment, the 7578
director shall not issue, or consider issuing, a permit under this 7579
section to any partnership, association, or corporation that is 7580
affiliated with a debarred person. After the debarment period 7581
expires, the person, and any partnership, association, or 7582
corporation affiliated with the person, may reapply for a permit. 7583

(H)(1) No person shall violate the terms of a permit issued 7584
under this section that relate to gross load limits. 7585

(2) No person shall violate the terms of a permit issued 7586
under this section that relate to axle load by more than two 7587
thousand pounds per axle or group of axles. 7588

(3) No person shall violate the terms of a permit issued 7589
under this section that relate to an approved route except upon 7590
order of a law enforcement officer or authorized agent of the 7591
issuing authority. 7592

(I) Whoever violates division (H) of this section shall be 7593
punished as provided in section 4513.99 of the Revised Code. 7594

(J) A permit issued by the department of transportation or a 7595
local authority under this section for the operation of a vehicle 7596
or combination of vehicles is valid for the purposes of the 7597
vehicle operation in accordance with the conditions and 7598
limitations specified on the permit. Such a permit is voidable by 7599
law enforcement only for operation of a vehicle or combination of 7600
vehicles in violation of the weight, dimension, or route 7601
provisions of the permit. However, a permit is not voidable for 7602
operation in violation of a route provision of a permit if the 7603
operation is upon the order of a law enforcement officer. 7604

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 7605

police of a municipal corporation, township, port authority, or 7606
township or joint police district, within the sheriff's or chief's 7607
respective territorial jurisdiction, upon complaint of any person 7608
adversely affected, may order into storage any motor vehicle, 7609
other than an abandoned junk motor vehicle as defined in section 7610
4513.63 of the Revised Code, that has been left on private 7611
residential or private agricultural property for at least four 7612
hours without the permission of the person having the right to the 7613
possession of the property. The sheriff or chief of police, upon 7614
complaint of a repair garage or place of storage, may order into 7615
storage any motor vehicle, other than an abandoned junk motor 7616
vehicle, that has been left at the garage or place of storage for 7617
a longer period than that agreed upon. When ordering a motor 7618
vehicle into storage pursuant to this division, a sheriff or chief 7619
of police may arrange for the removal of the motor vehicle by a 7620
towing service and shall designate a storage facility. 7621

(2) A towing service towing a motor vehicle under division 7622
(A)(1) of this section shall remove the motor vehicle in 7623
accordance with that division. The towing service shall deliver 7624
the motor vehicle to the location designated by the sheriff or 7625
chief of police not more than two hours after the time it is 7626
removed from the private property, unless the towing service is 7627
unable to deliver the motor vehicle within two hours due to an 7628
uncontrollable force, natural disaster, or other event that is not 7629
within the power of the towing service. 7630

(3) Subject to division (B) of this section, the owner of a 7631
motor vehicle that has been removed pursuant to this division may 7632
recover the vehicle only in accordance with division (D) of this 7633
section. 7634

(4) As used in this section, "private residential property" 7635
means private property on which is located one or more structures 7636

that are used as a home, residence, or sleeping place by one or 7637
more persons, if no more than three separate households are 7638
maintained in the structure or structures. "Private residential 7639
property" does not include any private property on which is 7640
located one or more structures that are used as a home, residence, 7641
or sleeping place by two or more persons, if more than three 7642
separate households are maintained in the structure or structures. 7643

(B) If the owner or operator of a motor vehicle that has been 7644
ordered into storage pursuant to division (A)(1) of this section 7645
arrives after the motor vehicle has been prepared for removal, but 7646
prior to its actual removal from the property, the towing service 7647
shall give the owner or operator oral or written notification at 7648
the time of such arrival that the vehicle owner or operator may 7649
pay a fee of not more than one-half of the fee for the removal of 7650
the motor vehicle established by the public utilities commission 7651
in rules adopted under section 4921.25 of the Revised Code, in 7652
order to obtain release of the motor vehicle. However, if the 7653
vehicle is within a municipal corporation and the municipal 7654
corporation has established a vehicle removal fee, the towing 7655
service shall give the owner or operator oral or written 7656
notification that the owner or operator may pay not more than 7657
one-half of that fee to obtain release of the motor vehicle. That 7658
fee may be paid by use of a major credit card unless the towing 7659
service uses a mobile credit card processor and mobile service is 7660
not available at the time of the transaction. 7661

Upon payment of the applicable fee, the towing service shall 7662
give the vehicle owner or operator a receipt showing both the full 7663
amount normally assessed and the actual amount received and shall 7664
release the motor vehicle to the owner or operator. Upon its 7665
release, the owner or operator immediately shall move it so that 7666
it is not on the private residential or private agricultural 7667
property without the permission of the person having the right to 7668

possession of the property, or is not at the garage or place of 7669
storage without the permission of the owner, whichever is 7670
applicable. 7671

(C)(1) Each county sheriff and each chief of police of a 7672
municipal corporation, township, port authority, or township or 7673
joint police district shall maintain a record of motor vehicles 7674
that the sheriff or chief orders into storage pursuant to division 7675
(A)(1) of this section. The record shall include an entry for each 7676
such motor vehicle that identifies the motor vehicle's license 7677
number, make, model, and color, the location from which it was 7678
removed, the date and time of its removal, the telephone number of 7679
the person from whom it may be recovered, and the address of the 7680
place to which it has been taken and from which it may be 7681
recovered. A sheriff or chief of police shall provide any 7682
information in the record that pertains to a particular motor 7683
vehicle to any person who, either in person or pursuant to a 7684
telephone call, identifies self as the owner or operator of the 7685
motor vehicle and requests information pertaining to its location. 7686

(2) Any person who registers a complaint that is the basis of 7687
a sheriff's or police chief's order for the removal and storage of 7688
a motor vehicle under division (A)(1) of this section shall 7689
provide the identity of the law enforcement agency with which the 7690
complaint was registered to any person who identifies self as the 7691
owner or operator of the motor vehicle and requests information 7692
pertaining to its location. 7693

(D)(1) The owner or lienholder of a motor vehicle that is 7694
ordered into storage pursuant to division (A)(1) of this section 7695
may reclaim it upon both of the following: 7696

(a) Payment of all applicable fees established by the public 7697
utilities commission in rules adopted under section 4921.25 of the 7698
Revised Code or, if the vehicle was towed within a municipal 7699
corporation that has established fees for vehicle removal and 7700

storage, payment of all applicable fees established by the 7701
municipal corporation. 7702

(b) Presentation of proof of ownership, which may be 7703
evidenced by a certificate of title to the motor vehicle, a 7704
certificate of registration for the motor vehicle, or a lease 7705
agreement. 7706

When the owner of a vehicle towed under this section 7707
retrieves the vehicle, the towing service or storage facility in 7708
possession of the vehicle shall give the owner written notice that 7709
if the owner disputes that the motor vehicle was lawfully towed, 7710
the owner may be able to file a civil action under section 7711
4513.611 of the Revised Code. 7712

(2) Upon presentation of proof of ownership as required under 7713
division (D)(1)(b) of this section, the owner of a motor vehicle 7714
that is ordered into storage under division (A)(1) of this section 7715
may retrieve any personal items from the motor vehicle without 7716
retrieving the vehicle and without paying any fee. However, a 7717
towing service or storage facility may charge an after-hours 7718
retrieval fee established by the public utilities commission in 7719
rules adopted under section 4921.25 of the Revised Code if the 7720
owner retrieves the personal items after hours, unless the towing 7721
service or storage facility fails to provide the notice required 7722
under division (B)(3) of section 4513.69 of the Revised Code, if 7723
applicable. The owner of a motor vehicle shall not do either of 7724
the following: 7725

(a) Retrieve any personal item that has been determined by 7726
the sheriff or chief of police, as applicable, to be necessary to 7727
a criminal investigation; 7728

(b) Retrieve any personal item from a vehicle if it would 7729
endanger the safety of the owner, unless the owner agrees to sign 7730
a waiver of liability. 7731

For purposes of division (D)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(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 7762
to the terms of the property owner. If the property is a 7763
commercial property, the owner of the private property may include 7764
on the sign a statement that only customers may park in the 7765
private tow-away zone. In all cases, if it is not apparent which 7766
persons may park in the private tow-away zone, the owner of the 7767
private property shall include on the sign the address of the 7768
property on which the private tow-away zone is located or the name 7769
of the business that is located on the property designated as a 7770
private tow-away zone. 7771

(c) If the private tow-away zone is not enforceable at all 7772
times, the times during which the parking restrictions are 7773
enforced; 7774

(d) The telephone number and the address of the place from 7775
which a towed vehicle may be recovered at any time during the day 7776
or night; 7777

(e) A statement that the failure to recover a towed vehicle 7778
may result in the loss of title to the vehicle as provided in 7779
division (B) of section 4505.101 of the Revised Code. 7780

In order to comply with the requirements of division (A)(1) 7781
of this section, the owner of a private property may modify an 7782
existing sign by affixing to the existing sign stickers or an 7783
addendum in lieu of replacing the sign. 7784

(2) A towing service ensures that a vehicle towed under this 7785
section is taken to a location from which it may be recovered that 7786
complies with all of the following: 7787

(a) It is located within twenty-five linear miles of the 7788
location of the private tow-away zone, unless it is not 7789
practicable to take the vehicle to a place of storage within 7790
twenty-five linear miles. 7791

(b) It is well-lighted. 7792

(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 corporation or township in which the private tow-away zone is located.

(B)(1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (A) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in section 4505.101 of the Revised Code. The owner or lienholder of a vehicle that has been removed under this section, subject to division (C) of this section, may recover the vehicle in accordance with division (G) of this section.

(2) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (B) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(C) If the owner or operator of a vehicle that is being removed under authority of division (B) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(D)(1) Prior to towing a vehicle under division (B) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (A) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was

towed, whichever is earlier. 7857

(2) A towing service shall deliver a vehicle towed under 7858
division (B) of this section to the location from which it may be 7859
recovered not more than two hours after the time it was removed 7860
from the private tow-away zone, unless the towing service is 7861
unable to deliver the motor vehicle within two hours due to an 7862
uncontrollable force, natural disaster, or other event that is not 7863
within the power of the towing service. 7864

(E)(1) If an owner of a private property that is established 7865
as a private tow-away zone in accordance with division (A) of this 7866
section causes the removal of a vehicle from that property by a 7867
towing service under division (B) of this section, the towing 7868
service, within two hours of removing the vehicle, shall provide 7869
notice to the sheriff of the county or the police department of 7870
the municipal corporation, township, port authority, or township 7871
or joint police district in which the property is located 7872
concerning all of the following: 7873

(a) The vehicle's license number, make, model, and color; 7874

(b) The location from which the vehicle was removed; 7875

(c) The date and time the vehicle was removed; 7876

(d) The telephone number of the person from whom the vehicle 7877
may be recovered; 7878

(e) The address of the place from which the vehicle may be 7879
recovered. 7880

(2) Each county sheriff and each chief of police of a 7881
municipal corporation, township, port authority, or township or 7882
joint police district shall maintain a record of any vehicle 7883
removed from private property in the sheriff's or chief's 7884
jurisdiction that is established as a private tow-away zone of 7885
which the sheriff or chief has received notice under this section. 7886

The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to division (F)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

(b) If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under division (F)(1)(a) of this section;

(c) If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner required under division (F)(1)(a) of this section.

(2) Sixty days after any notice sent pursuant to division (F)(1) of this section is received, as evidenced by a receipt

signed by any person, or the towing service or storage facility 7918
has been notified that delivery was not possible, the towing 7919
service or storage facility, if authorized under division (B) of 7920
section 4505.101 of the Revised Code, may initiate the process for 7921
obtaining a certificate of title to the motor vehicle as provided 7922
in that section. 7923

(3) A towing service or storage facility that does not 7924
receive a signed receipt of notice, or a notification that 7925
delivery was not possible, shall not obtain, and shall not attempt 7926
to obtain, a certificate of title to the motor vehicle under 7927
division (B) of section 4505.101 of the Revised Code. 7928

(4) With respect to a vehicle concerning which a towing 7929
service or storage facility is not eligible to obtain title under 7930
section 4505.101 of the Revised Code, the towing service or 7931
storage facility need only comply with the initial notice required 7932
under division (F)(1)(a) of this section. 7933

(G)(1) The owner or lienholder of a vehicle that is removed 7934
under division (B) of this section may reclaim it upon both of the 7935
following: 7936

(a) Presentation of proof of ownership, which may be 7937
evidenced by a certificate of title to the vehicle, a certificate 7938
of registration for the motor vehicle, or a lease agreement; 7939

(b) Payment of the following fees: 7940

(i) All applicable fees established by the public utilities 7941
commission in rules adopted under section 4921.25 of the Revised 7942
Code, except that the lienholder of a vehicle may retrieve the 7943
vehicle without paying any storage fee for the period of time that 7944
the vehicle was in the possession of the towing service or storage 7945
facility prior to the date the lienholder received the notice sent 7946
under division (F)(1)(a) of this section; 7947

(ii) If notice has been sent to the owner and lienholder as 7948

described in division (F) of this section, a processing fee of 7949
twenty-five dollars. 7950

(2) A towing service or storage facility in possession of a 7951
vehicle that is removed under authority of division (B) of this 7952
section shall show the vehicle owner, operator, or lienholder who 7953
contests the removal of the vehicle all photographs taken under 7954
division (D) of this section. Upon request, the towing service or 7955
storage facility shall provide a copy of all photographs in the 7956
medium in which the photographs are stored, whether paper, 7957
electronic, or otherwise. 7958

(3) When the owner of a vehicle towed under this section 7959
retrieves the vehicle, the towing service or storage facility in 7960
possession of the vehicle shall give the owner written notice that 7961
if the owner disputes that the motor vehicle was lawfully towed, 7962
the owner may be able to file a civil action under section 7963
4513.611 of the Revised Code. 7964

(4) Upon presentation of proof of ownership, which may be 7965
evidenced by a certificate of title to the vehicle, a certificate 7966
of registration for the motor vehicle, or a lease agreement, the 7967
owner of a vehicle that is removed under authority of division (B) 7968
of this section may retrieve any personal items from the vehicle 7969
without retrieving the vehicle and without paying any fee. The 7970
owner of the vehicle shall not retrieve any personal items from a 7971
vehicle if it would endanger the safety of the owner, unless the 7972
owner agrees to sign a waiver of liability. For purposes of 7973
division (G)(4) of this section, "personal items" do not include 7974
any items that are attached to the vehicle. 7975

(H) No person shall remove, or cause the removal of, any 7976
vehicle from private property that is established as a private 7977
tow-away zone under this section or store such a vehicle other 7978
than in accordance with this section, or otherwise fail to comply 7979
with any applicable requirement of this section. 7980

(I) This section does not affect or limit the operation of 7981
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 7982
as they relate to property other than private property that is 7983
established as a private tow-away zone under division (A) of this 7984
section. 7985

(J) Whoever violates division (H) of this section is guilty 7986
of a minor misdemeanor. 7987

(K) As used in this section, "owner of a private property" or 7988
"owner of the private property" includes, with respect to a 7989
private property, any of the following: 7990

(1) Any person who holds title to the property; 7991

(2) Any person who is a lessee or sublessee with respect to a 7992
lease or sublease agreement for the property; 7993

(3) A person who is authorized to manage the property; 7994

(4) A duly authorized agent of any person listed in divisions 7995
(K)(1) to (3) of this section. 7996

Sec. 4513.61. (A) The sheriff of a county or chief of police 7997
of a municipal corporation, township, port authority, or township 7998
or joint police district, within the sheriff's or chief's 7999
respective territorial jurisdiction, or a state highway patrol 8000
trooper, upon notification to the sheriff or chief of police of 8001
such action and of the location of the place of storage, may order 8002
into storage any motor vehicle, including an abandoned junk motor 8003
vehicle as defined in section 4513.63 of the Revised Code, that: 8004

(1) Has come into the possession of the sheriff, chief of 8005
police, or state highway patrol trooper as a result of the 8006
performance of the sheriff's, chief's, or trooper's duties; or 8007

(2) Has been left on a public street or other property open 8008
to the public for purposes of vehicular travel, or upon or within 8009
the right-of-way of any road or highway, for forty-eight hours or 8010

longer without notification to the sheriff or chief of police of 8011
the reasons for leaving the motor vehicle in such place. However, 8012
when such a motor vehicle constitutes an obstruction to traffic it 8013
may be ordered into storage immediately unless either of the 8014
following applies: 8015

(a) The vehicle was involved in an accident and is subject to 8016
section 4513.66 of the Revised Code; 8017

(b) The vehicle is a commercial motor vehicle. If the vehicle 8018
is a commercial motor vehicle, the sheriff, chief of police, or 8019
state highway patrol trooper shall allow the owner or operator of 8020
the vehicle the opportunity to arrange for the removal of the 8021
motor vehicle within a period of time specified by the sheriff, 8022
chief of police, or state highway patrol trooper. If the sheriff, 8023
chief of police, or state highway patrol trooper determines that 8024
the vehicle cannot be removed within the specified period of time, 8025
the sheriff, chief of police, or state highway patrol trooper 8026
shall order the removal of the vehicle. 8027

Subject to division (C) of this section, the sheriff or chief 8028
of police shall designate the place of storage of any motor 8029
vehicle so ordered removed. 8030

(B) If the sheriff, chief of police, or a state highway 8031
patrol trooper issues an order under division (A) of this section 8032
and arranges for the removal of a motor vehicle by a towing 8033
service, the towing service shall deliver the motor vehicle to the 8034
location designated by the sheriff or chief of police not more 8035
than two hours after the time it is removed. 8036

(C)(1) The sheriff or chief of police shall cause a search to 8037
be made of the records of the bureau of motor vehicles to 8038
ascertain the identity of the owner and any lienholder of a motor 8039
vehicle ordered into storage by the sheriff or chief of police, or 8040
by a state highway patrol trooper within five business days of the 8041

removal of the vehicle. Upon obtaining such identity, the sheriff 8042
or chief of police shall send or cause to be sent to the owner or 8043
lienholder at the owner's or lienholder's last known address by 8044
certified mail with return receipt requested, notice that informs 8045
the owner or lienholder that the motor vehicle will be declared a 8046
nuisance and disposed of if not claimed within ten days of the 8047
date of mailing of the notice. 8048

(2) The owner or lienholder of the motor vehicle may reclaim 8049
the motor vehicle upon payment of any expenses or charges incurred 8050
in its removal and storage, and presentation of proof of 8051
ownership, which may be evidenced by a certificate of title or 8052
memorandum certificate of title to the motor vehicle, a 8053
certificate of registration for the motor vehicle, or a lease 8054
agreement. Upon presentation of proof of ownership evidenced as 8055
provided above, the owner of the motor vehicle also may retrieve 8056
any personal items from the vehicle without retrieving the vehicle 8057
and without paying any fee. However, a towing service or storage 8058
facility may charge an after-hours retrieval fee established by 8059
the public utilities commission in rules adopted under section 8060
4921.25 of the Revised Code if the owner retrieves the personal 8061
items after hours, unless the towing service or storage facility 8062
fails to provide the notice required under division (B)(3) of 8063
section 4513.69 of the Revised Code, if applicable. However, the 8064
owner shall not do either of the following: 8065

(a) Retrieve any personal item that has been determined by 8066
the sheriff, chief of police, or a state highway patrol trooper, 8067
as applicable, to be necessary to a criminal investigation; 8068

(b) Retrieve any personal item from a vehicle if it would 8069
endanger the safety of the owner, unless the owner agrees to sign 8070
a waiver of liability. 8071

For purposes of division (C)(2) of this section, "personal 8072
items" do not include any items that are attached to the vehicle. 8073

(3) If the owner or lienholder of the motor vehicle reclaims 8074
it after a search of the records of the bureau has been conducted 8075
and after notice has been sent to the owner or lienholder as 8076
described in this section, and the search was conducted by the 8077
place of storage, and the notice was sent to the motor vehicle 8078
owner by the place of storage, the owner or lienholder shall pay 8079
to the place of storage a processing fee of twenty-five dollars, 8080
in addition to any expenses or charges incurred in the removal and 8081
storage of the vehicle. 8082

(D) If the owner or lienholder makes no claim to the motor 8083
vehicle within ten days of the date of mailing of the notice, and 8084
if the vehicle is to be disposed of at public auction as provided 8085
in section 4513.62 of the Revised Code, the sheriff or chief of 8086
police, without charge to any party, shall file with the clerk of 8087
courts of the county in which the place of storage is located an 8088
affidavit showing compliance with the requirements of this 8089
section. Upon presentation of the affidavit, the clerk, without 8090
charge, shall issue a salvage certificate of title, free and clear 8091
of all liens and encumbrances, to the sheriff or chief of police. 8092
If the vehicle is to be disposed of to a motor vehicle salvage 8093
dealer or other facility as provided in section 4513.62 of the 8094
Revised Code, the sheriff or chief of police shall execute in 8095
triplicate an affidavit, as prescribed by the registrar of motor 8096
vehicles, describing the motor vehicle and the manner in which it 8097
was disposed of, and that all requirements of this section have 8098
been complied with. The sheriff or chief of police shall retain 8099
the original of the affidavit for the sheriff's or chief's 8100
records, and shall furnish two copies to the motor vehicle salvage 8101
dealer or other facility. Upon presentation of a copy of the 8102
affidavit by the motor vehicle salvage dealer, the clerk of 8103
courts, within thirty days of the presentation, shall issue a 8104
salvage certificate of title, free and clear of all liens and 8105
encumbrances. 8106

(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 8138
without the permission of the person having the right to the 8139
possession of the property, on a public street or other property 8140
open to the public for purposes of vehicular travel or parking, or 8141
upon or within the right-of-way of any road or highway, for 8142
forty-eight hours or longer; 8143

(B) Three years old, or older; 8144

(C) Extensively damaged, such damage including but not 8145
limited to any of the following: missing wheels, tires, motor, or 8146
transmission; 8147

(D) Apparently inoperable; 8148

(E) Having a fair market value of one thousand five hundred 8149
dollars or less. 8150

The sheriff of a county or chief of police of a municipal 8151
corporation, township, port authority, or township or joint police 8152
district, within the sheriff's or chief's respective territorial 8153
jurisdiction, or a state highway patrol trooper, upon notification 8154
to the sheriff or chief of police of such action, shall order any 8155
abandoned junk motor vehicle to be photographed by a law 8156
enforcement officer. The officer shall record the make of motor 8157
vehicle, the serial number when available, and shall also detail 8158
the damage or missing equipment to substantiate the value of one 8159
thousand five hundred dollars or less. The sheriff or chief of 8160
police shall thereupon immediately dispose of the abandoned junk 8161
motor vehicle to a motor vehicle salvage dealer as defined in 8162
section 4738.01 of the Revised Code or a scrap metal processing 8163
facility as defined in section 4737.05 of the Revised Code which 8164
is under contract to the county, township, port authority, or 8165
municipal corporation, or to any other facility owned by or under 8166
contract with the county, township, port authority, or municipal 8167
corporation for the destruction of such motor vehicles. The 8168

records and photograph relating to the abandoned junk motor 8169
vehicle shall be retained by the law enforcement agency ordering 8170
the disposition of such vehicle for a period of at least two 8171
years. The law enforcement agency shall execute in quadruplicate 8172
an affidavit, as prescribed by the registrar of motor vehicles, 8173
describing the motor vehicle and the manner in which it was 8174
disposed of, and that all requirements of this section have been 8175
complied with, and, within thirty days of disposing of the 8176
vehicle, shall sign and file the affidavit with the clerk of 8177
courts of the county in which the motor vehicle was abandoned. The 8178
clerk of courts shall retain the original of the affidavit for the 8179
clerk's files, shall furnish one copy thereof to the registrar, 8180
one copy to the motor vehicle salvage dealer or other facility 8181
handling the disposal of the vehicle, and one copy to the law 8182
enforcement agency ordering the disposal, who shall file such copy 8183
with the records and photograph relating to the disposal. Any 8184
moneys arising from the disposal of an abandoned junk motor 8185
vehicle shall be deposited in the general fund of the county, 8186
township, or the municipal corporation, as the case may be. 8187

Notwithstanding section 4513.61 of the Revised Code, any 8188
motor vehicle meeting the requirements of divisions (C), (D), and 8189
(E) of this section which has remained unclaimed by the owner or 8190
lienholder for a period of ten days or longer following 8191
notification as provided in section 4513.61 of the Revised Code 8192
may be disposed of as provided in this section. 8193

Sec. 4513.64. (A) No person shall willfully leave an 8194
abandoned junk motor vehicle as defined in section 4513.63 of the 8195
Revised Code on private property for more than seventy-two hours 8196
without the permission of the person having the right to the 8197
possession of the property, or on a public street or other 8198
property open to the public for purposes of vehicular travel or 8199
parking, or upon or within the right-of-way of any road or 8200

highway, for forty-eight hours or longer without notification to 8201
the sheriff of the county or chief of police of the municipal 8202
corporation, township, port authority, or township or joint police 8203
district of the reasons for leaving the motor vehicle in such 8204
place. 8205

For purposes of this section, the fact that a motor vehicle 8206
has been so left without permission or notification is prima-facie 8207
evidence of abandonment. 8208

Nothing contained in sections 4513.60, 4513.61, and 4513.63 8209
of the Revised Code shall invalidate the provisions of municipal 8210
ordinances or township resolutions regulating or prohibiting the 8211
abandonment of motor vehicles on streets, highways, public 8212
property, or private property within municipal corporations or 8213
townships. 8214

(B) Whoever violates this section is guilty of a minor 8215
misdemeanor and shall also be assessed any costs incurred by the 8216
county, township, joint police district, port authority, or 8217
municipal corporation in disposing of the abandoned junk motor 8218
vehicle that is the basis of the violation, less any money 8219
accruing to the county, township, joint police district, port 8220
authority, or municipal corporation from this disposal of the 8221
vehicle. 8222

Sec. 4513.65. (A) For purposes of this section, "junk motor 8223
vehicle" means any motor vehicle meeting the requirements of 8224
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 8225
Code that is left uncovered in the open on private property for 8226
more than seventy-two hours with the permission of the person 8227
having the right to the possession of the property, except if the 8228
person is operating a junk yard or scrap metal processing facility 8229
licensed under authority of sections 4737.05 to 4737.12 of the 8230

Revised Code, or regulated under authority of a political 8231
subdivision; or if the property on which the motor vehicle is left 8232
is not subject to licensure or regulation by any governmental 8233
authority, unless the person having the right to the possession of 8234
the property can establish that the motor vehicle is part of a 8235
bona fide commercial operation; or if the motor vehicle is a 8236
collector's vehicle. 8237

No political subdivision shall prevent a person from storing 8238
or keeping, or restrict a person in the method of storing or 8239
keeping, any collector's vehicle on private property with the 8240
permission of the person having the right to the possession of the 8241
property; except that a political subdivision may require a person 8242
having such permission to conceal, by means of buildings, fences, 8243
vegetation, terrain, or other suitable obstruction, any unlicensed 8244
collector's vehicle stored in the open. 8245

The sheriff of a county, or chief of police of a municipal 8246
corporation or port authority, within the sheriff's or chief's 8247
respective territorial jurisdiction, a state highway patrol 8248
trooper, a board of township trustees, the legislative authority 8249
of a municipal corporation or port authority, or the zoning 8250
authority of a township or a municipal corporation, may send 8251
notice, by certified mail with return receipt requested, to the 8252
person having the right to the possession of the property on which 8253
a junk motor vehicle is left, that within ten days of receipt of 8254
the notice, the junk motor vehicle either shall be covered by 8255
being housed in a garage or other suitable structure, or shall be 8256
removed from the property. 8257

No person shall willfully leave a junk motor vehicle 8258
uncovered in the open for more than ten days after receipt of a 8259
notice as provided in this section. The fact that a junk motor 8260
vehicle is so left is prima-facie evidence of willful failure to 8261

comply with the notice, and each subsequent period of thirty days 8262
that a junk motor vehicle continues to be so left constitutes a 8263
separate offense. 8264

(B) Whoever violates this section is guilty of a minor 8265
misdemeanor. 8266

Sec. 4513.66. (A) If a motor vehicle accident occurs on any 8267
highway, public street, or other property open to the public for 8268
purposes of vehicular travel and if any motor vehicle, cargo, or 8269
personal property that has been damaged or spilled as a result of 8270
the motor vehicle accident is blocking the highway, street, or 8271
other property or is otherwise endangering public safety, a public 8272
safety official may do either of the following without the consent 8273
of the owner but with the approval of the law enforcement agency 8274
conducting any investigation of the accident: 8275

(1) Remove, or order the removal of, the motor vehicle if the 8276
motor vehicle is unoccupied, cargo, or personal property from the 8277
portion of the highway, public street, or property ordinarily used 8278
for vehicular travel on the highway, public street, or other 8279
property open to the public for purposes of vehicular travel. 8280

(2) If the motor vehicle is a commercial motor vehicle, allow 8281
the owner or operator of the vehicle the opportunity to arrange 8282
for the removal of the motor vehicle within a period of time 8283
specified by the public safety official. If the public safety 8284
official determines that the motor vehicle cannot be removed 8285
within the specified period of time, the public safety official 8286
shall remove or order the removal of the motor vehicle. 8287

(B)(1) Except as provided in division (B)(2) of this section, 8288
the department of transportation, any employee of the department 8289
of transportation, or a public safety official who authorizes or 8290
participates in the removal of any unoccupied motor vehicle, 8291
cargo, or personal property as authorized by division (A) of this 8292

section, regardless of whether the removal is executed by a 8293
private towing service, is not liable for civil damages for any 8294
injury, death, or loss to person or property that results from the 8295
removal of that unoccupied motor vehicle, cargo, or personal 8296
property. Further, except as provided in division (B)(2) of this 8297
section, if a public safety official authorizes, employs, or 8298
arranges to have a private towing service remove any unoccupied 8299
motor vehicle, cargo, or personal property as authorized by 8300
division (A) of this section, that private towing service is not 8301
liable for civil damages for any injury, death, or loss to person 8302
or property that results from the removal of that unoccupied motor 8303
vehicle, cargo, or personal property. 8304

(2) Division (B)(1) of this section does not apply to any of 8305
the following: 8306

(a) Any person or entity involved in the removal of an 8307
unoccupied motor vehicle, cargo, or personal property pursuant to 8308
division (A) of this section if that removal causes or contributes 8309
to the release of a hazardous material or to structural damage to 8310
the roadway; 8311

(b) A private towing service that was not authorized, 8312
employed, or arranged by a public safety official to remove an 8313
unoccupied motor vehicle, cargo, or personal property under this 8314
section; 8315

(c) Except as provided in division (B)(2)(d) of this section, 8316
a private towing service that was authorized, employed, or 8317
arranged by a public safety official to perform the removal of the 8318
unoccupied motor vehicle, cargo, or personal property but the 8319
private towing service performed the removal in a negligent 8320
manner; 8321

(d) A private towing service that was authorized, employed, 8322
or arranged by a public safety official to perform the removal of 8323

the unoccupied motor vehicle, cargo, or personal property that was 8324
endangering public safety but the private towing service performed 8325
the removal in a reckless manner. 8326

(C) As used in this section: 8327

(1) "Public safety official" means any of the following: 8328

(a) The sheriff of the county, or the chief of police in the 8329
municipal corporation, township, port authority, or township or 8330
joint police district, in which the accident occurred; 8331

(b) A state highway patrol trooper; 8332

(c) The chief of the fire department having jurisdiction 8333
where the accident occurred; 8334

(d) A duly authorized subordinate acting on behalf of an 8335
official specified in divisions (C)(1)(a) to (c) of this section. 8336

(2) "Hazardous material" has the same meaning as in section 8337
2305.232 of the Revised Code. 8338

Sec. 4513.69. (A) A storage facility shall ensure that the 8339
facility remains open during both of the following periods of time 8340
to allow a vehicle owner or lienholder to retrieve a vehicle in 8341
the possession of the storage facility: 8342

(1) Any time during which a towing service is towing a 8343
vehicle pursuant to section 4513.601 of the Revised Code and the 8344
vehicle will be held by the storage facility; 8345

(2) Between nine o'clock in the morning and noon on the day 8346
after any day during which the storage facility accepted for 8347
storage a vehicle towed under section 4513.60, 4513.601, or 8348
4513.61 of the Revised Code. 8349

(B)(1) A storage facility that accepts for storage vehicles 8350
towed under section 4513.60, 4513.601, or 4513.61 of the Revised 8351
Code shall ensure that a notice is conspicuously posted at the 8352

entrance to the storage facility that states the telephone number 8353
at which the owner or lienholder of a vehicle may contact the 8354
owner or a representative of the storage facility for the purpose 8355
of determining whether the person may retrieve a vehicle or 8356
personal items when the storage facility is closed. The storage 8357
facility also shall provide that telephone number to the sheriff 8358
of a county or chief of police of a municipal corporation, 8359
township, port authority, or township or joint police district. 8360
The storage facility shall ensure that a process is in place for 8361
purposes of answering calls at all times day or night. 8362

(2) After receiving a call from the owner or lienholder of a 8363
vehicle who seeks to recover a vehicle that was towed pursuant to 8364
section 4513.601 of the Revised Code, the storage facility shall 8365
ensure that, within three hours of receiving the phone call, a 8366
representative of the storage facility is available to release the 8367
vehicle upon being presented with proof of ownership of the 8368
vehicle, which may be evidenced by a certificate of title to the 8369
vehicle, a certificate of registration for the motor vehicle, or a 8370
lease agreement, and payment of an after-hours vehicle retrieval 8371
fee established under section 4921.25 of the Revised Code along 8372
with all other applicable fees. 8373

(3) If a storage facility receives a call from a person who 8374
seeks to recover personal items from a vehicle that was towed 8375
pursuant to section 4513.60 or 4513.61 of the Revised Code and the 8376
storage facility is not open to the public, the storage facility 8377
shall notify the person that an after-hours retrieval fee applies 8378
and shall state the amount of the fee as established by the public 8379
utilities commission in rules adopted under section 4921.25 of the 8380
Revised Code. The storage facility shall allow the person to 8381
retrieve personal items in accordance with division (D)(2) of 8382
section 4513.60 or division (C)(2) of section 4513.61 of the 8383
Revised Code, but shall not charge an after-hours retrieval fee 8384

unless notice is provided in accordance with this division. 8385

(C) No storage facility shall fail to comply with division 8386

(A) or (B) of this section. 8387

Sec. 4549.10. (A) No person shall operate or cause to be 8388

operated upon a public road or highway a motor vehicle of a 8389

manufacturer or dealer unless the vehicle carries and displays ~~two~~ 8390

~~placards~~ a placard, except as provided in section 4503.21 of the 8391

Revised Code, issued by the director of public safety that ~~bear~~ 8392

displays the registration number of its manufacturer or dealer. 8393

(B) Whoever violates division (A) of this section is guilty 8394

of illegal operation of a manufacturer's or dealer's motor 8395

vehicle, a minor misdemeanor. 8396

Sec. 4582.12. (A)(1) Except as otherwise provided in division 8397

(E) of section 307.671 of the Revised Code, division (A) of this 8398

section does not apply to a port authority educational and 8399

cultural facility acquired, constructed, and equipped pursuant to 8400

a cooperative agreement entered into under section 307.671 of the 8401

Revised Code. 8402

(2) Except as provided in division (C) of this section or 8403

except when the port authority elects to construct a building, 8404

structure, or other improvement pursuant to a contract made with a 8405

construction manager at risk under sections 9.33 to 9.335 of the 8406

Revised Code or with a design-build firm under sections 153.65 to 8407

153.73 of the Revised Code, when the cost of a contract for the 8408

construction of any building, structure, or other improvement 8409

undertaken by a port authority involves an expenditure exceeding 8410

one hundred fifty thousand dollars and the port authority is the 8411

contracting entity, the port authority shall make a written 8412

contract after notice calling for bids for the award of the 8413

contract has been given by publication twice, with at least seven 8414

days between publications, in a newspaper of general circulation 8415
in the area of the jurisdiction of the port authority. Each such 8416
contract shall be let to the lowest responsive and responsible 8417
bidder in accordance with section 9.312 of the Revised Code. Every 8418
contract let shall be in writing and if the contract involves work 8419
or construction, it shall be accompanied by or shall refer to 8420
plans and specifications for the work to be done, prepared for and 8421
approved by the port authority, and signed by an authorized 8422
officer of the port authority and by the contractor, ~~and shall be~~ 8423
~~executed in triplicate.~~ 8424

Each bid shall be awarded in accordance with sections 153.54, 8425
153.57, and 153.571 of the Revised Code. 8426

The port authority may reject any and all bids. 8427

(B) The board of directors of a port authority by rule may 8428
provide criteria for the negotiation and award without competitive 8429
bidding of any contract as to which the port authority is the 8430
contracting entity for the construction of any building, 8431
structure, or other improvement under any of the following 8432
circumstances: 8433

(1) There exists a real and present emergency that threatens 8434
damage or injury to persons or property of the port authority or 8435
other persons, provided that a statement specifying the nature of 8436
the emergency that is the basis for the negotiation and award of a 8437
contract without competitive bidding shall be signed by the 8438
officer of the port authority that executes that contract at the 8439
time of the contract's execution and shall be attached to the 8440
contract. 8441

(2) A commonly recognized industry or other standard or 8442
specification does not exist and cannot objectively be articulated 8443
for the improvement. 8444

(3) The contract is for any energy conservation measure as 8445

defined in section 307.041 of the Revised Code. 8446

(4) With respect to material to be incorporated into the 8447
improvement, only a single source or supplier exists for the 8448
material. 8449

(5) A single bid is received by the port authority after 8450
complying with the provisions of division (A) of this section. 8451

(C)(1) If a contract is to be negotiated and awarded without 8452
competitive bidding for the reason set forth in division (B)(2) of 8453
this section, the port authority shall publish a notice calling 8454
for technical proposals at least twice, with at least seven days 8455
between publications, in a newspaper of general circulation in the 8456
area of the port authority. After receipt of the technical 8457
proposals, the port authority may negotiate with and award a 8458
contract for the improvement to the proposer making the proposal 8459
considered to be the most advantageous to the port authority. 8460

(2) If a contract is to be negotiated and awarded without 8461
competitive bidding for the reason set forth in division (B)(4) of 8462
this section, any construction activities related to the 8463
incorporation of the material into the improvement also may be 8464
provided without competitive bidding by the source or supplier of 8465
that material. 8466

Sec. 4582.31. (A) A port authority created in accordance with 8467
section 4582.22 of the Revised Code may: 8468

(1) Adopt bylaws for the regulation of its affairs and the 8469
conduct of its business; 8470

(2) Adopt an official seal; 8471

(3) Maintain a principal office within its jurisdiction, and 8472
maintain such branch offices as it may require; 8473

(4) Acquire, construct, furnish, equip, maintain, repair, 8474
sell, exchange, lease to or from, or lease with an option to 8475

purchase, convey other interests in real or personal property, or 8476
any combination thereof, related to, useful for, or in furtherance 8477
of any authorized purpose and operate any property in connection 8478
with transportation, recreational, governmental operations, or 8479
cultural activities; 8480

(5) Straighten, deepen, and improve any channel, river, 8481
stream, or other water course or way which may be necessary or 8482
proper in the development of the facilities of a port authority; 8483

(6) Make available the use or services of any port authority 8484
facility to one or more persons, one or more governmental 8485
agencies, or any combination thereof; 8486

(7) Issue bonds or notes for the acquisition, construction, 8487
furnishing, or equipping of any port authority facility or other 8488
permanent improvement that a port authority is authorized to 8489
acquire, construct, furnish, or equip, in compliance with Chapter 8490
133. of the Revised Code, except that such bonds or notes may only 8491
be issued pursuant to a vote of the electors residing within the 8492
area of jurisdiction of the port authority. The net indebtedness 8493
incurred by a port authority shall never exceed two per cent of 8494
the total value of all property within the territory comprising 8495
the port authority as listed and assessed for taxation. 8496

(8) Issue port authority revenue bonds beyond the limit of 8497
bonded indebtedness provided by law, payable solely from revenues 8498
as provided in section 4582.48 of the Revised Code, for the 8499
purpose of providing funds to pay the costs of any port authority 8500
facility or facilities or parts thereof; 8501

(9) Apply to the proper authorities of the United States 8502
pursuant to appropriate law for the right to establish, operate, 8503
and maintain foreign trade zones and establish, operate, and 8504
maintain foreign trade zones and to acquire, exchange, sell, lease 8505
to or from, lease with an option to purchase, or operate 8506

facilities, land, or property therefor in accordance with the 8507
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 8508
81u; 8509

(10) Enjoy and possess the same rights, privileges, and 8510
powers granted municipal corporations under sections 721.04 to 8511
721.11 of the Revised Code; 8512

(11) Maintain such funds as it considers necessary; 8513

(12) Direct its agents or employees, when properly identified 8514
in writing, and after at least five days' written notice, to enter 8515
upon lands within the confines of its jurisdiction in order to 8516
make surveys and examinations preliminary to location and 8517
construction of works for the purposes of the port authority, 8518
without liability of the port authority or its agents or employees 8519
except for actual damage done; 8520

(13) Promote, advertise, and publicize the port authority and 8521
its facilities; provide information to shippers and other 8522
commercial interests; and appear before rate-making authorities to 8523
represent and promote the interests of the port authority; 8524

(14) Adopt rules, not in conflict with general law, it finds 8525
necessary or incidental to the performance of its duties and the 8526
execution of its powers under sections 4582.21 to 4582.54 of the 8527
Revised Code. Any such rule shall be posted at no less than five 8528
public places in the port authority, as determined by the board of 8529
directors, for a period of not fewer than fifteen days, and shall 8530
be available for public inspection at the principal office of the 8531
port authority during regular business hours. No person shall 8532
violate any lawful rule adopted and posted as provided in this 8533
division. 8534

(15) Do any of the following, in regard to any interests in 8535
any real or personal property, or any combination thereof, 8536
including, without limitation, machinery, equipment, plants, 8537

factories, offices, and other structures and facilities related 8538
to, useful for, or in furtherance of any authorized purpose, for 8539
such consideration and in such manner, consistent with Article 8540
VIII of the Ohio Constitution, as the board in its sole discretion 8541
may determine: 8542

(a) Loan moneys to any person or governmental entity for the 8543
acquisition, construction, furnishing, and equipping of the 8544
property; 8545

(b) Acquire, construct, maintain, repair, furnish, and equip 8546
the property; 8547

(c) Sell to, exchange with, lease, convey other interests in, 8548
or lease with an option to purchase the same or any lesser 8549
interest in the property to the same or any other person or 8550
governmental entity; 8551

(d) Guarantee the obligations of any person or governmental 8552
entity. 8553

A port authority may accept and hold as consideration for the 8554
conveyance of property or any interest therein such property or 8555
interests therein as the board in its discretion may determine, 8556
notwithstanding any restrictions that apply to the investment of 8557
funds by a port authority. 8558

(16) Sell, lease, or convey other interests in real and 8559
personal property, and grant easements or rights-of-way over 8560
property of the port authority. The board of directors shall 8561
specify the consideration and any terms for the sale, lease, or 8562
conveyance of other interests in real and personal property. Any 8563
determination made by the board under this division shall be 8564
conclusive. The sale, lease, or conveyance may be made without 8565
advertising and the receipt of bids. 8566

(17) Exercise the right of eminent domain to appropriate any 8567
land, rights, rights-of-way, franchises, easements, or other 8568

property, necessary or proper for any authorized purpose, pursuant 8569
to the procedure provided in sections 163.01 to 163.22 of the 8570
Revised Code, if funds equal to the appraised value of the 8571
property to be acquired as a result of such proceedings are 8572
available for that purpose. However, nothing contained in sections 8573
4582.201 to 4582.59 of the Revised Code shall authorize a port 8574
authority to take or disturb property or facilities belonging to 8575
any agency or political subdivision of this state, public utility, 8576
cable operator, or common carrier, which property or facilities 8577
are necessary and convenient in the operation of the agency or 8578
political subdivision, public utility, cable operator, or common 8579
carrier, unless provision is made for the restoration, relocation, 8580
or duplication of such property or facilities, or upon the 8581
election of the agency or political subdivision, public utility, 8582
cable operator, or common carrier, for the payment of 8583
compensation, if any, at the sole cost of the port authority, 8584
provided that: 8585

(a) If any restoration or duplication proposed to be made 8586
under this section involves a relocation of the property or 8587
facilities, the new facilities and location shall be of at least 8588
comparable utilitarian value and effectiveness and shall not 8589
impair the ability of the public utility, cable operator, or 8590
common carrier to compete in its original area of operation; 8591

(b) If any restoration or duplication made under this section 8592
involves a relocation of the property or facilities, the port 8593
authority shall acquire no interest or right in or to the 8594
appropriated property or facilities, except as provided in 8595
division (A)(15) of this section, until the relocated property or 8596
facilities are available for use and until marketable title 8597
thereto has been transferred to the public utility, cable 8598
operator, or common carrier. 8599

As used in division (A)(17) of this section, "cable operator" 8600

has the same meaning as in the "Cable Communications Policy Act of 1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as amended by the "Telecommunications Act of 1996," Pub. L. No. 104-104, 110 Stat. 56.

(18)(a) Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of its duties and the execution of its powers under sections 4582.21 to 4582.59 of the Revised Code.

(b) Except as provided in division (A)(18)(c) of this section or except when the port authority elects to construct a building, structure, or other improvement pursuant to a contract made with a construction manager at risk under sections 9.33 to 9.335 of the Revised Code or with a design-build firm under section 153.65 to 153.73 of the Revised Code, when the cost of a contract for the construction of any building, structure, or other improvement undertaken by a port authority involves an expenditure exceeding one hundred fifty thousand dollars and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. Each such contract shall be let to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. Every contract shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, and signed by an authorized officer of the port authority and by the contractor, ~~and shall be executed in triplicate.~~

Each bid shall be awarded in accordance with sections 153.54, 153.57, and 153.571 of the Revised Code. The port authority may reject any and all bids.

(c) The board of directors by rule may provide criteria for 8633
the negotiation and award without competitive bidding of any 8634
contract as to which the port authority is the contracting entity 8635
for the construction of any building or structure or other 8636
improvement under any of the following circumstances: 8637

(i) There exists a real and present emergency that threatens 8638
damage or injury to persons or property of the port authority or 8639
other persons, provided that a statement specifying the nature of 8640
the emergency that is the basis for the negotiation and award of a 8641
contract without competitive bidding shall be signed by the 8642
officer of the port authority that executes that contract at the 8643
time of the contract's execution and shall be attached to the 8644
contract. 8645

(ii) A commonly recognized industry or other standard or 8646
specification does not exist and cannot objectively be articulated 8647
for the improvement. 8648

(iii) The contract is for any energy conservation measure as 8649
defined in section 307.041 of the Revised Code. 8650

(iv) With respect to material to be incorporated into the 8651
improvement, only a single source or supplier exists for the 8652
material. 8653

(v) A single bid is received by the port authority after 8654
complying with the provisions of division (A)(18)(b) of this 8655
section. 8656

(d)(i) If a contract is to be negotiated and awarded without 8657
competitive bidding for the reason set forth in division 8658
(A)(18)(c)(ii) of this section, the port authority shall publish a 8659
notice calling for technical proposals twice, with at least seven 8660
days between publications, in a newspaper of general circulation 8661
in the area of the port authority or as provided in section 7.16 8662
of the Revised Code. After receipt of the technical proposals, the 8663

port authority may negotiate with and award a contract for the 8664
improvement to the proposer making the proposal considered to be 8665
the most advantageous to the port authority. 8666

(ii) If a contract is to be negotiated and awarded without 8667
competitive bidding for the reason set forth in division 8668
(A)(18)(c)(iv) of this section, any construction activities 8669
related to the incorporation of the material into the improvement 8670
also may be provided without competitive bidding by the source or 8671
supplier of that material. 8672

(e)(i) Any purchase, exchange, sale, lease, lease with an 8673
option to purchase, conveyance of other interests in, or other 8674
contract with a person or governmental entity that pertains to the 8675
acquisition, construction, maintenance, repair, furnishing, 8676
equipping, or operation of any real or personal property, or any 8677
combination thereof, related to, useful for, or in furtherance of 8678
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 8679
Constitution, shall be made in such manner and subject to such 8680
terms and conditions as may be determined by the board of 8681
directors in its discretion. 8682

(ii) Division (A)(18)(e)(i) of this section applies to all 8683
contracts that are subject to the division, notwithstanding any 8684
other provision of law that might otherwise apply, including, 8685
without limitation, any requirement of notice, any requirement of 8686
competitive bidding or selection, or any requirement for the 8687
provision of security. 8688

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 8689
apply to either of the following: any contract secured by or to be 8690
paid from moneys raised by taxation or the proceeds of obligations 8691
secured by a pledge of moneys raised by taxation; or any contract 8692
secured exclusively by or to be paid exclusively from the general 8693
revenues of the port authority. For the purposes of this section, 8694
any revenues derived by the port authority under a lease or other 8695

agreement that, by its terms, contemplates the use of amounts 8696
payable under the agreement either to pay the costs of the 8697
improvement that is the subject of the contract or to secure 8698
obligations of the port authority issued to finance costs of such 8699
improvement, are excluded from general revenues. 8700

(19) Employ managers, superintendents, and other employees 8701
and retain or contract with consulting engineers, financial 8702
consultants, accounting experts, architects, attorneys, and any 8703
other consultants and independent contractors as are necessary in 8704
its judgment to carry out this chapter, and fix the compensation 8705
thereof. All expenses thereof shall be payable from any available 8706
funds of the port authority or from funds appropriated for that 8707
purpose by a political subdivision creating or participating in 8708
the creation of the port authority. 8709

(20) Receive and accept from any state or federal agency 8710
grants and loans for or in aid of the construction of any port 8711
authority facility or for research and development with respect to 8712
port authority facilities, and receive and accept aid or 8713
contributions from any source of money, property, labor, or other 8714
things of value, to be held, used, and applied only for the 8715
purposes for which the grants and contributions are made; 8716

(21) Engage in research and development with respect to port 8717
authority facilities; 8718

(22) Purchase fire and extended coverage and liability 8719
insurance for any port authority facility and for the principal 8720
office and branch offices of the port authority, insurance 8721
protecting the port authority and its officers and employees 8722
against liability for damage to property or injury to or death of 8723
persons arising from its operations, and any other insurance the 8724
port authority may agree to provide under any resolution 8725
authorizing its port authority revenue bonds or in any trust 8726
agreement securing the same; 8727

(23) Charge, alter, and collect rentals and other charges for 8728
the use or services of any port authority facility as provided in 8729
section 4582.43 of the Revised Code; 8730

(24) Provide coverage for its employees under Chapters 145., 8731
4123., and 4141. of the Revised Code; 8732

(25) Establish and administer one or more payment card 8733
programs for purposes of paying expenses related to port authority 8734
business. Any obligation incurred as a result of the use of such a 8735
payment card shall be paid from port authority funds. 8736

(26) Do all acts necessary or proper to carry out the powers 8737
expressly granted in sections 4582.21 to 4582.59 of the Revised 8738
Code. 8739

(B) Any instrument by which real property is acquired 8740
pursuant to this section shall identify the agency of the state 8741
that has the use and benefit of the real property as specified in 8742
section 5301.012 of the Revised Code. 8743

(C) Whoever violates division (A)(14) of this section is 8744
guilty of a minor misdemeanor. 8745

Sec. 5501.09. (A) Notwithstanding section 117.11 of the 8746
Revised Code, the auditor of state, at least once a year, shall 8747
audit the accounts and transactions of one large and two small 8748
regional transit authorities. 8749

(B) The auditor shall submit a copy of each audit report 8750
performed under this section to the governor, the presiding 8751
officers of each house of the general assembly, and the director 8752
of budget and management not later than ninety days after 8753
completing the audit. 8754

Sec. 5501.21. The director of transportation shall provide a 8755
seal of the department of transportation, which shall be 8756

inscribed: "State of Ohio, Department of Transportation." 8757

Copies of records or parts thereof, and copies of any plan, 8758
drawing, document, or paper writing in the department when 8759
certified by the director to be true and correct copies of the 8760
record, plan, drawing, document, or paper writing and attested by 8761
the seal of the department shall be received in evidence in the 8762
courts of the state in the same manner and with the same effect as 8763
though the record, plan, drawing, document, or paper writing were 8764
offered. Any such copy as may be required by any party to any 8765
suit, upon request of such party, shall be furnished by the 8766
director. 8767

The director need not produce in any court an original paper 8768
or electronic record, plan, drawing, or other document, ~~or paper~~ 8769
~~writing~~. 8770

~~Any party to any suit pending in any court may take the~~ 8771
~~deposition of the director, provided it is taken at the office of~~ 8772
~~the director.~~ All records, plans, and other documents and drawings 8773
of the department shall be open to the inspection of any 8774
interested person, subject to such reasonable rules as to the time 8775
of inspection and as to supervision, as the director prescribes. 8776

Sec. 5501.41. (A) The director of transportation may remove 8777
snow and ice from state highways, purchase the necessary equipment 8778
including snow fences, employ the necessary labor, and make all 8779
contracts necessary to enable such removal. The director may 8780
remove snow and ice from the state highways within municipal 8781
corporations, but before doing so ~~he~~ the director must obtain the 8782
consent of the legislative authority of such municipal 8783
corporation. The board of county commissioners on county highways, 8784
and the board of township trustees on township roads, shall have 8785
the same authority to purchase equipment for the removal of and to 8786
remove snow and ice as the director has on the state highway 8787

system. 8788

(B)(1) The director may provide road salt to a political subdivision if all of the following apply: 8789
8790

(a) The director has excess road salt. 8791

(b) The political subdivision is otherwise unable to acquire road salt. 8792
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(c) The political subdivision is in an emergency situation. 8794

(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. 8795
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Sec. 5517.07. (A) If not already present, the department of transportation shall install 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. 8799
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(B) The department shall ensure that the placement and specifications for the signs and devices conform to the department's manual of uniform traffic control devices as adopted under section 4511.09 of the Revised Code. 8808
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Sec. 5577.044. (A) Notwithstanding sections 5577.02 and 5577.04 of the Revised Code, a vehicle fueled solely by compressed natural gas or liquid natural gas may exceed by not more than two thousand pounds the gross vehicle weight provisions of sections 5577.01 to 5577.09 of the Revised Code or the axle load limits of 8812
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those sections. 8817

(B) If a vehicle described in division (A) of this section 8818
exceeds the weight provisions of sections 5577.01 to 5577.09 of 8819
the Revised Code by more than the allowance provided for in 8820
division (A) of this section, both of the following apply: 8821

(1) The applicable penalty prescribed in section 5577.99 of 8822
the Revised Code; 8823

(2) The civil liability imposed by section 5577.12 of the 8824
Revised Code. 8825

(C) Division (A) of this section does not apply to the 8826
operation of a vehicle on ~~either of the following:~~ 8827

~~(1) A highway that is part of the interstate system;~~ 8828

~~(2) A a highway, road, or bridge that is subject to reduced 8829
maximum weights under section 4513.33, 5577.07, 5577.071, 5577.08, 8830
5577.09, or 5591.42 of the Revised Code. 8831~~

Sec. 5577.15. (A) The size and weight provisions of this 8832
chapter do not apply to a any of the following: 8833

(1) A person who is engaged in the initial towing or removal 8834
of a wrecked or disabled motor vehicle from the site of an 8835
emergency on a public highway where the vehicle became wrecked or 8836
disabled to the nearest site where the vehicle can be brought into 8837
conformance with the requirements of this chapter, to the nearest 8838
storage facility, or to the nearest qualified repair facility; 8839

(2) A person who is en route to the site of an emergency on a 8840
public highway to remove a wrecked or disabled motor vehicle; 8841

(3) A person who is returning from delivering a wrecked or 8842
disabled motor vehicle to a site, storage facility, or repair 8843
facility as specified in division (A)(1) of this section. 8844

(B) Any subsequent towing of a wrecked or disabled vehicle 8845
shall comply with the size and weight provisions of this chapter. 8846

(C) No court shall impose any penalty prescribed in section 8847
5577.99 of the Revised Code or the civil liability established in 8848
section 5577.12 of the Revised Code upon a person ~~towing or~~ 8849
~~removing~~ who is operating a vehicle in the manner described in 8850
division (A) of this section. 8851

Sec. 5735.01. As used in this chapter: 8852

(A) "Motor vehicles" includes all vehicles, vessels, 8853
watercraft, engines, machines, or mechanical contrivances which 8854
are powered by internal combustion engines or motors. 8855

(B) "Motor fuel" means gasoline, diesel fuel, kerosene, 8856
compressed natural gas, or any other liquid motor fuel, including, 8857
but not limited to, liquid petroleum gas or liquid natural gas, 8858
but excluding substances prepackaged and sold in containers of 8859
five gallons or less. 8860

(C) "Kerosene" means all grades of kerosene, including, but 8861
not limited to, the two grades of kerosene, no. 1-K and no. 2-K, 8862
commonly known as K-1 kerosene and K-2 kerosene, respectively, 8863
described in the American Society for Testing Materials Standard 8864
D-3699, in effect on January 1, 1999, and aviation grade kerosene. 8865

(D) "Diesel fuel" means any liquid fuel capable of use in 8866
discrete form or as a blend component in the operation of engines 8867
of the diesel type, including transmix when mixed with diesel 8868
fuel. 8869

(E) "Gasoline" means any of the following: 8870

(1) All products, commonly or commercially known or sold as 8871
gasoline; 8872

(2) Any blend stocks or additives, including alcohol, that 8873
are sold for blending with gasoline, other than products typically 8874

sold in containers of five gallons or less; 8875

(3) Transmix when mixed with gasoline, unless certified, as 8876
required by the tax commissioner, for withdrawal from terminals 8877
for reprocessing at refineries; 8878

(4) Alcohol that is offered for sale or sold for use as, or 8879
commonly and commercially used as, a fuel for internal combustion 8880
engines. 8881

Gasoline does not include diesel fuel, commercial or 8882
industrial naphthas or solvents manufactured, imported, received, 8883
stored, distributed, sold, or used exclusively for purposes other 8884
than as a motor fuel for a motor vehicle or vessel. The blending 8885
of any of the products listed in the preceding sentence, 8886
regardless of name or characteristics, is conclusively presumed to 8887
have been done to produce gasoline, unless the product obtained by 8888
the blending is entirely incapable for use as fuel to operate a 8889
motor vehicle. An additive, blend stock, or alcohol is presumed to 8890
be sold for blending unless a certification is obtained as 8891
required by the tax commissioner. 8892

(F) "Public highways" means lands and lots over which the 8893
public, either as user or owner, generally has a right to pass, 8894
even though the same are closed temporarily by the authorities for 8895
the purpose of construction, reconstruction, maintenance, or 8896
repair. 8897

(G) "Waters within the boundaries of this state" means all 8898
streams, lakes, ponds, marshes, water courses, and all other 8899
bodies of surface water, natural or artificial, which are situated 8900
wholly or partially within this state or within its jurisdiction, 8901
except private impounded bodies of water. 8902

(H) "Person" includes individuals, partnerships, firms, 8903
associations, corporations, receivers, trustees in bankruptcy, 8904
estates, joint-stock companies, joint ventures, the state and its 8905

political subdivisions, and any combination of persons of any form. 8906
8907

(I)(1) "Motor fuel dealer" means any person who satisfies any of the following: 8908
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(a) The person imports from another state or foreign country or acquires motor fuel by any means into a terminal in this state; 8910
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(b) The person imports motor fuel from another state or foreign country in bulk lot vehicles for subsequent sale and distribution in this state from bulk lot vehicles; 8912
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(c) The person refines motor fuel in this state; 8915

(d) The person acquires motor fuel from a motor fuel dealer for subsequent sale and distribution by that person in this state from bulk lot vehicles; 8916
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(e) The person possesses an unrevoked permissive motor fuel dealer's license. 8919
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(2) Any person who obtains dyed diesel fuel for use other than the operation of motor vehicles upon the public highways or upon waters within the boundaries of this state, but later uses that motor fuel for the operation of motor vehicles upon the public highways or upon waters within the boundaries of this state, is deemed a motor fuel dealer as regards any unpaid motor fuel taxes levied on the motor fuel so used. 8921
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8927

(J) As used in section 5735.05 of the Revised Code only: 8928

(1) With respect to gasoline, "received" or "receipt" shall be construed as follows: 8929
8930

(a) Gasoline produced at a refinery in this state or delivered to a terminal in this state is deemed received when it is disbursed through a loading rack at that refinery or terminal; 8931
8932
8933

(b) Except as provided in division (J)(1)(a) of this section, gasoline imported into this state or purchased or otherwise 8934
8935

acquired in this state by any person is deemed received within 8936
this state by that person when the gasoline is withdrawn from the 8937
container in which it was transported; 8938

(c) Gasoline delivered or disbursed by any means from a 8939
terminal directly to another terminal is not deemed received. 8940

(2) With respect to motor fuel other than gasoline, 8941
"received" or "receipt" means distributed or sold for use or used 8942
to generate power for the operation of motor vehicles upon the 8943
public highways or upon waters within the boundaries of this 8944
state. All diesel fuel that is not dyed diesel fuel, regardless of 8945
its use, shall be considered as used to generate power for the 8946
operation of motor vehicles upon the public highways or upon 8947
waters within the boundaries of this state when the fuel is sold 8948
or distributed to a person other than a licensed motor fuel dealer 8949
or to a person licensed under section 5735.026 of the Revised 8950
Code. 8951

(K) Motor fuel used for the operation of licensed motor 8952
vehicles employed in the maintenance, construction, or repair of 8953
public highways is deemed to be used for the operation of motor 8954
vehicles upon the public highways. 8955

(L) "Licensed motor fuel dealer" means any dealer possessing 8956
an unrevoked motor fuel dealer's license issued by the tax 8957
commissioner as provided in section 5735.02 of the Revised Code. 8958

(M) "Licensed retail dealer" means any retail dealer 8959
possessing an unrevoked retail dealer's license issued by the tax 8960
commissioner as provided in section 5735.022 of the Revised Code. 8961

(N) "Refinery" means a facility used to produce motor fuel 8962
and from which motor fuel may be removed by pipeline, by vessel, 8963
or at a rack. 8964

(O) "Retail dealer" means any person that sells or 8965
distributes motor fuel at a retail service station located in this 8966

state. 8967

(P) "Retail service station" means a location from which 8968
motor fuel is sold to the general public and is dispensed or 8969
pumped directly into motor vehicle fuel tanks for consumption. 8970

(Q) "Transit bus" means a motor vehicle that is operated for 8971
public transit or paratransit service on a regular and continuing 8972
basis within the state by or for a county, a municipal 8973
corporation, a county transit board pursuant to sections 306.01 to 8974
306.13 of the Revised Code, a regional transit authority pursuant 8975
to sections 306.30 to 306.54 of the Revised Code, or a regional 8976
transit commission pursuant to sections 306.80 to 306.90 of the 8977
Revised Code. Public transit or paratransit service may include 8978
fixed route, demand-responsive, or subscription bus service 8979
transportation, but does not include shared-ride taxi service, 8980
carpools, vanpools, jitney service, school bus transportation, or 8981
charter or sightseeing services. 8982

(R) "Export" means to obtain motor fuel in this state for 8983
sale or other distribution outside this state. For the purposes of 8984
this division, motor fuel delivered outside this state by or for 8985
the seller constitutes an export by the seller, and motor fuel 8986
delivered outside this state by or for the purchaser constitutes 8987
an export by the purchaser. 8988

(S) "Import" means motor fuel delivered into this state from 8989
outside this state. Motor fuel delivered into this state from 8990
outside this state by or for the seller constitutes an import by 8991
the seller. Motor fuel delivered into this state from outside this 8992
state by or for the purchaser constitutes an import by the 8993
purchaser. 8994

(T) "Terminal" means a motor fuel storage or distribution 8995
facility that is supplied by pipeline or marine vessel. 8996

(U) "Consumer" means a buyer of motor fuel for purposes other 8997

than resale in any form.	8998
(V) "Bulk lot vehicle" means railroad tank cars, transport tank trucks, and tank wagons with a capacity of at least 1,400 gallons.	8999 9000 9001
(W) "Licensed permissive motor fuel dealer" means any person possessing an unrevoked permissive motor fuel dealer's license issued by the tax commissioner under section 5735.021 of the Revised Code.	9002 9003 9004 9005
(X) "Licensed terminal operator" means any person possessing an unrevoked terminal operator's license issued by the tax commissioner under section 5735.026 <u>5735.027</u> of the Revised Code.	9006 9007 9008
(Y) "Licensed exporter" means any person possessing an unrevoked exporter's license issued by the tax commissioner under section 5735.026 of the Revised Code.	9009 9010 9011
(Z) "Dyed diesel fuel" means diesel fuel satisfying the requirements of 26 U.S.C. 4082.	9012 9013
(AA) "Gross gallons" means U.S. gallons without temperature or barometric adjustments.	9014 9015
(BB) "Bulk plant" means a motor fuel storage and distribution facility, other than a terminal, from which motor fuel may be withdrawn by railroad car, transport trucks, tank wagons, or marine vessels.	9016 9017 9018 9019
(CC) "Transporter" means either of the following:	9020
(1) A railroad company, street, suburban, or interurban railroad company, a pipeline company, or water transportation company that transports motor fuel, either in interstate or intrastate commerce, to points in this state;	9021 9022 9023 9024
(2) A person that transports motor fuel by any manner to a point in this state.	9025 9026
(DD) "Exporter" means either of the following:	9027

(1) A person that is licensed to collect and remit motor fuel taxes in a specified state of destination; 9028
9029

(2) A person that is statutorily prohibited from obtaining a license to collect and remit motor fuel taxes in a specified state of destination, and is licensed to sell or distribute tax-paid motor fuel in the specified state of destination. 9030
9031
9032
9033

(EE) "Report" means a report or return required to be filed under this chapter and may be used interchangeably with, and for all purposes has the same meaning as, "return." 9034
9035
9036

(FF) "Aviation fuel" means aviation gasoline or aviation grade kerosene or any other fuel that is used in aircraft. 9037
9038

(GG) "Aviation gasoline" means fuel specifically compounded for use in reciprocating aircraft engines. 9039
9040

(HH) "Aviation grade kerosene" means any kerosene type jet fuel covered by ASTM Specification D1655 or meeting specification MIL-DTL-5624T (Grade JP-5) or MTL-DTL-83133E (Grade JP-8). 9041
9042
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(II) "Aviation fuel dealer" means a person that acquires aviation fuel from a supplier or from another aviation fuel dealer for subsequent sale to a person other than an end user. 9044
9045
9046

(JJ) "Compressed natural gas" means natural gas compressed to a level at or above two thousand nine hundred pounds per square inch and stored in high pressure containers. 9047
9048
9049

Sec. 5735.011. For the purposes of this chapter, amounts of liquid natural gas and compressed natural gas shall be measured in gallon equivalents. ~~The~~ as follows: 9050
9051
9052

(A) The diesel gallon equivalent standard for liquid natural gas shall be the equivalent of one gallon of motor fuel; 9053
9054

(B) The diesel gallon equivalent standard for compressed natural gas is one hundred thirty-nine and thirty one-hundredths 9055
9056

cubic feet, which equals six and thirty-eight one-hundredths 9057
pounds. 9058

Sec. 5735.05. (A) There is hereby levied a motor fuel excise 9059
tax on each motor fuel dealer, measured by gross gallons, upon the 9060
receipt of motor fuel within this state. 9061

The tax is levied at the ~~total rate of twenty-eight cents per~~ 9062
~~gallon to provide revenue for~~ rates prescribed by divisions (E) 9063
and (F) of this section. 9064

The revenue derived from twenty-eight cents per gallon of 9065
such tax rates shall be distributed under divisions (A), (B), (C), 9066
and (D) of section 5735.051 of the Revised Code to fund the 9067
following purposes ~~and~~ in the following amounts: 9068

(1) Seventeen twenty-eighths of the revenue ~~from the tax~~ 9069
shall be used solely to provide revenue for maintaining the state 9070
highway system; to widen existing surfaces on such highways; to 9071
resurface such highways; to pay that portion of the construction 9072
cost of a highway project which a county, township, or municipal 9073
corporation normally would be required to pay, but which the 9074
director of transportation, pursuant to division (B) of section 9075
5531.08 of the Revised Code, determines instead will be paid from 9076
moneys in the highway operating fund; to enable the counties of 9077
the state properly to plan, maintain, and repair their roads and 9078
to pay principal, interest, and charges on bonds and other 9079
obligations issued pursuant to Chapter 133. of the Revised Code or 9080
incurred pursuant to section 5531.09 of the Revised Code for 9081
highway improvements; to enable the municipal corporations to 9082
plan, construct, reconstruct, repave, widen, maintain, repair, 9083
clear, and clean public highways, roads, and streets, and to pay 9084
the principal, interest, and charges on bonds and other 9085
obligations issued pursuant to Chapter 133. of the Revised Code or 9086
incurred pursuant to section 5531.09 of the Revised Code for 9087

highway improvements; to enable the Ohio turnpike and 9088
infrastructure commission to construct, reconstruct, maintain, and 9089
repair turnpike projects; to maintain and repair bridges and 9090
viaducts; to purchase, erect, and maintain street and traffic 9091
signs and markers; to purchase, erect, and maintain traffic lights 9092
and signals; to pay the costs apportioned to the public under 9093
sections 4907.47 and 4907.471 of the Revised Code and to 9094
supplement revenue already available for such purposes; to pay the 9095
costs incurred by the public utilities commission in administering 9096
sections 4907.47 to 4907.476 of the Revised Code; to distribute 9097
equitably among those persons using the privilege of driving motor 9098
vehicles upon such highways and streets the cost of maintaining 9099
and repairing them; to pay the interest, principal, and charges on 9100
highway capital improvements bonds and other obligations issued 9101
pursuant to Section 2m of Article VIII, Ohio Constitution, and 9102
section 151.06 of the Revised Code; to pay the interest, 9103
principal, and charges on highway obligations issued pursuant to 9104
Section 2i of Article VIII, Ohio Constitution, and sections 9105
5528.30 and 5528.31 of the Revised Code; to pay the interest, 9106
principal, and charges on major new state infrastructure bonds and 9107
other obligations of the state issued pursuant to Section 13 of 9108
Article VIII, Ohio Constitution, and section 5531.10 of the 9109
Revised Code; to provide revenue for the purposes of sections 9110
1547.71 to 1547.77 of the Revised Code; and to pay the expenses of 9111
the department of taxation incident to the administration of the 9112
motor fuel laws. 9113

(2) Two twenty-eighths of the revenue ~~from the tax~~ shall be 9114
used solely to pay the expenses of administering and enforcing the 9115
state law relating to the registration and operation of motor 9116
vehicles; to supply the state's share of the cost of planning, 9117
constructing, widening, and reconstructing the state highways; to 9118
supply the state's share of the cost of eliminating railway grade 9119
crossings upon such highways; to pay that portion of the 9120

construction cost of a highway project that a county, township, or 9121
municipal corporation normally would be required to pay, but that 9122
the director of transportation, pursuant to division (B) of 9123
section 5531.08 of the Revised Code, determines instead will be 9124
paid from moneys in the highway operating fund; to enable counties 9125
and townships to properly plan, construct, widen, reconstruct, and 9126
maintain their public highways, roads, and streets; to enable 9127
counties to pay principal, interest, and charges on bonds and 9128
other obligations issued pursuant to Chapter 133. of the Revised 9129
Code or incurred pursuant to section 5531.09 of the Revised Code 9130
for highway improvements; to enable municipal corporations to 9131
plan, construct, reconstruct, repave, widen, maintain, repair, 9132
clear, and clean public highways, roads, and streets; to enable 9133
municipal corporations to pay the principal, interest, and charges 9134
on bonds and other obligations issued pursuant to Chapter 133. of 9135
the Revised Code or incurred pursuant to section 5531.09 of the 9136
Revised Code for highway improvements; to maintain and repair 9137
bridges and viaducts; to purchase, erect, and maintain street and 9138
traffic signs and markers; to purchase, erect, and maintain 9139
traffic lights and signals; to pay the costs apportioned to the 9140
public under section 4907.47 of the Revised Code; to provide 9141
revenue for the purposes of sections 1547.71 to 1547.77 of the 9142
Revised Code and to supplement revenue already available for such 9143
purposes; to pay the expenses of the department of taxation 9144
incident to the administration of the motor fuel laws and to 9145
supplement revenue already available for such purposes; to pay the 9146
interest, principal, and charges on bonds and other obligations 9147
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 9148
and sections 5528.10 and 5528.11 of the Revised Code; and to pay 9149
the interest, principal, and charges on highway obligations issued 9150
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9151
sections 5528.30 and 5528.31 of the Revised Code. 9152

(3) Eight twenty-eighths of the revenue ~~from the tax~~ shall be 9153

used solely to supply the state's share of the cost of 9154
constructing, widening, maintaining, and reconstructing the state 9155
highways; to maintain and repair bridges and viaducts; to 9156
purchase, erect, and maintain street and traffic signs and 9157
markers; to purchase, erect, and maintain traffic lights and 9158
signals; to pay the expense of administering and enforcing the 9159
state law relative to the registration and operation of motor 9160
vehicles; to make road improvements associated with retaining or 9161
attracting business for this state; to pay that portion of the 9162
construction cost of a highway project that a county, township, or 9163
municipal corporation normally would be required to pay, but that 9164
the director of transportation, pursuant to division (B) of 9165
section 5531.08 of the Revised Code, determines instead will be 9166
paid from moneys in the highway operating fund; to provide revenue 9167
for the purposes of sections 1547.71 to 1547.77 of the Revised 9168
Code and to supplement revenue already available for such 9169
purposes; to pay the expenses of the department of taxation 9170
incident to the administration of the motor fuel laws and to 9171
supplement revenue already available for such purposes; to pay the 9172
interest, principal, and charges on highway obligations issued 9173
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9174
sections 5528.30 and 5528.31 of the Revised Code; to enable 9175
counties and townships to properly plan, construct, widen, 9176
reconstruct, and maintain their public highways, roads, and 9177
streets; to enable counties to pay principal, interest, and 9178
charges on bonds and other obligations issued pursuant to Chapter 9179
133. of the Revised Code or incurred pursuant to section 5531.09 9180
of the Revised Code for highway improvements; to enable municipal 9181
corporations to plan, construct, reconstruct, repave, widen, 9182
maintain, repair, clear, and clean public highways, roads, and 9183
streets; to enable municipal corporations to pay the principal, 9184
interest, and charges on bonds and other obligations issued 9185
pursuant to Chapter 133. of the Revised Code or incurred pursuant 9186

to section 5531.09 of the Revised Code for highway improvements; 9187
and to pay the costs apportioned to the public under section 9188
4907.47 of the Revised Code. 9189

(4) One twenty-eighth of the revenue ~~from the tax~~ shall be 9190
used solely to pay the state's share of the cost of constructing 9191
and reconstructing highways and eliminating railway grade 9192
crossings on the major thoroughfares of the state highway system 9193
and urban extensions thereof; to pay that portion of the 9194
construction cost of a highway project that a county, township, or 9195
municipal corporation normally would be required to pay, but that 9196
the director of transportation, pursuant to division (B) of 9197
section 5531.08 of the Revised Code, determines instead will be 9198
paid from moneys in the highway operating fund; to pay the 9199
interest, principal, and charges on bonds and other obligations 9200
issued pursuant to Section 2g of Article VIII, Ohio Constitution, 9201
and sections 5528.10 and 5528.11 of the Revised Code; to pay the 9202
interest, principal, and charges on highway obligations issued 9203
pursuant to Section 2i of Article VIII, Ohio Constitution, and 9204
sections 5528.30 and 5528.31 of the Revised Code; to provide 9205
revenues for the purposes of sections 1547.71 to 1547.77 of the 9206
Revised Code; and to pay the expenses of the department of 9207
taxation incident to the administration of the motor fuel laws. 9208

(B) The revenue derived from any portion of the tax rates 9209
that exceeds twenty-eight cents per gallon of motor fuel shall be 9210
distributed under division (E) of section 5735.051 of the Revised 9211
Code to fund the purposes described in divisions (A) and (D) of 9212
this section, as provided in divisions (A) and (B) of section 9213
5735.27 of the Revised Code. 9214

(C) The tax imposed by this section does not apply to the 9215
following transactions: 9216

(1) The sale of dyed diesel fuel by a licensed motor fuel 9217
dealer from a location other than a retail service station 9218

provided the licensed motor fuel dealer places on the face of the 9219
delivery document or invoice, or both if both are used, a 9220
conspicuous notice stating that the fuel is dyed and is not for 9221
taxable use, and that taxable use of that fuel is subject to a 9222
penalty. The tax commissioner, by rule, may provide that any 9223
notice conforming to rules or regulations issued by the United 9224
States department of the treasury or the Internal Revenue Service 9225
is sufficient notice for the purposes of division ~~(B)~~(C)(1) of 9226
this section. 9227

(2) The sale of K-1 kerosene to a retail service station, 9228
except when placed directly in the fuel supply tank of a motor 9229
vehicle. Such sale shall be rebuttably presumed to not be 9230
distributed or sold for use or used to generate power for the 9231
operation of motor vehicles upon the public highways or upon the 9232
waters within the boundaries of this state. 9233

(3) The sale of motor fuel by a licensed motor fuel dealer to 9234
another licensed motor fuel dealer; 9235

(4) The exportation of motor fuel by a licensed motor fuel 9236
dealer from this state to any other state or foreign country; 9237

(5) The sale of motor fuel to the United States government or 9238
any of its agencies, except such tax as is permitted by it, where 9239
such sale is evidenced by an exemption certificate, in a form 9240
approved by the tax commissioner, executed by the United States 9241
government or an agency thereof certifying that the motor fuel 9242
therein identified has been purchased for the exclusive use of the 9243
United States government or its agency; 9244

(6) The sale of motor fuel that is in the process of 9245
transportation in foreign or interstate commerce, except insofar 9246
as it may be taxable under the Constitution and statutes of the 9247
United States, and except as may be agreed upon in writing by the 9248
dealer and the commissioner; 9249

(7) The sale of motor fuel when sold exclusively for use in the operation of aircraft, where such sale is evidenced by an exemption certificate prescribed by the commissioner and executed by the purchaser certifying that the motor fuel purchased has been purchased for exclusive use in the operation of aircraft;

(8) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter described in division (DD)(1) of section 5735.01 of the Revised Code;

(9) The sale for exportation of motor fuel by a licensed motor fuel dealer to a licensed exporter described in division (DD)(2) of section 5735.01 of the Revised Code, provided that the destination state motor fuel tax has been paid or will be accrued and paid by the licensed motor fuel dealer.

(10) The sale to a consumer of diesel fuel, by a motor fuel dealer for delivery from a bulk lot vehicle, for consumption in operating a vessel when the use of such fuel in a vessel would otherwise qualify for a refund under section 5735.14 of the Revised Code.

Division ~~(B)~~(C)(1) of this section does not apply to the sale or distribution of dyed diesel fuel used to operate a motor vehicle on the public highways or upon water within the boundaries of this state by persons permitted under regulations of the United States department of the treasury or of the Internal Revenue Service to so use dyed diesel fuel.

~~(C) The tax commissioner may adopt rules as necessary to administer this section.~~

(D) The use of any revenue from the tax levied under this section shall be used for construction, maintenance, and repair of roads and bridges, the operational costs of applicable state agencies, or used to match other revenue for these purposes.

(E) Except as otherwise provided by division (F) of this

section, the rates of tax imposed by this section on each gallon 9281
of motor fuel on and after July 1, 2019, shall be as follows: 9282

(1) Thirty-eight and one-half cents on each gallon of 9283
gasoline; 9284

(2) Forty-seven cents on each gallon of motor fuel other than 9285
gasoline. 9286

(F) The tax on each gallon equivalent of compressed natural 9287
gas shall be: 9288

(1) Ten cents on and after July 1, 2019, and before July 1, 9289
2020; 9290

(2) Twenty cents on and after July 1, 2020, and before July 9291
1, 2021; 9292

(3) Thirty cents on and after July 1, 2021, and before July 9293
1, 2022; 9294

(4) Forty cents on and after July 1, 2022, and before July 1, 9295
2023; 9296

(5) Forty-seven cents on and after July 1, 2023. 9297

(G) The tax commissioner may adopt rules as necessary to 9298
administer this section. 9299

Sec. 5735.051. Out of revenue from the tax levied by section 9300
5735.05 of the Revised Code, the treasurer of state shall place to 9301
the credit of the tax refund fund established by section 5703.052 9302
of the Revised Code amounts equal to the refunds certified by the 9303
tax commissioner pursuant to sections 5735.13, 5735.14, and 9304
5735.142 of the Revised Code. The treasurer of state shall then 9305
transfer seven-eighths per cent of the revenue to the waterways 9306
safety fund to be used for the purposes of sections 1547.71 to 9307
1547.77 of the Revised Code, one-eighth per cent to the wildlife 9308
boater angler fund to be used for the purposes specified by 9309

section 1531.35 of the Revised Code, and the amount ~~required by~~ 9310
described in section 5735.053 of the Revised Code to the motor 9311
fuel tax administration fund. Revenue remaining after such 9312
crediting and transfers shall be distributed each month as 9313
provided in divisions (A) to ~~(D)~~(E) of this section. 9314

(A) The portion of revenue described in division (A)(1) of 9315
section 5735.05 of the Revised Code shall be credited as follows: 9316

(1) One hundred thousand dollars to the grade crossing 9317
protection fund for the purposes specified by section 4907.472 of 9318
the Revised Code; 9319

(2) Of such revenue remaining after crediting under division 9320
(A)(1) of this section, five and two thousand nine hundred 9321
forty-two ten thousandths per cent shall be credited to the 9322
highway operating fund, which is hereby created in the state 9323
treasury, and ninety-four and seven thousand fifty-eight ten 9324
thousandths per cent to the gasoline excise tax fund. 9325

(a) Of the amount credited to the gasoline excise tax fund 9326
under division (A)(2) of this section, ninety-three and one 9327
thousand six hundred seventy-seven ten thousandths per cent shall 9328
be transferred as follows: 9329

(i) Six and seven-tenths per cent of the amount to be 9330
transferred under division (A)(2)(a) of this section to the local 9331
transportation improvement program fund created by section 164.14 9332
of the Revised Code; 9333

(ii) An amount equal to five cents multiplied by the number 9334
of gallons of motor fuel sold at stations operated by the Ohio 9335
turnpike and infrastructure commission, such gallonage to be 9336
certified by the commission to the treasurer of state not later 9337
than the last day of the month following. Such money shall be 9338
expended for the construction, reconstruction, maintenance, and 9339

repair of turnpike projects, except that the funds may not be 9340
expended for the construction of new interchanges. The funds also 9341
may be expended for the construction, reconstruction, maintenance, 9342
and repair of those portions of connecting public roads that serve 9343
existing interchanges and are determined by the commission and the 9344
director of transportation to be necessary for the safe merging of 9345
traffic between the turnpike and those public roads. 9346

(iii) The remainder of the amount to be transferred under 9347
division (A)(2)(a) of this section after the transfers under 9348
divisions (A)(2)(a)(i) and (ii) of this section shall be 9349
distributed on the fifteenth day of the following month as 9350
follows: 9351

(I) Ten and seven-tenths per cent for distribution among 9352
municipal corporations under division (A)(1) of section 5735.27 of 9353
the Revised Code, except that the sum of seven hundred forty-five 9354
thousand eight hundred seventy-five dollars shall be subtracted 9355
each month from the amount so computed and credited to the highway 9356
operating fund; 9357

(II) Nine and three-tenths per cent for distribution among 9358
counties under division (A)(2) of section 5735.27 of the Revised 9359
Code, except that the sum of seven hundred forty-five thousand 9360
eight hundred seventy-five dollars shall be subtracted each month 9361
from the amount so computed and credited to the highway operating 9362
fund; 9363

(III) Five per cent for distribution among townships under 9364
division (A)(3)(a) of section 5735.27 of the Revised Code, except 9365
that the sum of two hundred sixty-three thousand two hundred fifty 9366
dollars shall be subtracted each month from the amount so computed 9367
and credited to the highway operating fund; 9368

(IV) Except as provided in division (A)(3) of this section, 9369
the balance shall be transferred to the highway operating fund and 9370

used for the purposes set forth in division (B) of section 5735.27 9371
of the Revised Code. 9372

(b) Of the amount credited to the gasoline excise tax fund 9373
under division (A)(2) of this section, six and eight thousand 9374
three hundred twenty-three ten thousandths per cent shall be 9375
distributed on the fifteenth day of the following month as 9376
follows: 9377

(i) Forty-two and eighty-six hundredths per cent shall be 9378
distributed among municipal corporations in accordance with 9379
division (A)(1) of section 5735.27 of the Revised Code; 9380

(ii) Thirty-seven and fourteen hundredths per cent shall be 9381
distributed among counties in accordance with division (A)(2) of 9382
section 5735.27 of the Revised Code; 9383

(iii) Twenty per cent shall be combined with twenty per cent 9384
of any amounts transferred from the highway operating fund to the 9385
gasoline excise tax fund through biennial appropriations acts of 9386
the general assembly pursuant to the planned phase-in of a new 9387
source of funding for the state highway patrol, and shall be 9388
distributed among townships in accordance with division (A)(3)(b) 9389
of section 5735.27 of the Revised Code. 9390

(3) Monthly from September to February of each fiscal year, 9391
an amount equal to one-sixth of the amount certified in July of 9392
that year by the treasurer of state pursuant to division (Q) of 9393
section 151.01 of the Revised Code shall, from amounts required to 9394
be credited or transferred to the highway operating fund pursuant 9395
to division (A)(2)(a)(iii)(IV) of this section, be credited or 9396
transferred to the highway capital improvement bond service fund 9397
created in section 151.06 of the Revised Code. If, in any of those 9398
months, the amount available to be credited or transferred to the 9399
bond service fund is less than one-sixth of the amount so 9400
certified, the shortfall shall be added to the amount due the next 9401

succeeding month. Any amount still due at the end of the six-month 9402
period shall be credited or transferred as the money becomes 9403
available, until such time as the office of budget and management 9404
receives certification from the treasurer of state or the 9405
treasurer of state's designee that sufficient money has been 9406
credited or transferred to the bond service fund to meet in full 9407
all payments of debt service and financing costs due during the 9408
fiscal year from that fund. 9409

(B) The portion of revenue described in division (A)(2) of 9410
section 5735.05 of the Revised Code shall be credited each month 9411
as follows: 9412

(1) Sixty-seven and one-half per cent to the highway 9413
operating fund for distribution pursuant to division (B) of 9414
section 5735.27 of the Revised Code; 9415

(2) Thirty-two and one-half per cent to the gasoline excise 9416
tax fund for distribution under division (A) of section 5735.27 of 9417
the Revised Code in the same manner as money from that fund is 9418
distributed under division (A)(2)(b) of this section. 9419

(C)(1) The portion of revenue described in division (A)(3) of 9420
section 5735.05 of the Revised Code shall be credited each month 9421
as follows: 9422

(a) Three-sixteenths to the gasoline excise tax fund for 9423
distribution under division (C)(2) of this section; 9424

(b) Thirteen-sixteenths to the highway operating fund, 9425
subject to the deduction under division (C)(3) of this section. 9426

(2) The revenue credited to the gasoline excise tax fund 9427
under division (C)(1)(a) of this section shall be distributed in 9428
the same manner as in division (A)(2)(b) of this section, subject 9429
to the deductions under division (C)(3) of this section. Each 9430
municipal corporation, county, or township shall use at least 9431
ninety per cent of the revenue distributed to it under division 9432

(C)(2) of this section to supplement, rather than supplant, other 9433
local funds used for highway-related purposes. 9434

(3)(a) Before the distribution from the gasoline excise tax 9435
fund to municipal corporations as provided in division (C)(2) of 9436
this section, the department of taxation shall deduct thirty-three 9437
and one-third per cent of the amount specified in division 9438
(A)(3)(c) of section 5735.27 of the Revised Code and use it for 9439
distribution to townships pursuant to division (A)(3)(b) of that 9440
section. 9441

(b) Before the distribution from the gasoline excise tax fund 9442
to counties as provided in division (C)(2) of this section, the 9443
department of taxation shall deduct thirty-three and one-third per 9444
cent of the amount specified in division (A)(3)(c) of section 9445
5735.27 of the Revised Code and use it for distribution to 9446
townships pursuant to division (A)(3)(b) of that section. 9447

(c) Before crediting the portion of revenue described in 9448
division (A)(3) of section 5735.05 of the Revised Code to the 9449
highway operating fund under division (C)(1)(b) of this section, 9450
the department of taxation shall deduct thirty-three and one-third 9451
per cent of the amount specified in division (A)(3)(c) of section 9452
5735.27 of the Revised Code and use it for distribution to 9453
townships pursuant to division (A)(3)(b) of that section. 9454

(D) The portion of revenue described in division (A)(4) of 9455
section 5735.05 of the Revised Code shall be credited each month 9456
to the highway operating fund. 9457

(E) The portion of revenue described in division (B) of 9458
section 5735.05 of the Revised Code shall be credited each month 9459
as follows: 9460

(1) Fifty-five per cent of that revenue to the highway 9461
operating fund for distribution pursuant to division (B) of 9462
section 5735.27 of the Revised Code; 9463

(2) Forty-five per cent of that revenue to the gasoline 9464
excise tax fund to be divided each month as follows: 9465

(a) Forty-two and eighty-six hundredths per cent for 9466
distribution among municipal corporations under division (A)(1) of 9467
section 5735.27 of the Revised Code; 9468

(b) Thirty-seven and fourteen hundredths per cent for 9469
distribution among counties under division (A)(2) of section 9470
5735.27 of the Revised Code; 9471

(c) Twenty per cent for distribution among townships as 9472
provided under division (A)(3)(b) of section 5735.27 of the 9473
Revised Code. 9474

Sec. 5735.053. There is hereby created in the state treasury 9475
the motor fuel tax administration fund for the purpose of paying 9476
the expenses of the department of taxation incident to the 9477
administration of the motor fuel laws. After the treasurer of 9478
state credits the tax refund fund out of tax receipts as required 9479
by section 5735.051 of the Revised Code, the treasurer of state 9480
shall transfer to the motor fuel tax administration fund ~~two~~ 9481
~~hundred seventy five one thousandths per cent of the receipts from~~ 9482
~~the taxes levied by section 5735.05 of the Revised Code~~ each month 9483
an amount not to exceed one twenty-fourth of the approved 9484
appropriation assigned to the fund for the biennium. 9485

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 9486
which the tax imposed by section 5735.05 of the Revised Code has 9487
been paid, for the purpose of operating a transit bus shall be 9488
reimbursed in the amount of ~~twenty seven cents per gallon of the~~ 9489
total tax paid on motor fuel so used by public transportation 9490
systems providing transit or paratransit service on a regular and 9491
continuing basis within the state, or by a person contracting with 9492
such a system and providing such services, less one cent per 9493

gallon of such fuel; 9494

(2) A city, exempted village, joint vocational, or local 9495
school district or educational service center that purchases any 9496
motor fuel for school district or service center operations, on 9497
which any tax imposed by section 5735.05 of the Revised Code has 9498
been paid, may, if an application is filed under this section, be 9499
reimbursed in the amount of ~~six cents per gallon~~ of the total tax 9500
imposed by that section and paid on motor fuel less twenty-two 9501
cents per gallon of such fuel. The reimbursement under division 9502
(A)(2) of this section also may be obtained, upon application 9503
under this section, by a person that purchases motor fuel on which 9504
the tax has been paid and uses that fuel to perform school 9505
district or service center operations pursuant to a contract with 9506
a city, exempted village, joint vocational, or local school 9507
district or an educational service center. 9508

(3) A county board of developmental disabilities that, ~~on or~~ 9509
~~after July 1, 2005,~~ purchases any motor fuel for county board 9510
operations, on which any tax imposed by section 5735.05 of the 9511
Revised Code has been paid may, if an application is filed under 9512
this section, be reimbursed in the amount ~~of six cents per gallon~~ 9513
of the total tax imposed by that section and paid on motor fuel 9514
less twenty-two cents per gallon of such fuel. The reimbursement 9515
under division (A)(3) of this section also may be obtained, upon 9516
application under this section, by a person that purchases motor 9517
fuel on which the tax has been paid and uses that fuel to perform 9518
county board operations pursuant to a contract with a county board 9519
of developmental disabilities. 9520

(B) Such person, school district, educational service center, 9521
or county board shall file with the tax commissioner an 9522
application for refund within one year from the date of purchase, 9523
stating the quantity of fuel used for operating transit buses used 9524
by local transit systems, or a contractor thereof, in furnishing 9525

scheduled common carrier, public passenger land transportation 9526
service along regular routes primarily in one or more municipal 9527
corporations, or for operating vehicles used for school district, 9528
service center, or county board operations. However, no claim 9529
shall be made for the tax on fewer than one hundred gallons of 9530
motor fuel. A school district, educational service center, or 9531
county board shall not apply for a refund for any tax paid on 9532
motor fuel that is sold by the district, service center, or county 9533
board. The application shall be accompanied by the statement 9534
described in section 5735.15 of the Revised Code showing the 9535
purchase, together with evidence of payment thereof. 9536

(C) After consideration of the application and statement, the 9537
commissioner shall determine the amount of refund to which the 9538
applicant is entitled. If the amount is not less than that 9539
claimed, the commissioner shall certify the amount to the director 9540
of budget and management and treasurer of state for payment from 9541
the tax refund fund created by section 5703.052 of the Revised 9542
Code. If the amount is less than that claimed, the commissioner 9543
shall proceed in accordance with section 5703.70 of the Revised 9544
Code. 9545

The commissioner may require that the application be 9546
supported by the affidavit of the claimant. No refund shall be 9547
authorized or ordered for any single claim for the tax on fewer 9548
than one hundred gallons of motor fuel. No refund shall be 9549
authorized or ordered on motor fuel that is sold by a school 9550
district, educational service center, or county board. 9551

(D) The right to receive any refund under this section or 9552
section 5703.70 of the Revised Code is not assignable. The payment 9553
of this refund shall not be made to any person or entity other 9554
than the person or entity originally entitled thereto who used the 9555
motor fuel upon which the claim for refund is based, except that 9556
the refund when allowed and certified, as provided in this 9557

section, may be paid to the executor, the administrator, the 9558
receiver, the trustee in bankruptcy, or the assignee in insolvency 9559
proceedings of the person. 9560

Sec. 5735.27. (A) There is hereby created in the state 9561
treasury the gasoline excise tax fund. All investment earnings of 9562
the fund shall be credited to the fund. Revenue credited to the 9563
fund under section 5735.051 from the tax levied under section 9564
5735.05 of the Revised Code shall be distributed to municipal 9565
corporations, counties, and townships as provided in divisions 9566
(A)(1), (2), and (3) of this section. 9567

(1) The amount distributed to each municipal corporation 9568
shall be that proportion of the amount to be distributed among 9569
municipal corporations that the number of motor vehicles 9570
registered within the municipal corporation bears to the total 9571
number of motor vehicles registered within all the municipal 9572
corporations of this state during the preceding motor vehicle 9573
registration year. When a new village is incorporated, the 9574
registrar of motor vehicles shall determine from the applications 9575
on file in the bureau of motor vehicles the number of motor 9576
vehicles located within the territory comprising the village 9577
during the entire registration year in which the municipal 9578
corporation was incorporated. The registrar shall forthwith 9579
certify the number of motor vehicles so determined to the tax 9580
commissioner for use in distributing motor vehicle fuel tax funds 9581
to the village until the village is qualified to participate in 9582
the distribution of the funds pursuant to this division. The 9583
number of motor vehicle registrations shall be determined by the 9584
official records of the bureau of motor vehicles. The amount 9585
received by each municipal corporation shall be used to plan, 9586
construct, reconstruct, repave, widen, maintain, repair, clear, 9587
and clean public highways, roads, and streets; to maintain and 9588
repair bridges and viaducts; to purchase, erect, and maintain 9589

street and traffic signs and markers; to pay the costs apportioned 9590
to the municipal corporation under section 4907.47 of the Revised 9591
Code; to purchase, erect, and maintain traffic lights and signals; 9592
to pay the principal, interest, and charges on bonds and other 9593
obligations issued pursuant to Chapter 133. of the Revised Code or 9594
incurred pursuant to section 5531.09 of the Revised Code for the 9595
purpose of acquiring or constructing roads, highways, bridges, or 9596
viaducts or acquiring or making other highway improvements for 9597
which the municipal corporation may issue bonds; and to supplement 9598
revenue already available for these purposes. 9599

(2) The amount distributed to counties shall be paid in equal 9600
proportions to the county treasurer of each county within the 9601
state and shall be used only for the purposes of planning, 9602
maintaining, and repairing the county system of public roads and 9603
highways within the county; the planning, construction, and repair 9604
of walks or paths along county roads in congested areas; the 9605
planning, construction, purchase, lease, and maintenance of 9606
suitable buildings for the housing and repair of county road 9607
machinery, housing of supplies, and housing of personnel 9608
associated with the machinery and supplies; the payment of costs 9609
apportioned to the county under section 4907.47 of the Revised 9610
Code; the payment of principal, interest, and charges on bonds and 9611
other obligations issued pursuant to Chapter 133. of the Revised 9612
Code or incurred pursuant to section 5531.09 of the Revised Code 9613
for the purpose of acquiring or constructing roads, highways, 9614
bridges, or viaducts or acquiring or making other highway 9615
improvements for which the board of county commissioners may issue 9616
bonds under that chapter; and the purchase, installation, and 9617
maintenance of traffic signal lights. 9618

(3)(a) The amounts described under divisions 9619
(A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised 9620
Code to be distributed among townships shall be divided in equal 9621

proportions among the townships. 9622

(b) As used in division (A)(3)(b) of this section, the 9623
"formula amount" for any township is the amount that would be 9624
allocated to that township if fifty per cent of the total amount 9625
credited to townships pursuant to ~~division~~ divisions 9626
(A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the 9627
Revised Code were allocated among townships in the state 9628
proportionate to the number of centerline miles within the 9629
boundaries of the respective townships, as determined annually by 9630
the department of transportation, and the other fifty per cent of 9631
that amount were allocated among townships in the state 9632
proportionate to the number of motor vehicles registered within 9633
the respective townships, as determined annually by the records of 9634
the bureau of motor vehicles. The number of centerline miles 9635
within the boundaries of a township shall not include any 9636
centerline miles of township roads that have been placed on 9637
nonmaintained status by a board of township trustees pursuant to 9638
section 5571.20 of the Revised Code. 9639

The portion of the revenue of the tax levied by section 9640
5735.05 of the Revised Code that is described under ~~division~~ 9641
divisions (A)(3) and (B) of that section shall be partially 9642
allocated to provide funding for townships. Each township shall 9643
receive the greater of the following two calculations: 9644

(i) The total statewide amount credited to townships under 9645
~~division~~ divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of 9646
section 5735.051 of the Revised Code divided by the number of 9647
townships in the state at the time of the calculation; 9648

(ii) Seventy per cent of the formula amount for that 9649
township. 9650

(c) The total difference between the amount of money credited 9651
to townships under ~~division~~ divisions (A)(2)(b)(iii), (C)(2), and 9652

(E)(2)(c) of section 5735.051 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(3)(b) of this section shall be deducted, in accordance with division (C)(3) of section 5735.051 of the Revised Code, from the revenues resulting from the portion of the revenue described in division (A)(3) of section 5735.05 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund.

(d) All amounts credited pursuant to divisions (A)(3)(a) and (b) of this section shall be paid to the county treasurer of each county for the total amount payable to the townships within each of the counties. The county treasurer shall pay to each township within the county its proportional share of the funds, which shall be expended by each township only for the purposes of planning, constructing, maintaining, widening, and reconstructing the public roads and highways within the township, paying principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. or 505. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the board of township trustees may issue bonds under those chapters, and paying costs apportioned to the township under section 4907.47 of the Revised Code.

No part of the funds designated for road and highway purposes shall be used for any purpose except to pay in whole or part the contract price of any such work done by contract, or to pay the cost of labor in planning, constructing, widening, and reconstructing such roads and highways, and the cost of materials forming a part of the improvement; provided that the funds may be used for the purchase of road machinery and equipment, the planning, construction, and maintenance of suitable buildings for

housing road machinery and equipment, and the payment of 9685
principal, interest, and charges on bonds and other obligations 9686
issued pursuant to Chapter 133. or 505. of the Revised Code for 9687
the purpose of purchasing road machinery and equipment or 9688
planning, constructing, and maintaining suitable buildings for 9689
housing road machinery and equipment; and provided that all such 9690
improvement of roads shall be under supervision and direction of 9691
the county engineer as provided in section 5575.07 of the Revised 9692
Code. No obligation against the funds shall be incurred unless 9693
plans and specifications for the improvement, approved by the 9694
county engineer, are on file in the office of the township fiscal 9695
officer, and all contracts for material and for work done by 9696
contract shall be approved by the county engineer before being 9697
signed by the board of township trustees. The board of township 9698
trustees of any township may pass a resolution permitting the 9699
board of county commissioners to expend the township's share of 9700
the funds, or any portion of it, for the improvement of the roads 9701
within the township as may be designated in the resolution. 9702

(B) Amounts credited to the highway operating fund under 9703
section 5735.051 and other sections of the Revised Code are 9704
subject to transfer to the sinking fund upon receipt by the 9705
treasurer of state of the certification by the commissioners of 9706
the sinking fund, as required by section 5528.15 of the Revised 9707
Code, that there are sufficient moneys to the credit of the 9708
highway improvement bond retirement fund to meet in full all 9709
payments of principal, interest, and charges for the retirement of 9710
bonds and other obligations issued pursuant to Section 2g of 9711
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 9712
of the Revised Code due and payable during the current calendar 9713
year. All remaining amounts credited to the highway operating fund 9714
shall be expended for the purposes of planning, maintaining, 9715
repairing, and keeping in passable condition for travel the roads 9716
and highways of the state required by law to be maintained by the 9717

department; paying the costs apportioned to the state under 9718
section 4907.47 of the Revised Code; paying that portion of the 9719
construction cost of a highway project which a county, township, 9720
or municipal corporation normally would be required to pay, but 9721
which the director of transportation, pursuant to division (B) of 9722
section 5531.08 of the Revised Code, determines instead will be 9723
paid from moneys in the highway operating fund; paying the costs 9724
of the department of public safety in administering and enforcing 9725
the state law relating to the registration and operation of motor 9726
vehicles; paying the state's share of the cost of planning, 9727
constructing, widening, maintaining, and reconstructing the state 9728
highways; paying that portion of the construction cost of a 9729
highway project which a county, township, or municipal corporation 9730
normally would be required to pay, but which the director of 9731
transportation, pursuant to division (B) of section 5531.08 of the 9732
Revised Code, determines instead will be paid from moneys in the 9733
highway operating fund; and also for supplying the state's share 9734
of the cost of eliminating railway grade crossings upon such 9735
highways and costs apportioned to the state under section 4907.47 9736
of the Revised Code. The director of transportation may expend 9737
portions of such amount upon extensions of state highways within 9738
municipal corporations or upon portions of state highways within 9739
municipal corporations, as is provided by law. 9740

All investment earnings of the highway operating fund shall 9741
be credited to the fund. 9742

Sec. 5735.50. (A) As used in this section: 9743

(1) "Rate of federal motor fuel tax" means the rate of tax 9744
levied under section 4081 of the Internal Revenue Code on one 9745
gallon of gasoline other than aviation gasoline or one gallon of 9746
diesel fuel, as those terms are defined in section 4083 of the 9747
Internal Revenue Code. 9748

(2) "Rate of state motor fuel tax" means the rate of tax levied under section 5735.05 of the Revised Code on one gallon of gasoline or one gallon of diesel fuel. 9749
9750
9751

(3) "Adjustment date" means a date on which a change in the rate of federal or state motor fuel tax takes effect or, if such a change occurs within six months after an adjustment date, the first day of the seventh month following that adjustment date. 9752
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9754
9755

(4) "Fuel tax notice" means a notice described in division (B)(1) of this section. 9756
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(5) "Retail pump" means a pump situated at a retail service station through which gasoline or diesel fuel is pumped directly into motor vehicle fuel tanks for consumption. 9758
9759
9760

(6) "Municipal sealer" means a sealer of weights and measures appointed under section 733.63 of the Revised Code. 9761
9762

(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: 9763
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9765
9766

(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: 9767
9768
9769
9770
9771

	<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>	9772 9773
<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>	9774
<u>TOTAL TAX</u>	<u>[sum of the rate of federal</u>	<u>[sum of the rate of</u>	9775

<u>motor fuel tax on gasoline</u>	<u>motor fuel tax on</u>
<u>other than aviation gasoline</u>	<u>diesel fuel plus the</u>
<u>plus the rate of state motor</u>	<u>rate of state motor</u>
<u>fuel tax on gasoline]</u>	<u>fuel tax on diesel</u>
	<u>fuell</u>

Each of the three columns in the table described in division 9776
(B)(1)(a) of this section shall be separated by a vertical line 9777
and each of the four rows shall be separated by a horizontal line. 9778
The table shall be enclosed within lines forming a box such that 9779
"federal tax," "state tax," "total tax," and the corresponding 9780
gasoline and diesel rates appear as individual cells within a grid 9781
pattern. 9782

(b) A representation of the great seal of the state as 9783
described in section 5.10 of the Revised Code without regard to 9784
the minimum dimensions prescribed by that section; 9785

(c) At the bottom of the notice and in a font smaller than 9786
that used to display the information described in division 9787
(B)(1)(a) of this section, a statement that reads as follows: 9788
"THIS NOTICE IS REQUIRED BY THE OHIO FUEL TAX TRANSPARENCY ACT, 9789
O.R.C. 5735.50." 9790

(2) A fuel tax notice shall not display any information other 9791
than the information required under divisions (B)(1)(a) to (c) of 9792
this section, and shall not display the name of any public 9793
official, state employee, or state agency. No color shall be 9794
displayed on the notice other than red, white, or blue. The width 9795
and length of a fuel tax notice shall not be less than four inches 9796
and shall not exceed four and one-half inches. 9797

(3) The director shall, within ninety days after an 9798
adjustment date, distribute fuel tax notices to each county 9799
auditor or municipal sealer in the number requested by the auditor 9800
or sealer under division (C)(1) of this section. The director 9801
shall not charge a county auditor, municipal sealer, or any person 9802

for the creation or delivery of a fuel tax notice under this 9803
section. 9804

(C)(1) Within fifteen days after an adjustment date, the 9805
director of agriculture shall notify each county auditor and 9806
municipal sealer that the director is designing and causing to be 9807
produced fuel tax notices as required under division (B)(1) of 9808
this section. Within fifteen days after receipt of such a notice, 9809
a county auditor or municipal sealer shall notify the director of 9810
the number of fuel tax notices the auditor or sealer requires to 9811
perform the auditor's or sealer's duties under division (C)(2) of 9812
this section. 9813

(2) Except as otherwise provided in division (C)(3) of this 9814
section, each county auditor or municipal sealer or an employee 9815
thereof shall affix fuel tax notices received from the director of 9816
agriculture on each retail pump the auditor or sealer is required 9817
to inspect under the authority of section 1327.52 of the Revised 9818
Code. Each notice shall be affixed on or before the earlier of 9819
fourteen months following the most recent adjustment date or the 9820
date the auditor or sealer or an employee thereof arrives on the 9821
premises of a retail service station for the purposes of carrying 9822
out a required inspection or other official business, including 9823
the performance of the auditor's or sealer's duties under section 9824
1327.52 of the Revised Code. A fuel tax notice shall be displayed 9825
in a clear and prominent manner and shall be affixed on each face 9826
of a retail pump on which a meter measuring the volume of gasoline 9827
or diesel fuel dispensed is located. A notice shall not be affixed 9828
in a manner that obstructs or obscures any other notice or sticker 9829
required to be displayed pursuant to federal, state, or local law. 9830
A county auditor or municipal sealer or employee thereof shall 9831
replace any fuel tax notice that is no longer readable or is no 9832
longer affixed as required under division (C)(2) of this section 9833
or that has been affixed on a retail pump for more than three 9834

consecutive years. 9835

(3) In lieu of fuel tax notices being affixed on each retail pump as required by division (C)(2) of this section, the owner or operator of a retail service station may provide the information required to be displayed on the notice by any of the following means: 9836
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(a) Displaying video messages via video displays visible to users of the retail pump; 9841
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(b) Printing the information on customer receipts; 9843

(c) Posting the information conspicuously at the public entrance to the premises of the service station. 9844
9845

(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. 9846
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9851

(E) Nothing in this section makes the owner or operator of a retail service station liable for affixing or maintaining a fuel tax notice. 9852
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9854

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state. 9855
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(A)(1) The tax shall be collected as provided in section 9865
5739.025 of the Revised Code. The rate of the tax shall be five 9866
and three-fourths per cent. The tax applies and is collectible 9867
when the sale is made, regardless of the time when the price is 9868
paid or delivered. 9869

(2) In the case of the lease or rental, with a fixed term of 9870
more than thirty days or an indefinite term with a minimum period 9871
of more than thirty days, of any motor vehicles designed by the 9872
manufacturer to carry a load of not more than one ton, watercraft, 9873
outboard motor, or aircraft, or of any tangible personal property, 9874
other than motor vehicles designed by the manufacturer to carry a 9875
load of more than one ton, to be used by the lessee or renter 9876
primarily for business purposes, the tax shall be collected by the 9877
vendor at the time the lease or rental is consummated and shall be 9878
calculated by the vendor on the basis of the total amount to be 9879
paid by the lessee or renter under the lease agreement. If the 9880
total amount of the consideration for the lease or rental includes 9881
amounts that are not calculated at the time the lease or rental is 9882
executed, the tax shall be calculated and collected by the vendor 9883
at the time such amounts are billed to the lessee or renter. In 9884
the case of an open-end lease or rental, the tax shall be 9885
calculated by the vendor on the basis of the total amount to be 9886
paid during the initial fixed term of the lease or rental, and for 9887
each subsequent renewal period as it comes due. As used in this 9888
division, "motor vehicle" has the same meaning as in section 9889
4501.01 of the Revised Code, and "watercraft" includes an outdrive 9890
unit attached to the watercraft. 9891

A lease with a renewal clause and a termination penalty or 9892
similar provision that applies if the renewal clause is not 9893
exercised is presumed to be a sham transaction. In such a case, 9894
the tax shall be calculated and paid on the basis of the entire 9895
length of the lease period, including any renewal periods, until 9896

the termination penalty or similar provision no longer applies. 9897
The taxpayer shall bear the burden, by a preponderance of the 9898
evidence, that the transaction or series of transactions is not a 9899
sham transaction. 9900

(3) Except as provided in division (A)(2) of this section, in 9901
the case of a sale, the price of which consists in whole or in 9902
part of the lease or rental of tangible personal property, the tax 9903
shall be measured by the installments of that lease or rental. 9904

(4) In the case of a sale of a physical fitness facility 9905
service or recreation and sports club service, the price of which 9906
consists in whole or in part of a membership for the receipt of 9907
the benefit of the service, the tax applicable to the sale shall 9908
be measured by the installments thereof. 9909

(B) The tax does not apply to the following: 9910

(1) Sales to the state or any of its political subdivisions, 9911
or to any other state or its political subdivisions if the laws of 9912
that state exempt from taxation sales made to this state and its 9913
political subdivisions; 9914

(2) Sales of food for human consumption off the premises 9915
where sold; 9916

(3) Sales of food sold to students only in a cafeteria, 9917
dormitory, fraternity, or sorority maintained in a private, 9918
public, or parochial school, college, or university; 9919

(4) Sales of newspapers and sales or transfers of magazines 9920
distributed as controlled circulation publications; 9921

(5) The furnishing, preparing, or serving of meals without 9922
charge by an employer to an employee provided the employer records 9923
the meals as part compensation for services performed or work 9924
done; 9925

(6)(a) Sales of motor fuel upon receipt, use, distribution, 9926

or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(b) Sales of motor fuel other than that described in division (B)(6)(a) of this section and used for powering a refrigeration unit on a vehicle other than one used primarily to provide comfort to the operator or occupants of the vehicle.

(7) Sales of natural gas by a natural gas company or municipal gas utility, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as

defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other

nonprofit organizations operated exclusively for charitable 9990
purposes in this state, no part of the net income of which inures 9991
to the benefit of any private shareholder or individual, and no 9992
substantial part of the activities of which consists of carrying 9993
on propaganda or otherwise attempting to influence legislation; 9994
sales to offices administering one or more homes for the aged or 9995
one or more hospital facilities exempt under section 140.08 of the 9996
Revised Code; and sales to organizations described in division (D) 9997
of section 5709.12 of the Revised Code. 9998

"Charitable purposes" means the relief of poverty; the 9999
improvement of health through the alleviation of illness, disease, 10000
or injury; the operation of an organization exclusively for the 10001
provision of professional, laundry, printing, and purchasing 10002
services to hospitals or charitable institutions; the operation of 10003
a home for the aged, as defined in section 5701.13 of the Revised 10004
Code; the operation of a radio or television broadcasting station 10005
that is licensed by the federal communications commission as a 10006
noncommercial educational radio or television station; the 10007
operation of a nonprofit animal adoption service or a county 10008
humane society; the promotion of education by an institution of 10009
learning that maintains a faculty of qualified instructors, 10010
teaches regular continuous courses of study, and confers a 10011
recognized diploma upon completion of a specific curriculum; the 10012
operation of a parent-teacher association, booster group, or 10013
similar organization primarily engaged in the promotion and 10014
support of the curricular or extracurricular activities of a 10015
primary or secondary school; the operation of a community or area 10016
center in which presentations in music, dramatics, the arts, and 10017
related fields are made in order to foster public interest and 10018
education therein; the production of performances in music, 10019
dramatics, and the arts; or the promotion of education by an 10020
organization engaged in carrying on research in, or the 10021
dissemination of, scientific and technological knowledge and 10022

information primarily for the public. 10023

Nothing in this division shall be deemed to exempt sales to 10024
any organization for use in the operation or carrying on of a 10025
trade or business, or sales to a home for the aged for use in the 10026
operation of independent living facilities as defined in division 10027
(A) of section 5709.12 of the Revised Code. 10028

(13) Building and construction materials and services sold to 10029
construction contractors for incorporation into a structure or 10030
improvement to real property under a construction contract with 10031
this state or a political subdivision of this state, or with the 10032
United States government or any of its agencies; building and 10033
construction materials and services sold to construction 10034
contractors for incorporation into a structure or improvement to 10035
real property that are accepted for ownership by this state or any 10036
of its political subdivisions, or by the United States government 10037
or any of its agencies at the time of completion of the structures 10038
or improvements; building and construction materials sold to 10039
construction contractors for incorporation into a horticulture 10040
structure or livestock structure for a person engaged in the 10041
business of horticulture or producing livestock; building 10042
materials and services sold to a construction contractor for 10043
incorporation into a house of public worship or religious 10044
education, or a building used exclusively for charitable purposes 10045
under a construction contract with an organization whose purpose 10046
is as described in division (B)(12) of this section; building 10047
materials and services sold to a construction contractor for 10048
incorporation into a building under a construction contract with 10049
an organization exempt from taxation under section 501(c)(3) of 10050
the Internal Revenue Code of 1986 when the building is to be used 10051
exclusively for the organization's exempt purposes; building and 10052
construction materials sold for incorporation into the original 10053
construction of a sports facility under section 307.696 of the 10054

Revised Code; building and construction materials and services 10055
sold to a construction contractor for incorporation into real 10056
property outside this state if such materials and services, when 10057
sold to a construction contractor in the state in which the real 10058
property is located for incorporation into real property in that 10059
state, would be exempt from a tax on sales levied by that state; 10060
building and construction materials for incorporation into a 10061
transportation facility pursuant to a public-private agreement 10062
entered into under sections 5501.70 to 5501.83 of the Revised 10063
Code; and, until one calendar year after the construction of a 10064
convention center that qualifies for property tax exemption under 10065
section 5709.084 of the Revised Code is completed, building and 10066
construction materials and services sold to a construction 10067
contractor for incorporation into the real property comprising 10068
that convention center; 10069

(14) Sales of ships or vessels or rail rolling stock used or 10070
to be used principally in interstate or foreign commerce, and 10071
repairs, alterations, fuel, and lubricants for such ships or 10072
vessels or rail rolling stock; 10073

(15) Sales to persons primarily engaged in any of the 10074
activities mentioned in division (B)(42)(a), (g), or (h) of this 10075
section, to persons engaged in making retail sales, or to persons 10076
who purchase for sale from a manufacturer tangible personal 10077
property that was produced by the manufacturer in accordance with 10078
specific designs provided by the purchaser, of packages, including 10079
material, labels, and parts for packages, and of machinery, 10080
equipment, and material for use primarily in packaging tangible 10081
personal property produced for sale, including any machinery, 10082
equipment, and supplies used to make labels or packages, to 10083
prepare packages or products for labeling, or to label packages or 10084
products, by or on the order of the person doing the packaging, or 10085
sold at retail. "Packages" includes bags, baskets, cartons, 10086

crates, boxes, cans, bottles, bindings, wrappings, and other 10087
similar devices and containers, but does not include motor 10088
vehicles or bulk tanks, trailers, or similar devices attached to 10089
motor vehicles. "Packaging" means placing in a package. Division 10090
(B)(15) of this section does not apply to persons engaged in 10091
highway transportation for hire. 10092

(16) Sales of food to persons using supplemental nutrition 10093
assistance program benefits to purchase the food. As used in this 10094
division, "food" has the same meaning as in 7 U.S.C. 2012 and 10095
federal regulations adopted pursuant to the Food and Nutrition Act 10096
of 2008. 10097

(17) Sales to persons engaged in farming, agriculture, 10098
horticulture, or floriculture, of tangible personal property for 10099
use or consumption primarily in the production by farming, 10100
agriculture, horticulture, or floriculture of other tangible 10101
personal property for use or consumption primarily in the 10102
production of tangible personal property for sale by farming, 10103
agriculture, horticulture, or floriculture; or material and parts 10104
for incorporation into any such tangible personal property for use 10105
or consumption in production; and of tangible personal property 10106
for such use or consumption in the conditioning or holding of 10107
products produced by and for such use, consumption, or sale by 10108
persons engaged in farming, agriculture, horticulture, or 10109
floriculture, except where such property is incorporated into real 10110
property; 10111

(18) Sales of drugs for a human being that may be dispensed 10112
only pursuant to a prescription; insulin as recognized in the 10113
official United States pharmacopoeia; urine and blood testing 10114
materials when used by diabetics or persons with hypoglycemia to 10115
test for glucose or acetone; hypodermic syringes and needles when 10116
used by diabetics for insulin injections; epoetin alfa when 10117
purchased for use in the treatment of persons with medical 10118

disease; hospital beds when purchased by hospitals, nursing homes, 10119
or other medical facilities; and medical oxygen and medical 10120
oxygen-dispensing equipment when purchased by hospitals, nursing 10121
homes, or other medical facilities; 10122

(19) Sales of prosthetic devices, durable medical equipment 10123
for home use, or mobility enhancing equipment, when made pursuant 10124
to a prescription and when such devices or equipment are for use 10125
by a human being. 10126

(20) Sales of emergency and fire protection vehicles and 10127
equipment to nonprofit organizations for use solely in providing 10128
fire protection and emergency services, including trauma care and 10129
emergency medical services, for political subdivisions of the 10130
state; 10131

(21) Sales of tangible personal property manufactured in this 10132
state, if sold by the manufacturer in this state to a retailer for 10133
use in the retail business of the retailer outside of this state 10134
and if possession is taken from the manufacturer by the purchaser 10135
within this state for the sole purpose of immediately removing the 10136
same from this state in a vehicle owned by the purchaser; 10137

(22) Sales of services provided by the state or any of its 10138
political subdivisions, agencies, instrumentalities, institutions, 10139
or authorities, or by governmental entities of the state or any of 10140
its political subdivisions, agencies, instrumentalities, 10141
institutions, or authorities; 10142

(23) Sales of motor vehicles to nonresidents of this state 10143
under the circumstances described in division (B) of section 10144
5739.029 of the Revised Code; 10145

(24) Sales to persons engaged in the preparation of eggs for 10146
sale of tangible personal property used or consumed directly in 10147
such preparation, including such tangible personal property used 10148
for cleaning, sanitizing, preserving, grading, sorting, and 10149

classifying by size; packages, including material and parts for 10150
packages, and machinery, equipment, and material for use in 10151
packaging eggs for sale; and handling and transportation equipment 10152
and parts therefor, except motor vehicles licensed to operate on 10153
public highways, used in intraplant or interplant transfers or 10154
shipment of eggs in the process of preparation for sale, when the 10155
plant or plants within or between which such transfers or 10156
shipments occur are operated by the same person. "Packages" 10157
includes containers, cases, baskets, flats, fillers, filler flats, 10158
cartons, closure materials, labels, and labeling materials, and 10159
"packaging" means placing therein. 10160

(25)(a) Sales of water to a consumer for residential use; 10161

(b) Sales of water by a nonprofit corporation engaged 10162
exclusively in the treatment, distribution, and sale of water to 10163
consumers, if such water is delivered to consumers through pipes 10164
or tubing. 10165

(26) Fees charged for inspection or reinspection of motor 10166
vehicles under section 3704.14 of the Revised Code; 10167

(27) Sales to persons licensed to conduct a food service 10168
operation pursuant to section 3717.43 of the Revised Code, of 10169
tangible personal property primarily used directly for the 10170
following: 10171

(a) To prepare food for human consumption for sale; 10172

(b) To preserve food that has been or will be prepared for 10173
human consumption for sale by the food service operator, not 10174
including tangible personal property used to display food for 10175
selection by the consumer; 10176

(c) To clean tangible personal property used to prepare or 10177
serve food for human consumption for sale. 10178

(28) Sales of animals by nonprofit animal adoption services 10179

or county humane societies;	10180
(29) Sales of services to a corporation described in division	10181
(A) of section 5709.72 of the Revised Code, and sales of tangible	10182
personal property that qualifies for exemption from taxation under	10183
section 5709.72 of the Revised Code;	10184
(30) Sales and installation of agricultural land tile, as	10185
defined in division (B)(5)(a) of section 5739.01 of the Revised	10186
Code;	10187
(31) Sales and erection or installation of portable grain	10188
bins, as defined in division (B)(5)(b) of section 5739.01 of the	10189
Revised Code;	10190
(32) The sale, lease, repair, and maintenance of, parts for,	10191
or items attached to or incorporated in, motor vehicles that are	10192
primarily used for transporting tangible personal property	10193
belonging to others by a person engaged in highway transportation	10194
for hire, except for packages and packaging used for the	10195
transportation of tangible personal property;	10196
(33) Sales to the state headquarters of any veterans'	10197
organization in this state that is either incorporated and issued	10198
a charter by the congress of the United States or is recognized by	10199
the United States veterans administration, for use by the	10200
headquarters;	10201
(34) Sales to a telecommunications service vendor, mobile	10202
telecommunications service vendor, or satellite broadcasting	10203
service vendor of tangible personal property and services used	10204
directly and primarily in transmitting, receiving, switching, or	10205
recording any interactive, one- or two-way electromagnetic	10206
communications, including voice, image, data, and information,	10207
through the use of any medium, including, but not limited to,	10208
poles, wires, cables, switching equipment, computers, and record	10209
storage devices and media, and component parts for the tangible	10210

personal property. The exemption provided in this division shall 10211
be in lieu of all other exemptions under division (B)(42)(a) or 10212
(n) of this section to which the vendor may otherwise be entitled, 10213
based upon the use of the thing purchased in providing the 10214
telecommunications, mobile telecommunications, or satellite 10215
broadcasting service. 10216

(35)(a) Sales where the purpose of the consumer is to use or 10217
consume the things transferred in making retail sales and 10218
consisting of newspaper inserts, catalogues, coupons, flyers, gift 10219
certificates, or other advertising material that prices and 10220
describes tangible personal property offered for retail sale. 10221

(b) Sales to direct marketing vendors of preliminary 10222
materials such as photographs, artwork, and typesetting that will 10223
be used in printing advertising material; and of printed matter 10224
that offers free merchandise or chances to win sweepstake prizes 10225
and that is mailed to potential customers with advertising 10226
material described in division (B)(35)(a) of this section; 10227

(c) Sales of equipment such as telephones, computers, 10228
facsimile machines, and similar tangible personal property 10229
primarily used to accept orders for direct marketing retail sales. 10230

(d) Sales of automatic food vending machines that preserve 10231
food with a shelf life of forty-five days or less by refrigeration 10232
and dispense it to the consumer. 10233

For purposes of division (B)(35) of this section, "direct 10234
marketing" means the method of selling where consumers order 10235
tangible personal property by United States mail, delivery 10236
service, or telecommunication and the vendor delivers or ships the 10237
tangible personal property sold to the consumer from a warehouse, 10238
catalogue distribution center, or similar fulfillment facility by 10239
means of the United States mail, delivery service, or common 10240
carrier. 10241

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	10242 10243 10244
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	10245 10246 10247 10248 10249
(38) Sales to a professional racing team of any of the following:	10250 10251
(a) Motor racing vehicles;	10252
(b) Repair services for motor racing vehicles;	10253
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	10254 10255 10256 10257 10258 10259 10260 10261
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	10262 10263 10264
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity;	10265 10266 10267 10268 10269 10270 10271 10272

energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	10304 10305
(d) To use or consume the thing directly in commercial fishing;	10306 10307
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	10308 10309 10310 10311
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	10312 10313 10314 10315 10316
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	10317 10318 10319
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	10320 10321 10322 10323 10324 10325
(i) To use the thing transferred as qualified research and development equipment;	10326 10327
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	10328 10329 10330 10331 10332 10333 10334

by means of direct marketing. This division does not apply to 10335
motor vehicles registered for operation on the public highways. As 10336
used in this division, "affiliated group" has the same meaning as 10337
in division (B)(3)(e) of section 5739.01 of the Revised Code and 10338
"direct marketing" has the same meaning as in division (B)(35) of 10339
this section. 10340

(k) To use or consume the thing transferred to fulfill a 10341
contractual obligation incurred by a warrantor pursuant to a 10342
warranty provided as a part of the price of the tangible personal 10343
property sold or by a vendor of a warranty, maintenance or service 10344
contract, or similar agreement the provision of which is defined 10345
as a sale under division (B)(7) of section 5739.01 of the Revised 10346
Code; 10347

(l) To use or consume the thing transferred in the production 10348
of a newspaper for distribution to the public; 10349

(m) To use tangible personal property to perform a service 10350
listed in division (B)(3) of section 5739.01 of the Revised Code, 10351
if the property is or is to be permanently transferred to the 10352
consumer of the service as an integral part of the performance of 10353
the service; 10354

(n) To use or consume the thing transferred primarily in 10355
producing tangible personal property for sale by farming, 10356
agriculture, horticulture, or floriculture. Persons engaged in 10357
rendering farming, agriculture, horticulture, or floriculture 10358
services for others are deemed engaged primarily in farming, 10359
agriculture, horticulture, or floriculture. This paragraph does 10360
not exempt from "retail sale" or "sales at retail" the sale of 10361
tangible personal property that is to be incorporated into a 10362
structure or improvement to real property. 10363

(o) To use or consume the thing transferred in acquiring, 10364
formatting, editing, storing, and disseminating data or 10365

information by electronic publishing; 10366

(p) To provide the thing transferred to the owner or lessee 10367
of a motor vehicle that is being repaired or serviced, if the 10368
thing transferred is a rented motor vehicle and the purchaser is 10369
reimbursed for the cost of the rented motor vehicle by a 10370
manufacturer, warrantor, or provider of a maintenance, service, or 10371
other similar contract or agreement, with respect to the motor 10372
vehicle that is being repaired or serviced; 10373

(q) To use or consume the thing transferred directly in 10374
production of crude oil and natural gas for sale. Persons engaged 10375
in rendering production services for others are deemed engaged in 10376
production. 10377

As used in division (B)(42)(q) of this section, "production" 10378
means operations and tangible personal property directly used to 10379
expose and evaluate an underground reservoir that may contain 10380
hydrocarbon resources, prepare the wellbore for production, and 10381
lift and control all substances yielded by the reservoir to the 10382
surface of the earth. 10383

(i) For the purposes of division (B)(42)(q) of this section, 10384
the "thing transferred" includes, but is not limited to, any of 10385
the following: 10386

(I) Services provided in the construction of permanent access 10387
roads, services provided in the construction of the well site, and 10388
services provided in the construction of temporary impoundments; 10389

(II) Equipment and rigging used for the specific purpose of 10390
creating with integrity a wellbore pathway to underground 10391
reservoirs; 10392

(III) Drilling and workover services used to work within a 10393
subsurface wellbore, and tangible personal property directly used 10394
in providing such services; 10395

(IV) Casing, tubulars, and float and centralizing equipment;	10396
(V) Trailers to which production equipment is attached;	10397
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	10398 10399 10400
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	10401 10402 10403
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	10404 10405 10406 10407
(IX) Pressure pumping equipment;	10408
(X) Artificial lift systems equipment;	10409
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon <u>hydrocarbon</u> phases and produced water;	10410 10411 10412
(XII) Tangible personal property directly used to control production equipment.	10413 10414
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	10415 10416
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	10417 10418 10419
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	10420 10421 10422
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping	10423 10424

equipment or well stimulation material tanks;	10425
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	10426 10427 10428 10429
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	10430 10431 10432 10433
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	10434 10435
(VII) Well site fencing, lighting, or security systems;	10436
(VIII) Communication devices or services;	10437
(IX) Office supplies;	10438
(X) Trailers used as offices or lodging;	10439
(XI) Motor vehicles of any kind;	10440
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	10441 10442
(XIII) Tangible personal property used primarily as a safety device;	10443 10444
(XIV) Data collection or monitoring devices;	10445
(XV) Access ladders, stairs, or platforms attached to storage tanks.	10446 10447
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	10448 10449 10450 10451 10452
The commissioner shall adopt and promulgate rules under	10453

sections 119.01 to 119.13 of the Revised Code that the 10454
commissioner deems necessary to administer division (B)(42)(q) of 10455
this section. 10456

As used in division (B)(42) of this section, "thing" includes 10457
all transactions included in divisions (B)(3)(a), (b), and (e) of 10458
section 5739.01 of the Revised Code. 10459

(43) Sales conducted through a coin operated device that 10460
activates vacuum equipment or equipment that dispenses water, 10461
whether or not in combination with soap or other cleaning agents 10462
or wax, to the consumer for the consumer's use on the premises in 10463
washing, cleaning, or waxing a motor vehicle, provided no other 10464
personal property or personal service is provided as part of the 10465
transaction. 10466

(44) Sales of replacement and modification parts for engines, 10467
airframes, instruments, and interiors in, and paint for, aircraft 10468
used primarily in a fractional aircraft ownership program, and 10469
sales of services for the repair, modification, and maintenance of 10470
such aircraft, and machinery, equipment, and supplies primarily 10471
used to provide those services. 10472

(45) Sales of telecommunications service that is used 10473
directly and primarily to perform the functions of a call center. 10474
As used in this division, "call center" means any physical 10475
location where telephone calls are placed or received in high 10476
volume for the purpose of making sales, marketing, customer 10477
service, technical support, or other specialized business 10478
activity, and that employs at least fifty individuals that engage 10479
in call center activities on a full-time basis, or sufficient 10480
individuals to fill fifty full-time equivalent positions. 10481

(46) Sales by a telecommunications service vendor of 900 10482
service to a subscriber. This division does not apply to 10483
information services, as defined in division (FF) of section 10484

5739.01 of the Revised Code.	10485
(47) Sales of value-added non-voice data service. This	10486
division does not apply to any similar service that is not	10487
otherwise a telecommunications service.	10488
(48)(a) Sales of machinery, equipment, and software to a	10489
qualified direct selling entity for use in a warehouse or	10490
distribution center primarily for storing, transporting, or	10491
otherwise handling inventory that is held for sale to independent	10492
salespersons who operate as direct sellers and that is held	10493
primarily for distribution outside this state;	10494
(b) As used in division (B)(48)(a) of this section:	10495
(i) "Direct seller" means a person selling consumer products	10496
to individuals for personal or household use and not from a fixed	10497
retail location, including selling such product at in-home product	10498
demonstrations, parties, and other one-on-one selling.	10499
(ii) "Qualified direct selling entity" means an entity	10500
selling to direct sellers at the time the entity enters into a tax	10501
credit agreement with the tax credit authority pursuant to section	10502
122.17 of the Revised Code, provided that the agreement was	10503
entered into on or after January 1, 2007. Neither contingencies	10504
relevant to the granting of, nor later developments with respect	10505
to, the tax credit shall impair the status of the qualified direct	10506
selling entity under division (B)(48) of this section after	10507
execution of the tax credit agreement by the tax credit authority.	10508
(c) Division (B)(48) of this section is limited to machinery,	10509
equipment, and software first stored, used, or consumed in this	10510
state within the period commencing June 24, 2008, and ending on	10511
the date that is five years after that date.	10512
(49) Sales of materials, parts, equipment, or engines used in	10513
the repair or maintenance of aircraft or avionics systems of such	10514
aircraft, and sales of repair, remodeling, replacement, or	10515

maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.

(52)(a) Sales to a qualifying corporation.

(b) As used in division (B)(52) of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant 10547
to a lease that requires substantially all of the revenue from the 10548
operation of the business or activity conducted by the nonprofit 10549
corporation at the facility in excess of operating costs, capital 10550
expenditures, and reserves to be paid to the eligible county at 10551
least once per calendar year. 10552

(II) Upon dissolution and liquidation of the nonprofit 10553
corporation, all of its net assets are distributable to the board 10554
of commissioners of the eligible county from which the corporation 10555
leases the facility. 10556

(ii) "Eligible county" has the same meaning as in section 10557
307.695 of the Revised Code. 10558

(53) Sales to or by a cable service provider, video service 10559
provider, or radio or television broadcast station regulated by 10560
the federal government of cable service or programming, video 10561
service or programming, audio service or programming, or 10562
electronically transferred digital audiovisual or audio work. As 10563
used in division (B)(53) of this section, "cable service" and 10564
"cable service provider" have the same meanings as in section 10565
1332.01 of the Revised Code, and "video service," "video service 10566
provider," and "video programming" have the same meanings as in 10567
section 1332.21 of the Revised Code. 10568

(54) Sales of investment metal bullion and investment coins. 10569
"Investment metal bullion" means any bullion described in section 10570
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 10571
that bullion is in the physical possession of a trustee. 10572
"Investment coin" means any coin composed primarily of gold, 10573
silver, platinum, or palladium. 10574

(55) Sales of a digital audio work electronically transferred 10575
for delivery through use of a machine, such as a juke box, that 10576
does all of the following: 10577

(a) Accepts direct payments to operate;	10578
(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)(55)(a) of this section;	10579 10580 10581
(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.	10582 10583
(56)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:	10584 10585 10586
(i) An item of clothing, the price of which is seventy-five dollars or less;	10587 10588
(ii) An item of school supplies, the price of which is twenty dollars or less;	10589 10590
(iii) An item of school instructional material, the price of which is twenty dollars or less.	10591 10592
(b) As used in division (B)(56) of this section:	10593
(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or	10594 10595 10596 10597 10598 10599 10600 10601 10602 10603 10604 10605 10606 10607

recreational equipment; belt buckles sold separately; costume 10608
masks sold separately; patches and emblems sold separately; sewing 10609
equipment and supplies including, but not limited to, knitting 10610
needles, patterns, pins, scissors, sewing machines, sewing 10611
needles, tape measures, and thimbles; and sewing materials that 10612
become part of "clothing" including, but not limited to, buttons, 10613
fabric, lace, thread, yarn, and zippers. 10614

(ii) "School supplies" means items commonly used by a student 10615
in a course of study. "School supplies" includes only the 10616
following items: binders; book bags; calculators; cellophane tape; 10617
blackboard chalk; compasses; composition books; crayons; erasers; 10618
folders, expandable, pocket, plastic, and manila; glue, paste, and 10619
paste sticks; highlighters; index cards; index card boxes; legal 10620
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 10621
notebook paper, copy paper, graph paper, tracing paper, manila 10622
paper, colored paper, poster board, and construction paper; pencil 10623
boxes and other school supply boxes; pencil sharpeners; pencils; 10624
pens; protractors; rulers; scissors; and writing tablets. "School 10625
supplies" does not include any item purchased for use in a trade 10626
or business. 10627

(iii) "School instructional material" means written material 10628
commonly used by a student in a course of study as a reference and 10629
to learn the subject being taught. "School instructional material" 10630
includes only the following items: reference books, reference maps 10631
and globes, textbooks, and workbooks. "School instructional 10632
material" does not include any material purchased for use in a 10633
trade or business. 10634

(57) Sales of tangible personal property that is not required 10635
to be registered or licensed under the laws of this state to a 10636
citizen of a foreign nation that is not a citizen of the United 10637
States, provided the property is delivered to a person in this 10638
state that is not a related member of the purchaser, is physically 10639

present in this state for the sole purpose of temporary storage 10640
and package consolidation, and is subsequently delivered to the 10641
purchaser at a delivery address in a foreign nation. As used in 10642
division (B)(56) of this section, "related member" has the same 10643
meaning as in section 5733.042 of the Revised Code, and "temporary 10644
storage" means the storage of tangible personal property for a 10645
period of not more than sixty days. 10646

(C) For the purpose of the proper administration of this 10647
chapter, and to prevent the evasion of the tax, it is presumed 10648
that all sales made in this state are subject to the tax until the 10649
contrary is established. 10650

(D) The levy of this tax on retail sales of recreation and 10651
sports club service shall not prevent a municipal corporation from 10652
levying any tax on recreation and sports club dues or on any 10653
income generated by recreation and sports club dues. 10654

(E) The tax collected by the vendor from the consumer under 10655
this chapter is not part of the price, but is a tax collection for 10656
the benefit of the state, and of counties levying an additional 10657
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 10658
Code and of transit authorities levying an additional sales tax 10659
pursuant to section 5739.023 of the Revised Code. Except for the 10660
discount authorized under section 5739.12 of the Revised Code and 10661
the effects of any rounding pursuant to section 5703.055 of the 10662
Revised Code, no person other than the state or such a county or 10663
transit authority shall derive any benefit from the collection or 10664
payment of the tax levied by this section or section 5739.021, 10665
5739.023, or 5739.026 of the Revised Code. 10666

Sec. 5739.023. (A)(1) For the purpose of providing additional 10667
general revenues for a transit authority ~~or~~, funding a regional 10668
transportation improvement project under section 5595.06 of the 10669
Revised Code, or ~~both~~ funding public infrastructure projects as 10670

described in section 306.353 of the Revised Code, and to pay the 10671
expenses of administering such levy, any transit authority ~~as~~ 10672
~~defined in division (U) of section 5739.01 of the Revised Code~~ may 10673
levy a tax upon every retail sale made in the territory of the 10674
transit authority, except sales of watercraft and outboard motors 10675
required to be titled pursuant to Chapter 1548. of the Revised 10676
Code and sales of motor vehicles, at a rate of not more than one 10677
and one-half per cent and may increase the rate of an existing tax 10678
to not more than one and one-half per cent. The rate of any tax 10679
levied pursuant to this section shall be a multiple of one-fourth 10680
or one-tenth of one per cent. The tax shall be levied and the rate 10681
increased pursuant to a resolution of the legislative authority of 10682
the transit authority and a certified copy of the resolution shall 10683
be delivered by the fiscal officer to the board of elections as 10684
provided in section 3505.071 of the Revised Code and to the tax 10685
commissioner. The resolution shall specify the number of years for 10686
which the tax is to be in effect or that the tax is for a 10687
continuing period of time, the purpose or purposes of the levy, 10688
and the date of the election on the question of the tax pursuant 10689
to section 306.70 of the Revised Code. The board of elections 10690
shall certify the results of the election to the transit authority 10691
and tax commissioner. 10692

A resolution adopted under this section may not specify that 10693
the sole purpose of the tax is to fund infrastructure projects as 10694
described in section 306.353 of the Revised Code; that purpose 10695
must be combined with the purpose of providing additional general 10696
revenues for the transit authority, funding a regional 10697
transportation improvement project under section 5595.06 of the 10698
Revised Code, or both. The resolution may specify the percentage 10699
of the proceeds of the tax that will be allocated among each of 10700
the purposes for which the tax is to be levied. If one of the 10701
purposes of the tax is to provide general revenue for the transit 10702

authority, the resolution may identify specific projects, 10703
functions, or other uses to which that general revenue will be 10704
allocated and the percentage of the tax proceeds to be allocated 10705
to each of those projects, functions, or other uses. 10706

(2) Except as provided in division (C) of this section, the 10707
tax levied by the resolution shall become effective on the first 10708
day of a calendar quarter next following the sixty-fifth day 10709
following the date the tax commissioner receives from the board of 10710
elections the certification of the results of the election on the 10711
question of the tax. 10712

(B) The legislative authority may, at any time while the tax 10713
is in effect, by resolution fix the rate of the tax at any rate 10714
authorized by this section and not in excess of that approved by 10715
the voters pursuant to section 306.70 of the Revised Code. Except 10716
as provided in division (C) of this section, any change in the 10717
rate of the tax shall be made effective on the first day of a 10718
calendar quarter next following the sixty-fifth day following the 10719
date the tax commissioner receives the certification of the 10720
resolution; provided, that in any case where bonds, or notes in 10721
anticipation of bonds, of a regional transit authority have been 10722
issued under section 306.40 of the Revised Code without a vote of 10723
the electors while the tax proposed to be reduced was in effect, 10724
the board of trustees of the regional transit authority shall 10725
continue to levy and collect under authority of the original 10726
election authorizing the tax a rate of tax that the board of 10727
trustees reasonably estimates will produce an amount in that year 10728
equal to the amount of principal of and interest on those bonds as 10729
is payable in that year. 10730

(C) Upon receipt from the board of elections of the 10731
certification of the results of the election required by division 10732
(A) of this section, or from the legislative authority of the 10733
certification of a resolution under division (B) of this section, 10734

the tax commissioner shall provide notice of a tax rate change in 10735
a manner that is reasonably accessible to all affected vendors. 10736
The commissioner shall provide this notice at least sixty days 10737
prior to the effective date of the rate change. The commissioner, 10738
by rule, may establish the method by which notice will be 10739
provided. 10740

(D) If a vendor makes a sale in this state by printed catalog 10741
and the consumer computed the tax on the sale based on local rates 10742
published in the catalog, any tax levied or rate changed under 10743
this section shall not apply to such a sale until the first day of 10744
a calendar quarter following the expiration of one hundred twenty 10745
days from the date of notice by the tax commissioner pursuant to 10746
division (C) of this section. 10747

(E) The tax on every retail sale subject to a tax levied 10748
pursuant to this section is in addition to the tax levied by 10749
section 5739.02 of the Revised Code and any tax levied pursuant to 10750
section 5739.021 or 5739.026 of the Revised Code. 10751

(F) The additional tax levied by the transit authority shall 10752
be collected pursuant to section 5739.025 of the Revised Code. 10753

(G) Any tax levied pursuant to this section is subject to the 10754
exemptions provided in section 5739.02 of the Revised Code and in 10755
addition shall not be applicable to sales not within the taxing 10756
power of a transit authority under the constitution of the United 10757
States or the constitution of this state. 10758

(H) The rate of a tax levied under this section is subject to 10759
reduction under section 5739.028 of the Revised Code, if a ballot 10760
question is approved by voters pursuant to that section. 10761

Sec. 5741.022. (A) For the purpose of providing additional 10762
general revenues for the transit authority ~~or~~ funding a regional 10763
transportation improvement project under section 5595.06 of the 10764

Revised Code, or ~~both~~ funding public infrastructure projects as 10765
described in section 306.353 of the Revised Code, and to pay the 10766
expenses of administering such levy, any transit authority ~~as~~ 10767
~~defined in section 5741.01 of the Revised Code~~ that levies a tax 10768
pursuant to section 5739.023 of the Revised Code shall levy a tax 10769
at the same rate levied pursuant to such section on the storage, 10770
use, or other consumption in the territory of the transit 10771
authority of the following: 10772

(1) Motor vehicles, and watercraft and outboard motors 10773
required to be titled in the county pursuant to Chapter 1548. of 10774
the Revised Code and acquired by a transaction subject to the tax 10775
imposed by section 5739.02 of the Revised Code; 10776

(2) In addition to the tax imposed by section 5741.02 of the 10777
Revised Code, tangible personal property and services subject to 10778
the tax levied by this state as provided in section 5741.02 of the 10779
Revised Code, and tangible personal property and services 10780
purchased in another county within this state by a transaction 10781
subject to the tax imposed by section 5739.02 of the Revised Code. 10782

The tax shall be in effect at the same time and at the same 10783
rate and shall be levied pursuant to the resolution of the 10784
legislative authority of the transit authority levying a sales tax 10785
pursuant to section 5739.023 of the Revised Code. 10786

(B) The tax levied pursuant to this section on the storage, 10787
use, or other consumption of tangible personal property and on the 10788
benefit of a service realized shall be in addition to the tax 10789
levied by section 5741.02 of the Revised Code and, except as 10790
provided in division (D) of this section, any tax levied pursuant 10791
to sections 5741.021 and 5741.023 of the Revised Code. 10792

(C) The additional tax levied by the authority shall be 10793
collected pursuant to section 5739.025 of the Revised Code. 10794

(D) The tax levied pursuant to this section shall not be 10795

applicable to any benefit of a service realized or to any storage, 10796
use, or consumption of property not within the taxing power of a 10797
transit authority under the constitution of the United States or 10798
the constitution of this state, or to property or services on 10799
which a tax levied by a county or transit authority pursuant to 10800
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 10801
5741.023 of the Revised Code has been paid, if the sum of the 10802
taxes paid pursuant to those sections is equal to or greater than 10803
the sum of the taxes due under this section and sections 5741.021 10804
and 5741.023 of the Revised Code. If the sum of the taxes paid is 10805
less than the sum of the taxes due under this section and sections 10806
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 10807
shall be credited against the amount of tax due. 10808

(E) The rate of a tax levied under this section is subject to 10809
reduction under section 5739.028 of the Revised Code if a ballot 10810
question is approved by voters pursuant to that section. 10811

Sec. 5747.502. (A) As used in this section: 10812

(1) "Local authority" and "traffic law photo-monitoring 10813
device" have the same meanings as in section 4511.092 of the 10814
Revised Code. 10815

(2) "School zone" has the same meaning as in section 4511.21 10816
of the Revised Code. 10817

(3) "Transportation district" means a territorial district 10818
established by the director of transportation under section 10819
5501.14 of the Revised Code. 10820

(4) "District deputy director" means the person appointed and 10821
assigned by the director of transportation under section 5501.14 10822
of the Revised Code to administer the activities of a 10823
transportation district. 10824

(B) Annually, on or before the thirty-first day of July, any 10825

local authority that operated, directly or indirectly, a traffic 10826
law photo-monitoring device during the preceding fiscal year shall 10827
file a report with the tax commissioner that includes a detailed 10828
statement of the civil fines the local authority has collected 10829
from drivers for any violation of any local ordinance or 10830
resolution during that period that are based upon evidence 10831
recorded by a traffic law photo-monitoring device. The report 10832
shall enumerate the gross amount of all such fines that have been 10833
collected and the gross amount of such fines that have been 10834
collected for violations that occurred within a school zone. For 10835
the purposes of divisions (B) and (C) of this section, the gross 10836
amount of such fines includes the entire amount paid by the 10837
driver. 10838

(C) Upon receipt of a report filed pursuant to division (B) 10839
of this section, the commissioner shall do the following, as 10840
applicable: 10841

(1) If the local authority is a municipal corporation, reduce 10842
the amount of each of the next twelve payments to the municipal 10843
corporation under division (C) of section 5747.50 of the Revised 10844
Code by an amount equal to one-twelfth of the gross amount of all 10845
fines indicated on the report. If the fines exceed the amount of 10846
money the municipal corporation would otherwise receive under 10847
division (C) of section 5747.50 of the Revised Code, the 10848
commissioner also shall reduce each of the next twelve payments to 10849
the appropriate county undivided local government fund under 10850
division (B) of section 5747.50 of the Revised Code by an amount 10851
equal to one-twelfth of the excess and notify the county auditor 10852
and county treasurer of that county that each of the next twelve 10853
payments the municipal corporation receives under section 5747.51 10854
or 5747.53 of the Revised Code shall be reduced by one-twelfth of 10855
the excess. 10856

(2) If the local authority is not a municipal corporation, 10857

reduce payments to the appropriate county undivided local 10858
government fund under division (B) of section 5747.50 of the 10859
Revised Code by an amount equal to one-twelfth of the gross amount 10860
of all fines indicated on the report and immediately notify the 10861
county auditor and county treasurer of that county that each of 10862
the next twelve payments the local authority receives under 10863
section 5747.51 or 5747.53 of the Revised Code shall be reduced by 10864
one-twelfth of the gross amount of all fines indicated on the 10865
report; 10866

(3) If one or more payments to the local authority has been 10867
withheld under division (D) of this section because of failure to 10868
timely file the report, notify the county auditor and county 10869
treasurer of the appropriate county that the report has been 10870
received and that, subject to divisions (C)(1) and (2) of this 10871
section, payments to the local authority from the undivided local 10872
government fund are to resume. Subject to divisions (C)(1) and (2) 10873
of this section, a county treasurer receiving notice under this 10874
section shall provide for payments to the local authority from the 10875
county undivided local government fund beginning with the next 10876
required payment. 10877

(4) On or before the tenth day of each of the next twelve 10878
months, make a payment to the local authority in an amount equal 10879
to one-twelfth of the gross amount of civil fines collected from 10880
drivers for violations of local ordinances or resolutions that 10881
occurred within a school zone and are based upon evidence recorded 10882
by a traffic law photo-monitoring device, as indicated on the 10883
report. Payments received by a local authority under this division 10884
shall be used by the local authority for school safety purposes. 10885

(D) Upon discovery, based on information in the 10886
commissioner's possession, that a local authority required to file 10887
a report under division (B) of this section has failed to do so, 10888
the commissioner shall do the following, as applicable: 10889

(1) If the local authority is a municipal corporation, cease providing for payments to the municipal corporation under section 5747.50 of the Revised Code beginning with the next required payment and until such time as the report is received by the commissioner; 10890
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(2) For any local authority, reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code by an amount equal to the amount of such payments the local authority would otherwise receive under section 5747.51 or 5747.53 of the Revised Code, beginning with the next required payment and until such time as the report is received by the commissioner; 10895
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(3) For any local authority, notify the county auditor and county treasurer that such payments are to cease until the commissioner notifies the auditor and treasurer under division (C)(3) of this section that the payments are to resume. 10902
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(E) A county treasurer that receives a notice from the commissioner under division (C)(1), (2), (3), or (D)(3) of this section shall reduce, cease, or resume payments from the undivided local government fund to the local authority that is the subject of the notice as specified by the commissioner in the notice. Unless otherwise specified in the notice, the payments shall be reduced, ceased, or resumed beginning with the next required payment. 10906
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(F) There is hereby created in the state treasury the Ohio highway and transportation safety fund. On or before the tenth day of each month, the commissioner shall deposit in the fund an amount equal to the total amount by which payments to local authorities were reduced or ceased under division (C) or (D) of this section minus the total amount of payments made under division (C)(4) of this section. The amount deposited with respect to a local authority shall be credited to an account to be created 10914
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in the fund for the transportation district in which that local authority is located. If the local authority is located within more than one transportation district, the amount credited to the account of each such transportation district shall be prorated on the basis of the number of centerline miles of public roads and highways in both the local authority and the respective districts. Amounts credited to a transportation district's account shall be used by the department of transportation and the district deputy director exclusively to enhance public safety on public roads and highways within that transportation district.

Sec. 5747.51. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall make and certify to the county auditor of each county an estimate of the amount of the local government fund to be allocated to the undivided local government fund of each county for the ensuing calendar year, adjusting the total as required to account for subdivisions receiving local government funds under section 5747.502 of the Revised Code.

(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the

commission has provided for a formula pursuant to section 5747.53 10954
of the Revised Code. The commissioner shall reduce ~~or increase~~ the 10955
amount of funds from the undivided local government fund to a 10956
subdivision required to receive reduced ~~or increased~~ funds under 10957
section 5747.502 of the Revised Code. 10958

Nothing in this section prevents the budget commission, for 10959
the purpose of apportioning the undivided local government fund, 10960
from inquiring into the claimed needs of any subdivision as stated 10961
in its tax budget, or from adjusting claimed needs to reflect 10962
actual needs. For the purposes of this section, "current operating 10963
expenses" means the lawful expenditures of a subdivision, except 10964
those for permanent improvements and except payments for interest, 10965
sinking fund, and retirement of bonds, notes, and certificates of 10966
indebtedness of the subdivision. 10967

(C) The commission shall determine the combined total of the 10968
estimated expenditures, including transfers, from the general fund 10969
and any special funds other than special funds established for 10970
road and bridge; street construction, maintenance, and repair; 10971
state highway improvement; and gas, water, sewer, and electric 10972
public utilities operated by a subdivision, as shown in the 10973
subdivision's tax budget for the ensuing calendar year. 10974

(D) From the combined total of expenditures calculated 10975
pursuant to division (C) of this section, the commission shall 10976
deduct the following expenditures, if included in these funds in 10977
the tax budget: 10978

(1) Expenditures for permanent improvements as defined in 10979
division (E) of section 5705.01 of the Revised Code; 10980

(2) In the case of counties and townships, transfers to the 10981
road and bridge fund, and in the case of municipalities, transfers 10982
to the street construction, maintenance, and repair fund and the 10983
state highway improvement fund; 10984

(3) Expenditures for the payment of debt charges;	10985
(4) Expenditures for the payment of judgments.	10986
(E) In addition to the deductions made pursuant to division	10987
(D) of this section, revenues accruing to the general fund and any	10988
special fund considered under division (C) of this section from	10989
the following sources shall be deducted from the combined total of	10990
expenditures calculated pursuant to division (C) of this section:	10991
(1) Taxes levied within the ten-mill limitation, as defined	10992
in section 5705.02 of the Revised Code;	10993
(2) The budget commission allocation of estimated county	10994
public library fund revenues to be distributed pursuant to section	10995
5747.48 of the Revised Code;	10996
(3) Estimated unencumbered balances as shown on the tax	10997
budget as of the thirty-first day of December of the current year	10998
in the general fund, but not any estimated balance in any special	10999
fund considered in division (C) of this section;	11000
(4) Revenue, including transfers, shown in the general fund	11001
and any special funds other than special funds established for	11002
road and bridge; street construction, maintenance, and repair;	11003
state highway improvement; and gas, water, sewer, and electric	11004
public utilities, from all other sources except those that a	11005
subdivision receives from an additional tax or service charge	11006
voted by its electorate or receives from special assessment or	11007
revenue bond collection. For the purposes of this division, where	11008
the charter of a municipal corporation prohibits the levy of an	11009
income tax, an income tax levied by the legislative authority of	11010
such municipal corporation pursuant to an amendment of the charter	11011
of that municipal corporation to authorize such a levy represents	11012
an additional tax voted by the electorate of that municipal	11013
corporation. For the purposes of this division, any measure	11014
adopted by a board of county commissioners pursuant to section	11015

322.02, 4504.02, or 5739.021 of the Revised Code, including those 11016
measures upheld by the electorate in a referendum conducted 11017
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 11018
Code, shall not be considered an additional tax voted by the 11019
electorate. 11020

Subject to division (G) of section 5705.29 of the Revised 11021
Code, money in a reserve balance account established by a county, 11022
township, or municipal corporation under section 5705.13 of the 11023
Revised Code shall not be considered an unencumbered balance or 11024
revenue under division (E)(3) or (4) of this section. Money in a 11025
reserve balance account established by a township under section 11026
5705.132 of the Revised Code shall not be considered an 11027
unencumbered balance or revenue under division (E)(3) or (4) of 11028
this section. 11029

If a county, township, or municipal corporation has created 11030
and maintains a nonexpendable trust fund under section 5705.131 of 11031
the Revised Code, the principal of the fund, and any additions to 11032
the principal arising from sources other than the reinvestment of 11033
investment earnings arising from such a fund, shall not be 11034
considered an unencumbered balance or revenue under division 11035
(E)(3) or (4) of this section. Only investment earnings arising 11036
from investment of the principal or investment of such additions 11037
to principal may be considered an unencumbered balance or revenue 11038
under those divisions. 11039

(F) The total expenditures calculated pursuant to division 11040
(C) of this section, less the deductions authorized in divisions 11041
(D) and (E) of this section, shall be known as the "relative need" 11042
of the subdivision, for the purposes of this section. 11043

(G) The budget commission shall total the relative need of 11044
all participating subdivisions in the county, and shall compute a 11045
relative need factor by dividing the total estimate of the 11046
undivided local government fund by the total relative need of all 11047

participating subdivisions. 11048

(H) The relative need of each subdivision shall be multiplied 11049
by the relative need factor to determine the proportionate share 11050
of the subdivision in the undivided local government fund of the 11051
county; provided, that the maximum proportionate share of a county 11052
shall not exceed the following maximum percentages of the total 11053
estimate of the undivided local government fund governed by the 11054
relationship of the percentage of the population of the county 11055
that resides within municipal corporations within the county to 11056
the total population of the county as reported in the reports on 11057
population in Ohio by the department of development as of the 11058
twentieth day of July of the year in which the tax budget is filed 11059
with the budget commission: 11060

Percentage of municipal 11061 population within the county:	Percentage share of the county shall not exceed:	11061
Less than forty-one per cent 11062	Sixty per cent 11063	11062
Forty-one per cent or more but less than eighty-one per cent 11064	Fifty per cent 11064	11064
Eighty-one per cent or more 11065	Thirty per cent 11065	11065

Where the proportionate share of the county exceeds the 11066
limitations established in this division, the budget commission 11067
shall adjust the proportionate shares determined pursuant to this 11068
division so that the proportionate share of the county does not 11069
exceed these limitations, and it shall increase the proportionate 11070
shares of all other subdivisions on a pro rata basis. In counties 11071
having a population of less than one hundred thousand, not less 11072
than ten per cent shall be distributed to the townships therein. 11073

(I) The proportionate share of each subdivision in the 11074
undivided local government fund determined pursuant to division 11075
(H) of this section for any calendar year shall not be less than 11076
the product of the average of the percentages of the undivided 11077

local government fund of the county as apportioned to that 11078
subdivision for the calendar years 1968, 1969, and 1970, 11079
multiplied by the total amount of the undivided local government 11080
fund of the county apportioned pursuant to former section 5735.23 11081
of the Revised Code for the calendar year 1970. For the purposes 11082
of this division, the total apportioned amount for the calendar 11083
year 1970 shall be the amount actually allocated to the county in 11084
1970 from the state collected intangible tax as levied by section 11085
5707.03 of the Revised Code and distributed pursuant to section 11086
5725.24 of the Revised Code, plus the amount received by the 11087
county in the calendar year 1970 pursuant to division (B)(1) of 11088
former section 5739.21 of the Revised Code, and distributed 11089
pursuant to former section 5739.22 of the Revised Code. If the 11090
total amount of the undivided local government fund for any 11091
calendar year is less than the amount of the undivided local 11092
government fund apportioned pursuant to former section 5739.23 of 11093
the Revised Code for the calendar year 1970, the minimum amount 11094
guaranteed to each subdivision for that calendar year pursuant to 11095
this division shall be reduced on a basis proportionate to the 11096
amount by which the amount of the undivided local government fund 11097
for that calendar year is less than the amount of the undivided 11098
local government fund apportioned for the calendar year 1970. 11099

(J) On the basis of such apportionment, the county auditor 11100
shall compute the percentage share of each such subdivision in the 11101
undivided local government fund and shall at the same time certify 11102
to the tax commissioner the percentage share of the county as a 11103
subdivision. No payment shall be made from the undivided local 11104
government fund, except in accordance with such percentage shares. 11105

Within ten days after the budget commission has made its 11106
apportionment, whether conducted pursuant to section 5747.51 or 11107
5747.53 of the Revised Code, the auditor shall publish a list of 11108
the subdivisions and the amount each is to receive from the 11109

undivided local government fund and the percentage share of each 11110
subdivision, in a newspaper or newspapers of countywide 11111
circulation, and send a copy of such allocation to the tax 11112
commissioner. 11113

The county auditor shall also send a copy of such allocation 11114
by ordinary or electronic mail to the fiscal officer of each 11115
subdivision entitled to participate in the allocation of the 11116
undivided local government fund of the county. This copy shall 11117
constitute the official notice of the commission action referred 11118
to in section 5705.37 of the Revised Code. 11119

All money received into the treasury of a subdivision from 11120
the undivided local government fund in a county treasury shall be 11121
paid into the general fund and used for the current operating 11122
expenses of the subdivision. 11123

If a municipal corporation maintains a municipal university, 11124
such municipal university, when the board of trustees so requests 11125
the legislative authority of the municipal corporation, shall 11126
participate in the money apportioned to such municipal corporation 11127
from the total local government fund, however created and 11128
constituted, in such amount as requested by the board of trustees, 11129
provided such sum does not exceed nine per cent of the total 11130
amount paid to the municipal corporation. 11131

If any public official fails to maintain the records required 11132
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 11133
issued by the tax commissioner, the auditor of state, or the 11134
treasurer of state pursuant to such sections, or fails to comply 11135
with any law relating to the enforcement of such sections, the 11136
local government fund money allocated to the county may be 11137
withheld until such time as the public official has complied with 11138
such sections or such law or the rules issued pursuant thereto. 11139

Sec. 5747.53. (A) As used in this section: 11140

(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following:

(a) It is located wholly or partially in the county.

(b) It is not the city, located wholly or partially in the county, with the greatest population.

(c) Undivided local government fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year.

(B) In lieu of the method of apportionment of the undivided local government fund of the county provided by section 5747.51 of the Revised Code, the county budget commission may provide for the apportionment of the fund under an alternative method or on a formula basis as authorized by this section. The commissioner shall reduce ~~or increase~~ the amount of funds from the undivided local government fund to a subdivision required to receive reduced ~~or increased~~ funds under section 5747.502 of the Revised Code.

Except as otherwise provided in division (C) of this section, 11172
the alternative method of apportionment shall have first been 11173
approved by all of the following governmental units: the board of 11174
county commissioners; the legislative authority of the city, 11175
located wholly or partially in the county, with the greatest 11176
population; and a majority of the boards of township trustees and 11177
legislative authorities of municipal corporations, located wholly 11178
or partially in the county, excluding the legislative authority of 11179
the city, located wholly or partially in the county, with the 11180
greatest population. In granting or denying approval for an 11181
alternative method of apportionment, the board of county 11182
commissioners, boards of township trustees, and legislative 11183
authorities of municipal corporations shall act by motion. A 11184
motion to approve shall be passed upon a majority vote of the 11185
members of a board of county commissioners, board of township 11186
trustees, or legislative authority of a municipal corporation, 11187
shall take effect immediately, and need not be published. 11188

Any alternative method of apportionment adopted and approved 11189
under this division may be revised, amended, or repealed in the 11190
same manner as it may be adopted and approved. If an alternative 11191
method of apportionment adopted and approved under this division 11192
is repealed, the undivided local government fund of the county 11193
shall be apportioned among the subdivisions eligible to 11194
participate in the fund, commencing in the ensuing calendar year, 11195
under the apportionment provided in section 5747.52 of the Revised 11196
Code, unless the repeal occurs by operation of division (C) of 11197
this section or a new method for apportionment of the fund is 11198
provided in the action of repeal. 11199

(C) This division applies only in counties in which the city, 11200
located wholly or partially in the county, with the greatest 11201
population has a population of twenty thousand or less and a 11202
population that is less than fifteen per cent of the total 11203

population of the county. In such a county, the legislative 11204
authorities or boards of township trustees of two or more 11205
participating political subdivisions, which together have a 11206
population residing in the county that is a majority of the total 11207
population of the county, each may adopt a resolution to exclude 11208
the approval otherwise required of the legislative authority of 11209
the city, located wholly or partially in the county, with the 11210
greatest population. All of the resolutions to exclude that 11211
approval shall be adopted not later than the first Monday of 11212
August of the year preceding the calendar year in which 11213
distributions are to be made under an alternative method of 11214
apportionment. 11215

A motion granting or denying approval of an alternative 11216
method of apportionment under this division shall be adopted by a 11217
majority vote of the members of the board of county commissioners 11218
and by a majority vote of a majority of the boards of township 11219
trustees and legislative authorities of the municipal corporations 11220
located wholly or partially in the county, other than the city, 11221
located wholly or partially in the county, with the greatest 11222
population, shall take effect immediately, and need not be 11223
published. The alternative method of apportionment under this 11224
division shall be adopted and approved annually, not later than 11225
the first Monday of August of the year preceding the calendar year 11226
in which distributions are to be made under it. A motion granting 11227
approval of an alternative method of apportionment under this 11228
division repeals any existing alternative method of apportionment, 11229
effective with distributions to be made from the fund in the 11230
ensuing calendar year. An alternative method of apportionment 11231
under this division shall not be revised or amended after the 11232
first Monday of August of the year preceding the calendar year in 11233
which distributions are to be made under it. 11234

(D) In determining an alternative method of apportionment 11235

authorized by this section, the county budget commission may 11236
include in the method any factor considered to be appropriate and 11237
reliable, in the sole discretion of the county budget commission. 11238

(E) The limitations set forth in section 5747.51 of the 11239
Revised Code, stating the maximum amount that the county may 11240
receive from the undivided local government fund and the minimum 11241
amount the townships in counties having a population of less than 11242
one hundred thousand may receive from the fund, are applicable to 11243
any alternative method of apportionment authorized under this 11244
section. 11245

(F) On the basis of any alternative method of apportionment 11246
adopted and approved as authorized by this section, as certified 11247
by the auditor to the county treasurer, the county treasurer shall 11248
make distribution of the money in the undivided local government 11249
fund to each subdivision eligible to participate in the fund, and 11250
the auditor, when the amount of those shares is in the custody of 11251
the treasurer in the amounts so computed to be due the respective 11252
subdivisions, shall at the same time certify to the tax 11253
commissioner the percentage share of the county as a subdivision. 11254
All money received into the treasury of a subdivision from the 11255
undivided local government fund in a county treasury shall be paid 11256
into the general fund and used for the current operating expenses 11257
of the subdivision. If a municipal corporation maintains a 11258
municipal university, the university, when the board of trustees 11259
so requests the legislative authority of the municipal 11260
corporation, shall participate in the money apportioned to the 11261
municipal corporation from the total local government fund, 11262
however created and constituted, in the amount requested by the 11263
board of trustees, provided that amount does not exceed nine per 11264
cent of the total amount paid to the municipal corporation. 11265

(G) The actions of the county budget commission taken 11266
pursuant to this section are final and may not be appealed to the 11267

board of tax appeals, except on the issues of abuse of discretion 11268
and failure to comply with the formula. 11269

Sec. 5747.71. There is hereby allowed a nonrefundable credit 11270
against a taxpayer's aggregate tax liability under section 5747.02 11271
of the Revised Code for a taxpayer who is an "eligible individual" 11272
as defined in section 32 of the Internal Revenue Code. The credit 11273
shall equal ~~five per cent of the credit allowed on the taxpayer's~~ 11274
~~federal income tax return pursuant to section 32 of the Internal~~ 11275
~~Revenue Code for taxable years beginning in 2013, and ten thirty~~ 11276
per cent of the federal credit allowed for the taxable years 11277
~~beginning in or after 2014 year. If the Ohio adjusted gross income~~ 11278
~~of the taxpayer, or the taxpayer and the taxpayer's spouse if the~~ 11279
~~taxpayer and the taxpayer's spouse file a joint return under~~ 11280
~~section 5747.08 of the Revised Code, less applicable exemptions~~ 11281
~~under section 5747.025 of the Revised Code, exceeds twenty~~ 11282
thousand dollars, the credit authorized by this section shall not 11283
exceed ~~fifty per cent of the aggregate amount of tax otherwise due~~ 11284
~~under section 5747.02 of the Revised Code after deducting any~~ 11285
~~other nonrefundable credits that precede the credit allowed under~~ 11286
~~this section in the order prescribed by section 5747.98 of the~~ 11287
~~Revised Code except for the joint filing credit authorized under~~ 11288
~~division (E) of section 5747.05 of the Revised Code. In all other~~ 11289
~~eases, the The credit authorized by this section shall not exceed~~ 11290
the aggregate amount of tax otherwise due under section 5747.02 of 11291
the Revised Code after deducting any other nonrefundable credits 11292
that precede the credit allowed under this section in the order 11293
prescribed by section 5747.98 of the Revised Code. 11294

The credit shall be claimed in the order prescribed by 11295
section 5747.98 of the Revised Code. 11296

Section 101.02. That existing sections 9.54, 107.03, 119.14, 11297
122.14, 164.08, 306.70, 307.86, 340.021, 505.267, 505.71, 1349.61, 11298

1901.18, 1901.20, 1907.02, 1907.031, 3327.07, 4111.03, 4111.14, 11299
4121.01, 4123.01, 4141.01, 4301.62, 4501.01, 4501.031, 4501.042, 11300
4501.043, 4503.038, 4503.10, 4503.103, 4503.19, 4503.21, 4503.23, 11301
4503.41, 4504.10, 4504.201, 4505.101, 4506.09, 4506.11, 4506.17, 11302
4507.01, 4507.13, 4507.23, 4507.50, 4507.52, 4509.101, 4510.04, 11303
4511.092, 4511.093, 4511.096, 4511.097, 4511.098, 4511.0910, 11304
4511.21, 4511.521, 4511.54, 4511.76, 4513.263, 4513.34, 4513.60, 11305
4513.601, 4513.61, 4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 11306
4513.69, 4549.10, 4582.12, 4582.31, 5501.21, 5501.41, 5577.044, 11307
5577.15, 5735.01, 5735.011, 5735.05, 5735.051, 5735.053, 5735.142, 11308
5735.27, 5739.02, 5739.023, 5741.022, 5747.51, 5747.53, and 11309
5747.71 of the Revised Code are hereby repealed. 11310

Section 105.01. That sections 9.57, 4511.099, 4511.0915, and 11311
5747.502 of the Revised Code are hereby repealed. 11312

Section 201.10. Except as otherwise provided in this act, all 11313
appropriation items in this act are appropriated out of any moneys 11314
in the state treasury to the credit of the designated fund that 11315
are not otherwise appropriated. For all appropriations made in 11316
this act, the amounts in the first column are for fiscal year 2020 11317
and the amounts in the second column are for fiscal year 2021. 11318

Section 203.10. DOT DEPARTMENT OF TRANSPORTATION 11319

General Revenue Fund 11320

GRF 775470	Public Transportation	\$	70,000,000	\$	70,000,000	11321
	- State					
TOTAL GRF	General Revenue Fund	\$	70,000,000	\$	70,000,000	11322

Highway Operating Fund Group 11323

2120 772426	Highway	\$	5,000,000	\$	5,000,000	11324
	Infrastructure Bank -					
	Federal					

2120	772427	Highway Infrastructure Bank - State	\$	15,250,000	\$	15,250,000	11325
2120	772430	Infrastructure Debt Reserve Title 23-49	\$	600,000	\$	600,000	11326
2130	772431	Roadway Infrastructure Bank - State	\$	3,500,000	\$	3,500,000	11327
2130	772433	Infrastructure Debt Reserve - State	\$	650,000	\$	650,000	11328
2130	777477	Aviation Infrastructure Bank - State	\$	2,000,000	\$	2,000,000	11329
7002	770003	Transportation Facilities Lease Rental Bond Payments	\$	17,658,600	\$	20,798,000	11330
7002	771411	Planning and Research - State	\$	27,591,086	\$	28,089,039	11331
7002	771412	Planning and Research - Federal	\$	41,742,250	\$	41,742,251	11332
7002	772421	Highway Construction - State	\$	932,734,023	\$	925,604,799	11333
7002	772422	Highway Construction - Federal	\$	1,228,078,291	\$	1,238,839,103	11334
7002	772424	Highway Construction - Other	\$	80,000,000	\$	80,000,000	11335
7002	772437	Major New State Infrastructure Bond Debt Service - State	\$	27,462,900	\$	24,972,600	11336
7002	772438	Major New State Infrastructure Bond Debt Service - Federal	\$	162,741,000	\$	151,352,500	11337

7002	773431	Highway Maintenance - State	\$	603,832,334	\$	595,209,104	11338
7002	775452	Public Transportation - Federal	\$	35,143,571	\$	35,846,442	11339
7002	775454	Public Transportation - Other	\$	1,500,000	\$	1,500,000	11340
7002	776462	Grade Crossings - Federal	\$	14,172,000	\$	14,172,000	11341
7002	777472	Airport Improvements - Federal	\$	405,000	\$	405,000	11342
7002	777475	Aviation Administration	\$	7,110,974	\$	7,304,945	11343
7002	779491	Administration - State	\$	107,815,669	\$	112,116,608	11344
TOTAL HOF Highway Operating							11345
Fund Group			\$	3,314,987,698	\$	3,304,952,391	11346
Dedicated Purpose Fund Group							11347
4N40	776664	Rail Transportation - Other	\$	2,875,800	\$	2,875,800	11348
5W90	777615	County Airport Maintenance	\$	620,000	\$	620,000	11349
TOTAL DPF Dedicated Purpose							11350
Fund Group			\$	3,495,800	\$	3,495,800	11351
Capital Projects Fund Group							11352
7042	772723	Highway Construction - Bonds	\$	65,000,000	\$	65,000,000	11353
7045	772428	Highway Infrastructure Bank - Bonds	\$	67,652,556	\$	66,101,265	11354
TOTAL CPF Capital Projects							11355
Fund Group			\$	132,652,556	\$	131,101,265	11356
TOTAL ALL BUDGET FUND GROUPS			\$	3,521,136,054	\$	3,509,549,456	11357

Section 203.15. PUBLIC TRANSPORTATION - STATE 11358

Of the foregoing appropriation item 775470, Public 11359
Transportation - State, \$63,500,000 in each fiscal year shall be 11360
used for the same purposes as funding allocated under the Federal 11361
Highway Administration (FHWA) flexible funding program in the 11362
biennium ending June 30, 2019, and \$6,500,000 in each fiscal year 11363
shall be used for the same purposes as funding allocated under 11364
appropriation item 775451, Public Transportation - State, in the 11365
biennium ending June 30, 2019. 11366

Section 203.20. TRANSPORTATION FACILITIES LEASE RENTAL BOND 11367
PAYMENTS 11368

The foregoing appropriation item 770003, Transportation 11369
Facilities Lease Rental Bond Payments, shall be used to meet all 11370
payments during the period from July 1, 2019, through June 30, 11371
2021, by the Department of Transportation pursuant to the leases 11372
and agreements for facilities made under Chapter 154. of the 11373
Revised Code. These appropriations are the source of funds pledged 11374
for bond service charges on related obligations issued under 11375
Chapter 154. of the Revised Code. 11376

Should the appropriation in appropriation item 770003, 11377
Transportation Facilities Lease Rental Bond Payments, exceed the 11378
associated debt service payments in either fiscal year of the 11379
biennium ending June 30, 2021, then the balance may be transferred 11380
to appropriation item 772421, Highway Construction - State, 11381
773431, Highway Maintenance - State, or 779491, Administration - 11382
State, upon the written request of the Director of Transportation 11383
and with the approval of the Director of Budget and Management. 11384
The transfers are hereby appropriated and shall be reported to the 11385
Controlling Board. 11386

Section 203.30. PUBLIC ACCESS ROADS FOR PARKS, EXPOSITIONS 11387

COMMISSION, OHIO HISTORY CONNECTION, AND DNR FACILITIES 11388

(A) Notwithstanding section 5511.06 of the Revised Code, the 11389
Director of Transportation shall, in each fiscal year of the 11390
biennium ending June 30, 2021, determine portions of the foregoing 11391
appropriation item 772421, Highway Construction - State, which 11392
shall be used for the construction, reconstruction, or maintenance 11393
of public access roads, including support features, to and within 11394
state facilities owned or operated by the Department of Natural 11395
Resources. 11396

(B) Notwithstanding section 5511.06 of the Revised Code, of 11397
the foregoing appropriation item 772421, Highway Construction - 11398
State, \$2,562,000 in each fiscal year shall be used for the 11399
construction, reconstruction, or maintenance of park drives or 11400
park roads within the boundaries of metropolitan parks. 11401

(C) The Department of Transportation may use the foregoing 11402
appropriation item 772421, Highway Construction - State, to 11403
perform: 11404

(1) Related road work on behalf of the Ohio Expositions 11405
Commission at the state fairgrounds, including reconstruction or 11406
maintenance of public access roads and support features to and 11407
within fairgrounds facilities, as requested by the Commission and 11408
approved by the Director of Transportation; and 11409

(2) Related road work on behalf of the Ohio History 11410
Connection, including reconstruction or maintenance of public 11411
access roads and support features to and within Ohio History 11412
Connection facilities, as requested by the Ohio History Connection 11413
and approved by the Director of Transportation. 11414

Section 203.40. TRANSPORTATION IMPROVEMENT DISTRICTS 11415

(A) Of the foregoing appropriation item 772421, Highway 11416
Construction - State, \$4,500,000 in each fiscal year shall be made 11417

available for distribution by the Director of Transportation to 11418
Transportation Improvement Districts that have facilitated funding 11419
for the cost of a project or projects in conjunction with and 11420
through other governmental agencies. 11421

(B) A Transportation Improvement District shall submit 11422
requests for project funding to the Ohio Department of 11423
Transportation not later than the first day of September in each 11424
fiscal year. The Ohio Department of Transportation shall notify 11425
the Transportation Improvement District whether the Department has 11426
approved or disapproved the project funding request within 90 days 11427
after the day the request was submitted by the Transportation 11428
Improvement District. 11429

(C) Any funding provided to a Transportation Improvement 11430
District specified in this section shall not be used for the 11431
purposes of administrative costs or administrative staffing and 11432
must be used to fund a specific project or projects within that 11433
District's area. The total amount of a specific project's cost 11434
shall not be fully funded by the amount of funds provided under 11435
this section. The total amount of funding provided for each 11436
project is limited to 25% of total project costs not to exceed 11437
\$250,000 per fiscal year. Transportation Improvement Districts 11438
that are co-sponsoring a specific project may individually apply 11439
for up to \$250,000 for that project. However, not more than 25% of 11440
a project's total costs per biennium shall be funded through 11441
moneys provided under this section. 11442

(D) Funding provided under this section may be used for 11443
preliminary engineering, detailed design, right-of-way 11444
acquisition, and construction of the specific project and such 11445
other project costs that are defined in section 5540.01 of the 11446
Revised Code and approved by the Director of Transportation. Upon 11447
receipt of a copy of an invoice for work performed on the specific 11448
project, the Director of Transportation shall reimburse a 11449

Transportation Improvement District for the expenditures described 11450
above, subject to the requirements of this section. 11451

(E) Any Transportation Improvement District that is 11452
requesting funds under this section shall register with the 11453
Director of Transportation. The Director of Transportation shall 11454
register a Transportation Improvement District only if the 11455
district has a specific, eligible project and may cancel the 11456
registration of a Transportation Improvement District that is not 11457
eligible to receive funds under this section. The Director shall 11458
not provide funds to any Transportation Improvement District under 11459
this section if the district is not registered. The Director of 11460
Transportation shall not register a Transportation Improvement 11461
District and shall cancel the registration of a currently 11462
registered Transportation Improvement District unless at least one 11463
of the following applies: 11464

(1) The Transportation Improvement District, by a resolution 11465
or resolutions, designated a project or program of projects and 11466
facilitated, including in conjunction with and through other 11467
governmental agencies, funding for costs of a project or program 11468
of projects in an aggregate amount of not less than \$10,000,000 11469
within the eight-year period commencing January 1, 2005. 11470

(2) The Transportation Improvement District, by a resolution 11471
or resolutions, designated a project or program of projects and 11472
facilitated, including in conjunction with and through other 11473
governmental agencies, funding for costs of a project or program 11474
of projects in an aggregate amount of not less than \$15,000,000 11475
from the commencement date of the project or program of projects. 11476

(3) The Transportation Improvement District has designated, 11477
by a resolution or resolutions, a project or program of projects 11478
that has estimated aggregate costs in excess of \$10,000,000 and 11479
the County Engineer of the county in which the Transportation 11480
Improvement District is located has attested by a sworn affidavit 11481

that the costs of the project or program of projects exceeds 11482
\$10,000,000 and that the Transportation Improvement District is 11483
facilitating a portion of funding for that project or program of 11484
projects. 11485

(F) For purposes of this section: 11486

(1) "Project" shall have the same meaning as in division (D) 11487
of section 5540.01 of the Revised Code. 11488

(2) "Governmental agency" shall have the same meaning as in 11489
division (B) of section 5540.01 of the Revised Code. 11490

(3) "Cost" shall have the same meaning as in division (C) of 11491
section 5540.01 of the Revised Code. 11492

Section 203.50. BOND ISSUANCE AUTHORIZATION 11493

The Treasurer of State, upon the request of the Director of 11494
Transportation, is authorized to issue and sell, in accordance 11495
with Section 2m of Article VIII, Ohio Constitution, and Chapter 11496
151. and particularly sections 151.01 and 151.06 of the Revised 11497
Code, obligations, including bonds and notes, in the aggregate 11498
amount of \$57,000,000 in addition to the original issuance of 11499
obligations authorized by prior acts of the General Assembly. 11500

The obligations shall be issued and sold from time to time in 11501
amounts necessary to provide sufficient moneys to the credit of 11502
the Highway Capital Improvement Fund (Fund 7042) created by 11503
section 5528.53 of the Revised Code to pay costs charged to the 11504
fund when due as estimated by the Director of Transportation, 11505
provided, however, that not more than \$220,000,000 original 11506
principal amount of obligations, plus the principal amount of 11507
obligations that in prior fiscal years could have been, but were 11508
not, issued within the \$220,000,000 limit, may be issued in any 11509
fiscal year, and not more than \$1,200,000,000 original principal 11510
amount of such obligations are outstanding at any one time. 11511

Section 203.60. AUTHORIZATION FOR APPROPRIATION TRANSFERS, 11512
APPROPRIATION INCREASES, AND CASH TRANSFERS 11513

TRANSFER OF HIGHWAY OPERATING FUND (FUND 7002) 11514
APPROPRIATIONS: PLANNING AND RESEARCH, HIGHWAY CONSTRUCTION, 11515
HIGHWAY MAINTENANCE, PUBLIC TRANSPORTATION, RAIL, AVIATION, AND 11516
ADMINISTRATION 11517

The Director of Transportation may request the Controlling 11518
Board to approve of the transfer of Highway Operating Fund (Fund 11519
7002) appropriations for planning and research (appropriation 11520
items 771411 and 771412), highway construction and debt service 11521
(appropriation items 772421, 772422, 772424, 772425, 772437, 11522
772438, and 770003), highway maintenance (appropriation item 11523
773431), public transportation - federal (appropriation item 11524
775452), elderly and disabled special equipment (appropriation 11525
item 775459), rail grade crossings (appropriation item 776462), 11526
aviation (appropriation item 777475), and administration 11527
(appropriation item 779491). The Director of Transportation may 11528
not seek requests of transfers out of debt service appropriation 11529
items unless the Director determines that the appropriated amounts 11530
exceed the actual and projected debt service requirements. 11531

This transfer request authorization is intended to provide 11532
for emergency situations or for the purchase of goods and services 11533
relating to dangerous inclement weather that arise during the 11534
biennium ending June 30, 2021. It also is intended to allow the 11535
department to adjust to circumstances affecting the obligation and 11536
expenditure of federal funds. 11537

TRANSFER OF APPROPRIATIONS: FEDERAL HIGHWAY, TRANSIT, 11538
AVIATION, AND RAIL AND LOCAL TRANSIT 11539

The Director of Transportation may request the Controlling 11540
Board to approve of the transfer of appropriations between 11541
appropriation items 772422, Highway Construction - Federal, 11542

775452, Public Transportation - Federal, 775454, Public 11543
Transportation - Other, 775459, Elderly and Disabled Special 11544
Equipment, 776475, Federal Rail Administration, and 777472, 11545
Airport Improvements - Federal. 11546

TRANSFER OF APPROPRIATIONS AND CASH: STATE INFRASTRUCTURE 11547
BANK 11548

The Director of Transportation may request the Controlling 11549
Board to approve of the transfer of appropriations and cash of the 11550
Infrastructure Bank funds created in section 5531.09 of the 11551
Revised Code, including transfers between fiscal years 2020 and 11552
2021. 11553

The Director of Transportation may request the Controlling 11554
Board to approve of the transfer of appropriations and cash from 11555
the Highway Operating Fund (Fund 7002) to the Infrastructure Bank 11556
funds created in section 5531.09 of the Revised Code. The Director 11557
of Budget and Management may transfer from the Infrastructure Bank 11558
funds to the Highway Operating Fund up to the amounts originally 11559
transferred to the Infrastructure Bank funds under this section. 11560
However, the Director may not make transfers between modes or 11561
transfers between different funding sources. 11562

TRANSFER OF APPROPRIATIONS AND CASH: TOLLING FUNDS 11563

The Director of Transportation may request the Controlling 11564
Board to approve of the transfer of appropriations and cash of the 11565
Ohio Toll Fund and any subaccounts created in section 5531.14 of 11566
the Revised Code, including transfers between fiscal years 2020 11567
and 2021. 11568

INCREASING APPROPRIATIONS: STATE FUNDS 11569

In the event that receipts or unexpended balances credited to 11570
the Highway Operating Fund (Fund 7002) exceed the estimates upon 11571
which the appropriations have been made in this act, upon the 11572
request of the Director of Transportation, the Controlling Board 11573

may increase those appropriations in the manner prescribed in 11574
section 131.35 of the Revised Code. 11575

INCREASING APPROPRIATIONS: FEDERAL AND LOCAL FUNDS 11576

In the event that receipts or unexpended balances credited to 11577
the Highway Operating Fund (Fund 7002) or apportionments or 11578
allocations made available from the federal and local government 11579
exceed the estimates upon which the appropriations have been made 11580
in this act, upon the request of the Director of Transportation, 11581
the Controlling Board may increase those appropriations in the 11582
manner prescribed in section 131.35 of the Revised Code. 11583

TRANSFERS OF CASH BETWEEN THE HIGHWAY OPERATING FUND AND THE 11584
HIGHWAY CAPITAL IMPROVEMENT FUND 11585

Upon the request of the Director of Transportation, the 11586
Director of Budget and Management may transfer cash from the 11587
Highway Operating Fund (Fund 7002) to the Highway Capital 11588
Improvement Fund (Fund 7042) created in section 5528.53 of the 11589
Revised Code. The Director of Budget and Management may transfer 11590
cash from Fund 7042 to Fund 7002 up to the amount of cash 11591
previously transferred to Fund 7042 under this section. 11592

DEPUTY INSPECTOR GENERAL FOR ODOT FUNDING 11593

On July 1, 2019, and on January 1, 2020, or as soon as 11594
possible thereafter, respectively, the Director of Budget and 11595
Management shall transfer \$200,000 in cash, for each period, from 11596
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 11597
General for ODOT Fund (Fund 5FA0). 11598

On July 1, 2020, and on January 1, 2021, or as soon as 11599
possible thereafter, respectively, the Director of Budget and 11600
Management shall transfer \$200,000 in cash, for each period, from 11601
the Highway Operating Fund (Fund 7002) to the Deputy Inspector 11602
General for ODOT Fund (Fund 5FA0). Should additional amounts be 11603
necessary, the Inspector General, with the consent of the Director 11604

of Budget and Management, may seek Controlling Board approval for 11605
additional transfers of cash and to increase the amount 11606
appropriated from appropriation item 965603, Deputy Inspector 11607
General for ODOT, in the amount of the additional cash transfers. 11608

LIQUIDATION OF UNFORESEEN LIABILITIES 11609

Any appropriation made from the Highway Operating Fund (Fund 11610
7002) not otherwise restricted by law is available to liquidate 11611
unforeseen liabilities arising from contractual agreements of 11612
prior years when the prior year encumbrance is insufficient. 11613

Section 203.70. MAINTENANCE OF INTERSTATE HIGHWAYS 11614

The Director of Transportation may remove snow and ice and 11615
maintain, repair, improve, or provide lighting upon interstate 11616
highways that are located within the boundaries of municipal 11617
corporations, in a manner adequate to meet the requirements of 11618
federal law. When agreed in writing by the Director of 11619
Transportation and the legislative authority of a municipal 11620
corporation and notwithstanding sections 125.01 and 125.11 of the 11621
Revised Code, the Department of Transportation may reimburse a 11622
municipal corporation for all or any part of the costs, as 11623
provided by such agreement, incurred by the municipal corporation 11624
in maintaining, repairing, lighting, and removing snow and ice 11625
from the interstate system. 11626

Section 203.80. PUBLIC TRANSPORTATION HIGHWAY PURPOSE GRANTS 11627

The Director of Transportation may use revenues from the 11628
state motor vehicle fuel tax to match approved federal grants 11629
awarded to the Department of Transportation, regional transit 11630
authorities, or eligible public transportation systems, for public 11631
transportation highway purposes, or to support local or state 11632
funded projects for public transportation highway purposes. Public 11633
transportation highway purposes include: the construction or 11634

repair of high-occupancy vehicle traffic lanes, the acquisition or 11635
construction of park-and-ride facilities, the acquisition or 11636
construction of public transportation vehicle loops, the 11637
construction or repair of bridges used by public transportation 11638
vehicles or that are the responsibility of a regional transit 11639
authority or other public transportation system, or other similar 11640
construction that is designated as an eligible public 11641
transportation highway purpose. Motor vehicle fuel tax revenues 11642
may not be used for operating assistance or for the purchase of 11643
vehicles, equipment, or maintenance facilities. 11644

Section 203.90. AGREEMENTS WITH FEDERAL AGENCIES FOR 11645
ENVIRONMENTAL REVIEW PURPOSES 11646

The Director of Transportation may enter into agreements as 11647
provided in this section with the United States or any department 11648
or agency of the United States, including, but not limited to, the 11649
United States Army Corps of Engineers, the United States Forest 11650
Service, the United States Environmental Protection Agency, and 11651
the United States Fish and Wildlife Service. An agreement entered 11652
into pursuant to this section shall be solely for the purpose of 11653
dedicating staff to the expeditious and timely review of 11654
environmentally related documents submitted by the Director of 11655
Transportation, as necessary for the approval of federal permits. 11656
The agreements may include provisions for advance payment by the 11657
Director of Transportation for labor and all other identifiable 11658
costs of the United States or any department or agency of the 11659
United States providing the services, as may be estimated by the 11660
United States, or the department or agency of the United States. 11661
The Director shall submit a request to the Controlling Board 11662
indicating the amount of the agreement, the services to be 11663
performed by the United States or the department or agency of the 11664
United States, and the circumstances giving rise to the agreement. 11665

Section 203.100. INDEFINITE DELIVERY INDEFINITE QUANTITY	11666
CONTRACTS	11667
(A) As used in this section, "indefinite delivery indefinite quantity contract" means a contract for an indefinite quantity, within stated limits, of supplies or services that will be delivered by the awarded bidder over a defined contract period.	11668 11669 11670 11671
(B) The Director of Transportation shall advertise and seek bids for, and shall award, indefinite delivery indefinite quantity contracts for not more than two projects in fiscal year 2020 and for not more than two projects in fiscal year 2021. For purposes of entering into indefinite delivery indefinite quantity contracts, the Director shall do all of the following:	11672 11673 11674 11675 11676 11677
(1) Prepare bidding documents;	11678
(2) Establish contract forms;	11679
(3) Determine contract terms and conditions, including the following:	11680 11681
(a) The maximum overall value of the contract, which may include an allowable increase of one hundred thousand dollars or five per cent of the advertised contract value, whichever is less;	11682 11683 11684
(b) The duration of the contract, including a time extension of up to one year if determined appropriate by the Director;	11685 11686
(c) The defined geographical area to which the contract applies, which shall be not greater than the size of one district of the Department of Transportation.	11687 11688 11689
(4) Develop and implement a work order process in order to provide the awarded bidder adequate notice of requested supplies or services, the anticipated quantities of supplies, and work location information for each work order.	11690 11691 11692 11693
(5) Take any other action necessary to fulfill the duties and	11694

obligations of the Director under this section.				11695
(C) Section 5525.01 of the Revised Code applies to indefinite				11696
delivery indefinite quantity contracts.				11697
Section 205.10. DPS DEPARTMENT OF PUBLIC SAFETY				11698
General Revenue Fund				11699
GRF 761408 Highway Patrol	\$	0	\$ 35,000,000	11700
Operating Expenses				
TOTAL GRF General Revenue Fund	\$	0	\$ 35,000,000	11701
Highway Safety Fund Group				11702
5TM0 761401 Public Safety	\$	1,595,800	\$ 1,598,300	11703
Facilities Lease				
Rental Bond Payments				
5TM0 762321 Operating Expense -	\$	108,178,738	\$ 111,822,673	11704
BMV				
5TM0 762636 Financial	\$	5,463,977	\$ 5,540,059	11705
Responsibility				
Compliance				
5TM0 762637 Local Immobilization	\$	200,000	\$ 200,000	11706
Reimbursement				
5TM0 764321 Operating Expense -	\$	345,534,531	\$ 349,339,662	11707
Highway Patrol				
5TM0 764605 Motor Carrier	\$	4,283,940	\$ 4,308,088	11708
Enforcement Expenses				
5TM0 769636 Administrative	\$	48,326,950	\$ 49,020,261	11709
Expenses - Highway				
Purposes				
8370 764602 Turnpike Policing	\$	12,720,330	\$ 12,840,263	11710
83C0 764630 Contraband,	\$	1,210,917	\$ 1,213,407	11711
Forfeiture, and Other				
83F0 764657 Law Enforcement	\$	6,903,824	\$ 6,441,735	11712
Automated Data System				

83G0	764633	OMVI	\$	593,518	\$	596,799	11713
		Enforcement/Education					
83M0	765624	Operating - EMS	\$	5,281,688	\$	5,521,843	11714
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	11715
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094	11716
8400	764617	Security and	\$	15,333,469	\$	15,469,782	11717
		Investigations					
8400	764626	State Fairgrounds	\$	1,263,762	\$	1,276,143	11718
		Police Force					
8460	761625	Motorcycle Safety	\$	3,823,000	\$	3,823,000	11719
		Education					
8490	762627	Automated Title	\$	16,446,027	\$	16,446,027	11720
		Processing Board					
8490	762630	Electronic Liens and	\$	2,900,000	\$	2,900,000	11721
		Titles					
TOTAL HSF		Highway Safety Fund Group	\$	584,493,868	\$	592,807,136	11722
		Dedicated Purpose Fund Group					11723
5390	762614	Motor Vehicle Dealers	\$	140,000	\$	140,000	11724
		Board					
5FF0	762621	Indigent Interlock	\$	2,000,000	\$	2,000,000	11725
		and Alcohol					
		Monitoring					
5Y10	764695	State Highway Patrol	\$	134,000	\$	134,000	11726
		Continuing					
		Professional Training					
TOTAL DPF		Dedicated Purpose Fund	\$	2,274,000	\$	2,274,000	11727
		Group					
		Fiduciary Fund Group					11728
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	11729
5V10	762682	License Plate	\$	2,700,000	\$	2,700,000	11730
		Contributions					
TOTAL FID		Fiduciary Fund Group	\$	3,450,000	\$	3,450,000	11731

Holding Account Fund Group					11732	
R024 762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	11733
	Vehicle Receipts					
R052 762623	Security Deposits	\$	50,000	\$	50,000	11734
TOTAL HLD Holding Account Fund		\$	1,935,000	\$	1,935,000	11735
Group						
Federal Fund Group						11736
3DU0 762628	BMV Grants	\$	1,150,000	\$	1,150,000	11737
3GR0 764693	Highway Patrol	\$	1,230,549	\$	1,234,258	11738
	Justice Contraband					
3GS0 764694	Highway Patrol	\$	21,000	\$	21,000	11739
	Treasury Contraband					
3GU0 761610	Information and	\$	300,000	\$	300,000	11740
	Education Grant					
3GU0 764608	Fatality Analysis	\$	175,000	\$	175,000	11741
	Report System Grant					
3GU0 764610	Highway Safety	\$	4,036,721	\$	4,071,387	11742
	Programs Grant					
3GU0 764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	11743
	Assistance Program					
	Grant					
3GU0 765610	EMS Grants	\$	225,000	\$	225,000	11744
3GV0 761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	11745
	Plan Grants					
TOTAL FED Federal Fund Group		\$	43,094,170	\$	43,192,761	11746
TOTAL ALL BUDGET FUND GROUPS		\$	635,247,038	\$	678,658,897	11747

Section 205.20. HIGHWAY PATROL OPERATING EXPENSES 11749

The foregoing appropriation item 761408, Highway Patrol 11750
 Operating Expenses, shall solely be used for operating expenses of 11751
 the Ohio State Highway Patrol, and may only be released for that 11752
 purpose pursuant to a detailed expenditure plan submitted by the 11753

Director of Public Safety and approved by the Director of Budget and Management, or as otherwise determined by the Director of Budget and Management. 11754
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MOTOR VEHICLE REGISTRATION 11757

The Director of Public Safety may deposit revenues to meet the cash needs of the Public Safety - Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code, obtained under section 4503.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this paragraph shall support in part appropriations for the administration and enforcement of laws relative to the operation and registration of motor vehicles, for payment of highway obligations and other statutory highway purposes. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into Fund 5TM0 before any revenues obtained pursuant to section 4503.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximately equal amounts on a monthly basis or as otherwise approved by the Director of Budget and Management. Prior to July 1 of each fiscal year, the Director of Public Safety shall submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0 pursuant to this paragraph. If during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, the Director of Public Safety shall submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues. 11758
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PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 11781

The foregoing appropriation item 761401, Public Safety Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period July 1, 2019, through June 30, 2021, by the Department of Public Safety under the leases and agreements 11782
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11785

for facilities under Chapters 152. and 154. of the Revised Code. 11786

The appropriations are the source of funds pledged for bond 11787

service charges on related obligations issued under Chapters 152. 11788

and 154. of the Revised Code. 11789

CASH TRANSFERS - HIGHWAY PATROL 11790

Upon written request of the Director of Public Safety, and 11791

subject to the approval of the Controlling Board, the Director of 11792

Budget and Management may transfer cash from the State Highway 11793

Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 11794

Security, Investigations and Policing Fund (Fund 8400). 11795

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 11796

SHIPLEY UPGRADES 11797

Pursuant to a plan submitted by the Director of Public 11798

Safety, or as otherwise determined by the Director of Budget and 11799

Management, the Director of Budget and Management, upon approval 11800

of the Controlling Board, may make appropriate cash transfers on a 11801

pro-rata basis as approved by the Director of Budget and 11802

Management from other funds used by the Department of Public 11803

Safety, excluding the Public Safety Building Fund (Fund 7025), to 11804

the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 11805

reimburse expenditures for capital upgrades to the Shipley 11806

Building. 11807

COLLECTIVE BARGAINING INCREASES 11808

Notwithstanding division (D) of section 127.14 and division 11809

(B) of section 131.35 of the Revised Code, except for the General 11810

Revenue Fund, the Controlling Board may, upon the request of 11811

either the Director of Budget and Management, or the Department of 11812

Public Safety with the approval of the Director of Budget and 11813

Management, authorize expenditures in excess of appropriations and 11814

transfer appropriations, as necessary, for any fund used by the 11815

Department of Public Safety, to assist in paying the costs of 11816

increases in employee compensation that have occurred pursuant to 11817
collective bargaining agreements under Chapter 4117. of the 11818
Revised Code and, for exempt employees, under section 124.152 of 11819
the Revised Code. Any money approved for expenditure under this 11820
paragraph is hereby appropriated. 11821

CASH BALANCE FUND REVIEW 11822

The Director of Public Safety shall review the cash balances 11823
for each fund in the State Highway Safety Fund Group, and may 11824
submit a request in writing to the Director of Budget and 11825
Management to transfer amounts from any fund in the State Highway 11826
Safety Fund Group to the credit of the Public Safety - Highway 11827
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 11828
request, and subject to the approval of the Controlling Board, the 11829
Director of Budget and Management may make appropriate transfers 11830
as requested by the Director of Public Safety or as otherwise 11831
determined by the Director of Budget and Management. 11832

Section 207.10. DEV DEVELOPMENT SERVICES AGENCY 11833

Dedicated Purpose Fund Group 11834
4W00 195629 Roadwork Development \$ 15,200,000 \$ 15,200,000 11835
TOTAL DPF Dedicated Purpose 11836
Fund Group \$ 15,200,000 \$ 15,200,000 11837
TOTAL ALL BUDGET FUND GROUPS \$ 15,200,000 \$ 15,200,000 11838

Section 207.20. ROADWORK DEVELOPMENT FUND 11840

The Roadwork Development Fund shall be used for road 11841
improvements associated with economic development opportunities 11842
that will retain or attract businesses for Ohio, including the 11843
construction, reconstruction, maintenance, or repair of public 11844
roads that provide access to a public airport or are located 11845
within a public airport. "Road improvements" are improvements to 11846
public roadway facilities located on, or serving or capable of 11847

serving, a project site. 11848

The Department of Transportation, under the direction of the 11849
Development Services Agency, shall provide these funds in 11850
accordance with all guidelines and requirements established for 11851
other Development Services Agency programs, including Controlling 11852
Board review and approval as well as the requirements for usage of 11853
motor vehicle fuel tax revenue prescribed in Section 5a of Article 11854
XII, Ohio Constitution. Should the Development Services Agency 11855
require the assistance of the Department of Transportation to 11856
bring a project to completion, the Department of Transportation 11857
shall use its authority under Title 55 of the Revised Code to 11858
provide such assistance and may enter into contracts on behalf of 11859
the Development Services Agency. These funds may be used in 11860
conjunction with any other state funds appropriated for 11861
infrastructure improvements. 11862

The Director of Budget and Management, pursuant to a plan 11863
submitted by the Director of Development Services or as otherwise 11864
determined by the Director of Budget and Management, shall set a 11865
cash transfer schedule to meet the cash needs of the Roadwork 11866
Development Fund (Fund 4W00) used by the Development Services 11867
Agency, less any other available cash. The Director of Budget and 11868
Management shall transfer such cash amounts from the Highway 11869
Operating Fund (Fund 7002) established in section 5735.051 of the 11870
Revised Code to Fund 4W00 at such times as determined by the 11871
transfer schedule. 11872

Section 209.10. PWC PUBLIC WORKS COMMISSION 11873

Dedicated Purpose Fund Group 11874

7052 150402 Local Transportation \$ 374,938 \$ 303,311 11875
Improvement Program -
Operating

7052 150701 Local Transportation \$ 63,000,000 \$ 63,000,000 11876

Improvement Program			
TOTAL DPF Dedicated Purpose			11877
Fund Group	\$	63,374,938	\$ 63,303,311 11878
TOTAL ALL BUDGET FUND GROUPS	\$	63,374,938	\$ 63,303,311 11879

Section 209.20. REAPPROPRIATIONS 11880

All capital appropriations from the Local Transportation 11881
Improvement Program Fund (Fund 7052) in Sub. H.B. 26 of the 132nd 11882
General Assembly remaining unencumbered as of June 30, 2019, are 11883
reappropriated for use during the period July 1, 2019, through 11884
June 30, 2020, for the same purpose. 11885

Notwithstanding division (B) of section 127.14 of the Revised 11886
Code, all capital appropriations and reappropriations from the 11887
Local Transportation Improvement Program Fund (Fund 7052) in this 11888
act remaining unencumbered as of June 30, 2020, are reappropriated 11889
for use during the period July 1, 2020, through June 30, 2021, for 11890
the same purposes, subject to the availability of revenue as 11891
determined by the Director of the Public Works Commission. 11892

TEMPORARY TRANSFERS 11893

Notwithstanding section 127.14 of the Revised Code, the 11894
Director of the Public Works Commission may request that the 11895
Director of Budget and Management transfer cash from the Local 11896
Transportation Improvement Fund (Fund 7052) to the State Capital 11897
Improvement Fund (Fund 7038) and the Clean Ohio Conservation Fund 11898
(Fund 7056). The Director of Budget and Management may approve 11899
temporary cash transfers if such transfers are needed for capital 11900
outlays for which notes or bonds will be issued. When there is a 11901
sufficient cash balance in the fund that receives a cash transfer 11902
under this section, the Director of Budget and Management shall 11903
transfer cash from the fund to Fund 7052 in order to repay Fund 11904
7052 for the amount of the temporary cash transfers made under 11905
this section. Any transfers executed under this section shall be 11906

reported to the Controlling Board by June 30 of the fiscal year in 11907
which the transfer occurred. 11908

Section 501.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 11909

The capital appropriations made in this act for buildings or 11910
structures, including remodeling and renovations, are limited to: 11911

(A) Acquisition of real property or interests in real 11912
property; 11913

(B) Buildings and structures, which includes construction, 11914
demolition, complete heating and cooling, lighting and lighting 11915
fixtures, and all necessary utilities, ventilating, plumbing, 11916
sprinkling, water, and sewer systems, when such systems are 11917
authorized or necessary; 11918

(C) Architectural, engineering, and professional services 11919
expenses directly related to the projects; 11920

(D) Machinery that is a part of structures at the time of 11921
initial acquisition or construction; 11922

(E) Acquisition, development, and deployment of new computer 11923
systems, including the redevelopment or integration of existing 11924
and new computer systems, but excluding regular or ongoing 11925
maintenance or support agreements; 11926

(F) Furniture, fixtures, or equipment that meets all the 11927
following criteria: 11928

(1) Is essential in bringing the facility up to its intended 11929
use or is necessary for the functioning of the particular facility 11930
or project; 11931

(2) Has a unit cost, and not the individual parts of a unit, 11932
of about \$100 or more; and 11933

(3) Has a useful life of five years or more. 11934

Furniture, fixtures, or equipment that is not an integral 11935

part of or directly related to the basic purpose or function of a 11936
project for which moneys are appropriated shall not be paid from 11937
these appropriations. 11938

Section 503.10. STATE ARBITRAGE REBATE AUTHORIZATION 11939

If it is determined that a payment is necessary in the amount 11940
computed at the time to represent the portion of investment income 11941
to be rebated or amounts in lieu of or in addition to any rebate 11942
amount to be paid to the federal government in order to maintain 11943
the exclusion from gross income for federal income tax purposes of 11944
interest on those state obligations under section 148(f) of the 11945
Internal Revenue Code, such amount is hereby appropriated from 11946
those funds designated by or pursuant to the applicable 11947
proceedings authorizing the issuance of state obligations. 11948

Payments for this purpose shall be approved and vouchered by 11949
the Office of Budget and Management. 11950

Section 509.10. AUTHORIZATION FOR TREASURER OF STATE AND OBM 11951
TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 11952

The Office of Budget and Management shall process payments 11953
from lease rental payment appropriation items during the period 11954
from July 1, 2019, to June 30, 2021, pursuant to the lease and 11955
other agreements relating to bonds or notes issued under Section 11956
2i of Article VIII of the Ohio Constitution and Chapters 152. and 11957
154. of the Revised Code, and acts of the General Assembly. 11958
Payments shall be made upon certification by the Treasurer of 11959
State of the dates and amounts due on those dates. 11960

Section 509.20. LEASE AND DEBT SERVICE PAYMENTS 11961

Certain appropriations are in this act for the purpose of 11962
paying debt service and financing costs on general obligation 11963
bonds or notes of the state and for the purpose of making lease 11964

rental and other payments under leases and agreements relating to 11965
bonds or notes issued under the Ohio Constitution, Revised Code, 11966
and acts of the General Assembly. If it is determined that 11967
additional appropriations are necessary for this purpose, such 11968
amounts are hereby appropriated. 11969

Section 509.30. FLEXIBILITY TO PROCESS TWENTY-SEVENTH 11970
PAYCHECK IN FISCAL YEAR 2019 11971

Notwithstanding any provision of law to the contrary, if the 11972
Director of Budget and Management determines that cash is 11973
available, the Director may authorize additional expenditures as 11974
necessary in fiscal year 2019 from various General Revenue Fund 11975
and non-General Revenue Fund appropriation items in order to pay 11976
agency payroll costs for employees who are paid on a biweekly 11977
current or biweekly delayed pay cycle for the pay period ending 11978
June 22, 2019, which was not included in appropriations to 11979
agencies for fiscal year 2019. The Director of Budget and 11980
Management also may authorize additional expenditures as necessary 11981
in fiscal year 2019 from various General Revenue Fund and 11982
non-General Revenue Fund appropriation items in order to pay 11983
agency payroll costs for employees who are not paid on a biweekly 11984
current or biweekly delayed pay cycle for similar pay periods that 11985
were not included in appropriations to agencies for fiscal year 11986
2019. Any expenditures authorized by the Director of Budget and 11987
Management under this section are hereby appropriated. The 11988
Director of Budget and Management may transfer cash between funds 11989
if necessary to make these expenditures and to reimburse funds 11990
from which cash was transferred for this purpose. 11991

Section 509.51. REAPPROPRIATIONS FOR THE DEPARTMENT OF 11992
TRANSPORTATION 11993

In each fiscal year of the biennium ending June 30, 2021, the 11994

Director of Budget and Management may request the Controlling Board to reappropriate any remaining unencumbered balances of prior years' appropriations to the Highway Operating Fund (Fund 7002), the Highway Capital Improvement Fund (Fund 7042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code for the same purpose in the following fiscal year.

Prior to the Director of Budget and Management's seeking approval of the Controlling Board, the Director of Transportation shall develop a reappropriation request plan that identifies the appropriate fund and appropriation item of the reappropriation, and the reappropriation request amount and submit the plan to the Director of Budget and Management for evaluation. The Director of Budget and Management may request additional information necessary for evaluating the reappropriation request plan, and the Director of Transportation shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Transportation, the Director of Budget and Management shall determine amounts to be reappropriated by fund and appropriation item to submit to the Controlling Board for its approval.

Any balances of prior years' unencumbered appropriations to the Highway Operating Fund (Fund 7002), the Highway Capital Improvement Fund (Fund 7042), and the Infrastructure Bank funds created in section 5531.09 of the Revised Code for which reappropriations are requested and approved are subject to the availability of revenue in the funds.

Section 512.10. TRANSFER OF CAPITAL APPROPRIATION ITEMS FROM THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND TO THE ADMINISTRATIVE BUILDING FUND

On July 1, 2019, or as soon as possible thereafter, the Director of Budget and Management shall transfer the unencumbered

and unallotted balance, as of June 30, 2019, of all capital 12026
appropriation items from the Public Safety - Highway Purposes Fund 12027
(Fund 5TM0) to the Administrative Building Fund (Fund 7026). On 12028
July 1, 2019, or as soon as possible thereafter, the Director of 12029
Budget and Management shall cancel any existing encumbrances 12030
against capital appropriation items in Fund 5TM0 and reestablish 12031
them in Fund 7026. The reestablished encumbrance amounts are 12032
hereby appropriated. 12033

The Director of Budget and Management shall establish 12034
accounts indicating the source and amount of funds for each 12035
appropriation made in this section, and shall determine the form 12036
and manner in which appropriation accounts shall be maintained. 12037
Expenditures from appropriations contained in this section shall 12038
be accounted for as though made in H.B. 529 of the 132nd General 12039
Assembly. 12040

The appropriations made in this section are subject to all 12041
provisions of H.B. 529 of the 132nd General Assembly that are 12042
generally applicable to such appropriations. 12043

Section 610.03. That Sections 213.20 and 223.50 of H.B. 529 12044
of the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of 12045
the 132nd General Assembly, be amended to read as follows: 12046

Sec. 213.20. The Treasurer of State is hereby authorized to 12047
issue and sell, in accordance with Section 2i of Article VIII, 12048
Ohio Constitution, Chapter 154. of the Revised Code, and other 12049
applicable sections of the Revised Code, original obligations in 12050
an aggregate principal amount not to exceed ~~\$112,800,000~~ 12051
122,800,000 in addition to the original issuance of obligations 12052
heretofore authorized by prior acts of the General Assembly. These 12053
authorized obligations shall be issued, subject to applicable 12054
constitutional and statutory limitations, as needed to provide 12055

sufficient moneys to the credit of the Administrative Building Fund (Fund 7026) to pay costs associated with previously authorized capital facilities for the housing of branches and agencies of state government or their functions.

Sec. 223.50. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22, and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$134,000,000~~ \$134,500,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Parks and Recreation Improvement Fund (Fund 7035) to pay the costs of capital facilities for parks and recreation purposes.

Section 610.04. That existing Sections 213.20 and 223.50 of H.B. 529 of the 132nd General Assembly, as amended by Am. Sub. S.B. 51 of the 132nd General Assembly, are hereby repealed.

Section 610.05. That Section 223.10 of H.B. 529 of the 132nd General Assembly, as most recently amended by Am. Sub. S.B. 51 of the 132nd General Assembly, be amended to read as follows:

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES

Oil and Gas Well Fund (Fund 5180)			12079
C725U6 Oil and Gas Facilities	\$	1,150,000	12080
TOTAL Oil and Gas Well Fund	\$	1,150,000	12081
Wildlife Fund (Fund 7015)			12082
C725B0 Access Development	\$	15,000,000	12083

C725B6	Upgrade Underground Fuel Tanks	\$	460,000	12084
C725K9	Wildlife Area Building Development/Renovation	\$	9,950,000	12085
C725L9	Dam Rehabilitation	\$	6,200,000	12086
TOTAL Wildlife Fund		\$	31,610,000	12087
Administrative Building Fund (Fund 7026)				12088
C725D5	Fountain Square Building and Telephone Improvement	\$	2,000,000	12089
C725N7	District Office Renovations	\$	2,455,343	12090
TOTAL Administrative Building Fund		\$	4,455,343	12091
Ohio Parks and Natural Resources Fund (Fund 7031)				12092
C72549	Facilities Development	\$	1,500,000	12093
C725E1	Local Parks Projects Statewide	\$	6,668,925	12094
C725E5	Project Planning	\$	1,147,700	12095
C725K0	State Park Renovations/Upgrading	\$	1,100,000	12096
C725M0	Dam Rehabilitation	\$	11,928,000	12097
C725N8	Operations Facilities Development	\$	1,000,000	12098
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	12099
TOTAL Ohio Parks and Natural Resources Fund		\$	43,344,625	12100
Parks and Recreation Improvement Fund (Fund 7035)				12101
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	12102
C725C4	Muskingum River Lock and Dam	\$	6,800,000	12103
C725E2	Local Parks, Recreation, and Conservation Projects	\$	31,351,000	12104
C725E6	Project Planning	\$	4,082,793	12105
C725N6	Wastewater/Water Systems Upgrades	\$	8,955,000	12106
C725R3	State Parks Renovations/Upgrades	\$	8,140,000 <u>8,640,000</u>	12107
C725R4	Dam Rehabilitation - Parks	\$	33,125,000	12108
C725U5	The Banks	\$	2,000,000	12109
C725U7	Eagle Creek Watershed Flood Mitigation	\$	15,000,000	12110
TOTAL Parks and Recreation Improvement Fund		\$	167,008,136	12111

		<u>167,508,136</u>	
Clean Ohio Trail Fund (Fund 7061)			12112
C72514 Clean Ohio Trail Fund	\$	12,500,000	12113
TOTAL Clean Ohio Trail Fund	\$	12,500,000	12114
TOTAL ALL FUNDS	\$	260,068,104	12115
		<u>260,568,104</u>	
FEDERAL REIMBURSEMENT			12116
All reimbursements received from the federal government for			12117
any expenditures made pursuant to this section shall be deposited			12118
in the state treasury to the credit of the fund from which the			12119
expenditure originated.			12120
HEALTHY LAKE ERIE INITIATIVE			12121
Of the foregoing appropriation item C725T3, Healthy Lake Erie			12122
Initiative, \$10,000,000 shall be used to support projects that			12123
enhance efforts to reduce open lake disposal of dredged materials			12124
into Lake Erie by 2020.			12125
<u>STATE PARKS RENOVATIONS/UPGRADES</u>			12126
<u>Of the foregoing appropriation item C725R3, State Parks</u>			12127
<u>Renovations/Upgrades, up to \$500,000 shall be used to make repairs</u>			12128
<u>to the Kenny Road dock on North Bass Island in Ottawa County.</u>			12129
EAGLE CREEK WATERSHED FLOOD MITIGATION			12130
The foregoing appropriation item C725U7, Eagle Creek			12131
Watershed Flood Mitigation, shall be used to support the Eagle			12132
Creek Watershed Flood Mitigation Project in Hancock County,			12133
provided that there are local matching funds committed to the			12134
project of not less than twenty per cent of the total project			12135
cost.			12136
Section 610.06. That existing Section 223.10 of H.B. 529 of			12137
the 132nd General Assembly, as most recently amended by Am. Sub.			12138
S.B. 51 of the 132nd General Assembly, is hereby repealed.			12139

Section 610.20. That Section 3 of Am. Sub. S.B. 20 of the 12140
120th General Assembly, as most recently amended by Am. Sub. H.B. 12141
163 of the 123rd General Assembly, is hereby repealed. 12142

Section 703.71. The amendment or enactment by this act of 12143
sections 306.353, 306.70, 5739.023, and 5741.022 of the Revised 12144
Code is not intended to prohibit a regional transit authority that 12145
has not levied a tax specifically for the purpose of funding 12146
public infrastructure projects as described in section 306.353 of 12147
the Revised Code, as enacted by this act, from funding such 12148
projects as otherwise permitted by law. The amendment or enactment 12149
of those sections shall not be construed to imply that, before the 12150
effective date of that amendment or enactment, transit authorities 12151
lacked authority to expend the proceeds from a previously 12152
authorized tax levy for construction and maintenance of roads and 12153
bridges over which buses travel, or to levy a new tax without 12154
specifically authorizing a portion of the proceeds to be spent on 12155
such purposes. 12156

Section 741.10. The amendments made to sections 4111.03, 12157
4111.14, 4121.01, 4123.01, and 4141.01 of the Revised Code under 12158
Section 101.01 of this act do not apply to any claim or cause of 12159
action pending under Chapter 4111., 4121., 4123., or 4141. of the 12160
Revised Code on the effective date of this section. 12161

Section 755.15. (A) As an alternative to the creation of a 12162
countywide emergency management agency under section 5502.26 of 12163
the Revised Code, the board of county commissioners of a county 12164
that has a population between three hundred fifty thousand and 12165
three hundred seventy-five thousand based on the 2010 federal 12166
decennial census, by resolution, may enter into a contract, not to 12167
exceed four years, to implement a countywide emergency management 12168
program that meets the requirements and conditions specified in 12169

divisions (A)(1) to (3) of section 5502.26 of the Revised Code. 12170
The board shall enter into the contract with the county sheriff or 12171
a chief of a fire department that has countywide authority. 12172

The sheriff or chief shall appoint a director/coordinator of 12173
emergency management for the countywide emergency management 12174
program. The director/coordinator shall pursue and complete a 12175
professional development training program in accordance with rules 12176
adopted under section 5502.25 of the Revised Code. The 12177
director/coordinator is responsible for coordinating, organizing, 12178
administering, and operating emergency management in accordance 12179
with the program established under this section, subject to the 12180
direction of the sheriff or chief. All agencies, boards, and 12181
divisions having emergency management functions within each 12182
political subdivision in the county shall cooperate in the 12183
development of the all-hazards emergency operations plan and shall 12184
cooperate in the preparation and conduct of the annual exercise as 12185
specified under division (A) of section 5502.26 of the Revised 12186
Code. 12187

(B) The board of county commissioners of the county, after it 12188
enters into a contract to establish a countywide emergency 12189
management program, may appropriate money from its general fund to 12190
meet its obligations under the contract, including the 12191
development, acquisition, operation, and maintenance of a 12192
countywide public safety communication system and any 12193
communication devices, radios, and other equipment necessary for 12194
the system's operation and use. Money appropriated under this 12195
section may be expended to purchase and maintain the assets or 12196
equipment of the county or of the sheriff or chief who has entered 12197
into the contract with the board, including equipment used by the 12198
personnel of the sheriff or chief. The board also may appropriate 12199
money under this section directly to the office of the sheriff or 12200
chief who has entered into the contract with the board, to enable 12201

the sheriff or chief to purchase communication devices, radios, 12202
and other equipment necessary for the countywide public safety 12203
communication system's operation and use. 12204

Section 755.20. (A) There is hereby created the Ohio's Road 12205
to Our Future Joint Legislative Study Committee, composed of the 12206
following members: 12207

(1) Five members of the Senate appointed by the President of 12208
the Senate, three of whom are members of the majority party and 12209
two of whom are members of the minority party; 12210

(2) Five members of the House of Representatives appointed by 12211
the Speaker of the House of Representatives, three of whom are 12212
members of the majority party and two of whom are members of the 12213
minority party. 12214

From the members appointed, the Speaker shall appoint one 12215
member of the House of Representatives as co-chairperson and the 12216
President shall appoint one member of the Senate as 12217
co-chairperson. 12218

(B) The Department of Transportation shall provide the Study 12219
Committee any administrative assistance the Study Committee 12220
requests. 12221

(C) The purpose of the Study Committee is to review all of 12222
the following as they pertain to the Department: 12223

(1) Alternative sources of revenue; 12224

(2) Expense mitigation; 12225

(3) Evolving technology; 12226

(4) Exploration of innovative finance techniques; 12227

(5) Asset leverage and conditions; 12228

(6) The demographics of employees within the Department. 12229

(D) To accomplish the purpose of the Study Committee, the Study Committee shall conduct all of the following:

(1) An analysis of the future needs of the Department and the state's infrastructure, including local infrastructure;

(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.

(3) A cost-benefit analysis of leasing vehicles versus purchasing vehicles weighing more than 12,000 pounds gross vehicle weight;

(4) A cost-benefit analysis of leasing versus purchasing construction equipment that has a lifespan of five years or more;

(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;

(6) An analysis of the Department's debt policies, structures, and practices;

(7) An analysis of methods for leveraging state assets, including cell towers, light poles, rights-of-way, rest areas, buildings, and garages. The analysis shall include the methods the Department is currently using to leverage its assets and whether there are any impediments to leveraging assets, such as restrictions in advertising, constraints in renting spaces, or other impediments.

(8) An analysis of all Department-maintained transportation systems. The analysis shall include an inventory of the structure ratings versus the Department's target ratings; the urban, rural, general, and priority pavement condition ratings versus the

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Department's target ratings; and a cost analysis of the funds that 12260
are necessary to maintain, improve, and expand the current 12261
transportation system under the Department's jurisdiction; 12262

(9) An analysis of using a vehicle-miles-traveled approach to 12263
transportation funding in Ohio and the feasibility of either 12264
starting a pilot program or fully using the vehicle-miles-traveled 12265
approach in this state; 12266

(10) An analysis of technological advancements related to the 12267
display of front license plates, vehicle identification, and 12268
public safety generally. 12269

(11) A review of all Department functions and whether such 12270
functions accomplish and further the Department's mission. 12271

(E) Not later than December 1, 2020, the Study Committee 12272
shall complete a report of its findings. At the completion of the 12273
report, the Study Committee shall present it to the Speaker of the 12274
House of Representatives and the President of the Senate. 12275

(F) Upon presentation of the report, the Study Committee 12276
shall cease to exist. 12277

Section 755.30. Beginning July 1, 2019, until June 30, 2021, 12278
the Department of Transportation may close a rest area that is 12279
under the Department's control and jurisdiction as established 12280
under section 5515.07 of the Revised Code only if the rest area's 12281
parking lot remains available for commercial motor vehicles as 12282
defined in section 4506.01 of the Revised Code. 12283

Section 755.40. (A) The Department of Transportation shall 12284
establish the Catastrophic Snowfall Program during fiscal years 12285
2020 and 2021. The purpose of the Program is to provide 12286
supplemental snow removal aid to counties, municipal corporations, 12287
or townships that receive eighteen or more inches of snow in a 12288
twenty-four hour period and that request aid under the Program. 12289

The Director of Transportation shall establish procedures to 12290
administer and implement the aid program, including procedures 12291
governing the following: 12292

(1) An application process; 12293

(2) A system for verifying the amount of snow the applicant 12294
received; 12295

(3) A process for administering snow removal aid to a 12296
qualified applicant. 12297

(B) The Department shall administer snow removal aid to any 12298
qualified applicant. 12299

Section 755.50. Any agency or entity, including a local 12300
government entity, that receives funding derived from the motor 12301
fuel tax levied under Chapter 5735. of the Revised Code, and 12302
either expends the funds on a project that takes more than seven 12303
business days to complete, or expends \$500,000 or more of the 12304
funds, shall include on that agency or entity's web site annual 12305
status updates on how the funds are being used. Such information 12306
may include how much money is spent, when the money is spent, on 12307
what projects the money is spent, and similar information 12308
demonstrating to the public the use of funds received. 12309

Section 755.60. (A) Not later than December 31, 2019, the 12310
Director of Transportation shall submit to the President of the 12311
Senate and the Speaker of House of Representatives a report 12312
regarding the Eastern Bypass of southwest Ohio and greater 12313
Cincinnati. 12314

(B) The report must cover all of the following: 12315

(1) Commentary on the study conducted by the State of 12316
Kentucky's Transportation Cabinet pertaining to the Eastern 12317
Bypass; 12318

(2) Details on the extent the Ohio Department of Transportation assisted and coordinated with the Kentucky Transportation Cabinet in conducting the study, including information that was provided by the Ohio Department of Transportation; 12319
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(3) Details on the next steps the Ohio Department of Transportation is taking or needs to take to coordinate with the Kentucky Transportation Cabinet to plan and construct the Eastern Bypass. 12324
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Section 755.70. (A) The Director of Transportation shall conduct a study of the economic impact of the Ohio River on the State of Ohio. As part of the study, the Director shall do all of the following as it relates to Ohio's economy: 12328
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(1) Determine the tonnage of steel delivered by barges on the Ohio River; 12332
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(2) Determine the tonnage of fertilizer delivered by barges on the Ohio River; and 12334
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(3) Determine the tonnage of coal delivered by barges that travel on the Ohio River and the megawatt capacity generated by that coal. 12336
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(B) Not later than one hundred eighty days after the effective date of this section, the Director shall submit a report of the study's findings to the Governor, the Speaker of the House of Representatives, and the President of the Senate. 12339
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Section 755.80. (A) The Director of Transportation shall conduct a study of the fees charged for overweight vehicle permits granted under section 4513.34 of the Revised Code and the general impact of overweight vehicles on Ohio's infrastructure. As part of the study, the Director shall determine all of the following: 12343
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(1) The additional highway, bridge, and safety infrastructure design requirements, and their associated costs, that are necessary because of the operation of overweight vehicles;

(2) The extent of the wear that such vehicles cause on roads, bridges, and safety infrastructure;

(3) The overall construction and maintenance costs associated with such vehicles;

(4) Whether the current permit fees are sufficient to pay for the additional highway, bridge, and safety infrastructure costs caused by the operation of overweight vehicles; if not sufficient, then determine the amount the fees need to be increased to offset those additional costs.

(B) Not later than March 1, 2020, the Director shall submit a report of the study's findings and recommendations for changes to the existing permit fee structure to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

Section 755.90. Not later than January 1, 2020, the Auditor of State shall provide for the completion of a performance audit of the Ohio Department of Transportation. The performance audit shall be conducted in accordance with the requirements of Chapter 117. of the Revised Code.

Section 757.10. MOTOR FUEL TAX DISTRIBUTIONS TO THE HIGHWAY OPERATING FUND

On the last day of each month in the biennium ending June 30, 2021, before making any of the distributions specified in section 5735.051 of the Revised Code but after any transfers to the tax refund fund as required by that section and section 5703.052 of the Revised Code, the Treasurer of State shall deposit the first two per cent of the amount of motor fuel tax received for the preceding calendar month to the credit of the Highway Operating

Fund (Fund 7002).	12378
Section 757.20. MOTOR FUEL DEALER REFUNDS	12379
Notwithstanding Chapter 5735. of the Revised Code, the	12380
following apply for the period of July 1, 2019, through June 30,	12381
2021:	12382
(A) For the discount under section 5735.06 of the Revised	12383
Code, if the monthly report is timely filed and the tax is timely	12384
paid, one per cent of the total number of gallons of motor fuel	12385
received by the motor fuel dealer within the state during the	12386
preceding calendar month, less the total number of gallons	12387
deducted under divisions (B)(1)(a) and (b) of section 5735.06 of	12388
the Revised Code, less one-half of one per cent of the total	12389
number of gallons of motor fuel that were sold to a retail dealer	12390
during the preceding calendar month.	12391
(B) For the semiannual periods ending December 31, 2019, June	12392
30, 2020, December 31, 2020, and June 30, 2021, the refund	12393
provided to retail dealers under section 5735.141 of the Revised	12394
Code shall be one-half of one per cent of the Ohio motor fuel	12395
taxes paid on fuel purchased during those semiannual periods.	12396
Section 757.30. MONTHLY TRANSFERS TO GASOLINE EXCISE TAX FUND	12397
The Director of Budget and Management shall transfer cash in	12398
equal monthly increments totaling \$170,437,584 in fiscal year 2020	12399
and in equal monthly increments totaling \$172,360,236 in fiscal	12400
year 2021 from the Highway Operating Fund (Fund 7002) to the	12401
Gasoline Excise Tax Fund (Fund 7060). The monthly amounts	12402
transferred under this section shall be distributed as follows:	12403
(A) 42.86 per cent shall be distributed among the municipal	12404
corporations within the state under division (A)(2)(b)(i) of	12405
section 5735.051 of the Revised Code;	12406

(B) 37.14 per cent shall be distributed among the counties 12407
within the state under division (A)(2)(b)(ii) of section 5735.051 12408
of the Revised Code; and 12409

(C) 20 per cent shall be distributed among the townships 12410
within the state under division (A)(2)(b)(iii) of section 5735.051 12411
of the Revised Code. 12412

Section 757.40. The amendment by this act of sections 12413
5735.01, 5735.011, 5735.05, and 5735.051 of the Revised Code 12414
applies on and after July 1, 2019. 12415

Section 757.80. The amendment by this act of section 5739.02 12416
of the Revised Code applies to sales of motor fuel occurring on or 12417
after the first day of the first month that begins at least thirty 12418
days after the effective date of the amendment of that section by 12419
this act. 12420

Section 757.90. For the purposes of section 5735.50 of the 12421
Revised Code, as enacted by this act, the first adjustment date is 12422
the effective date of the enactment of that section. 12423

Section 757.100. The amendment by this act of section 5747.71 12424
of the Revised Code applies to taxable years beginning on or after 12425
January 1, 2019. 12426

Section 801.10. PROVISIONS OF LAW GENERALLY APPLICABLE TO 12427
APPROPRIATIONS 12428

Law contained in the main operating appropriations act of the 12429
133rd General Assembly that is generally applicable to the 12430
appropriations made in the main operating appropriations act also 12431
is generally applicable to the appropriations made in this act. 12432

Section 806.10. SEVERABILITY 12433

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.

Section 812.10. LAWS AND REFERENDUM 12440

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.

Section 812.20. APPROPRIATIONS AND REFERENDUM 12447

In this section, an "appropriation" includes another provision of law in this act that relates to the subject of the appropriation.

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. Conversely, the appropriation is subject to the referendum insofar as a contemplated expenditure authorized thereby is wholly or partly not to meet a current expense within the meaning of Ohio Constitution, Article II, Section 1d. To that extent, the appropriation takes effect on the ninety-first day after this act is filed with the Secretary of State.

Section 812.30. Sections 5735.01, 5735.011, 5735.05, and 12462

5735.051 of the Revised Code are exempt from the referendum under 12463
Ohio Constitution, Article II, Section 1d and therefore take 12464
effect immediately when this act becomes law. 12465

Section 812.40. The amendment or enactment by this act of 12466
sections 4503.19, 4503.193, 4503.21, 4503.23, and 4549.10 of the 12467
Revised Code takes effect July 1, 2020. 12468

Section 815.10. The General Assembly, applying the principle 12469
stated in division (B) of section 1.52 of the Revised Code that 12470
amendments are to be harmonized if reasonably capable of 12471
simultaneous operation, finds that the following sections, 12472
presented in this act as composites of the sections as amended by 12473
the acts indicated, are the resulting versions of the sections in 12474
effect prior to the effective date of the sections as presented in 12475
this act: 12476

Section 4511.21 of the Revised Code as amended by both Sub. 12477
H.B. 26 and Sub. H.B. 95 of the 132nd General Assembly. 12478

Section 4511.54 of the Revised Code as amended by both Sub. 12479
H.B. 95 and Am. Sub. H.B. 250 of the 132nd General Assembly. 12480

Section 5747.51 of the Revised Code as amended by both Sub. 12481
H.B. 166 and Sub. H.B. 390 of the 131st General Assembly. 12482