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Sub. H. B. No. 507

Representative Koehler

Cosponsors: Representatives Stoltzfus, Lipps, Fowler Arthur, Manning, Brent, Jones, Miller, J., Abrams, Boyd, Carruthers, Cross, Crossman, Fraizer, Galonski, Hicks-Hudson, Holmes, Hoops, Humphrey, Jarrells, Kick, Lanese, Lepore-Hagan, Lightbody, Miller, A., Miller, K., O'Brien, Patton, Russo, Sheehy, Smith, K., Stevens, West, Wiggam

Senator Schaffer

A BILL

To amend sections 155.33, 913.04, 913.28, 915.01, 1
915.03, 915.14, 915.18, 915.20, 921.26, 925.21, 2
925.62, 3715.041, 3715.07, 3715.27, 3715.33, 3
3715.36, 3715.99, 3717.33, 3717.52, 4505.101, 4
4505.104, 4513.60, 4513.601, 4513.61, 4513.62, 5
4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 6
4707.02, 4928.01, and 4928.645; to amend, for 7
the purpose of adopting a new section number as 8
indicated in parentheses, section 3715.36 9
(3715.34); and to repeal sections 913.27, 10
915.04, 915.05, 915.06, 915.07, 915.08, 915.19, 11
915.21, 925.26, 925.27, 925.28, 925.52, 925.56, 12
925.61, 3715.14, 3715.15, 3715.16, 3715.17, 13
3715.18, 3715.19, 3715.20, 3715.34, 3715.35, and 14
3715.37 of the Revised Code to revise specified 15
provisions of agriculture law, to define green 16
energy, to exclude natural gas from receiving 17
renewable energy credits, to revise the law 18
governing environmental health specialists and 19

environmental health specialists in training, 20
and to allow conservancy district police 21
departments to take specified actions regarding 22
the towing and storage of motor vehicles. 23

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

Section 1. That sections 155.33, 913.04, 913.28, 915.01, 24
915.03, 915.14, 915.18, 915.20, 921.26, 925.21, 925.62, 25
3715.041, 3715.07, 3715.27, 3715.33, 3715.36, 3715.99, 3717.33, 26
3717.52, 4505.101, 4505.104, 4513.60, 4513.601, 4513.61, 27
4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4707.02, 28
4928.01, and 4928.645 be amended and section 3715.36 (3715.34) 29
of the Revised Code be amended for the purpose of adopting a new 30
section number as indicated in parentheses to read as follows: 31

Sec. 155.33. (A) (1) Beginning on ~~September 30, 2011~~the 32
effective date of this amendment, and ending on the effective 33
date of the rules adopted under section 155.34 of the Revised 34
Code, a state agency ~~may~~shall lease, in good faith, a formation 35
within a parcel of land that is owned or controlled by the state 36
agency for the exploration for and development and production of 37
oil or natural gas. The lease shall be on terms that are just 38
and reasonable, as determined by custom and practice in the oil 39
and gas industry, and shall include at least the terms required 40
under ~~division~~divisions (A) (1) (a) to ~~(e)~~(d) of section 155.34 41
of the Revised Code. The person seeking to lease the formation 42
shall submit to the state agency the proof described in 43
divisions (D) (5) (a) and (b) of this section before entering into 44
the lease. On and after the effective date of the rules adopted 45
under section 155.34 of the Revised Code, a formation within a 46

parcel of land that is owned or controlled by a state agency may 47
be leased for the exploration for and development and production 48
of oil or natural gas only in accordance with divisions (A) (2) 49
to (H) of this section and those rules. 50

(2) On and after the effective date of rules adopted under 51
section 155.34 of the Revised Code, any person or state agency 52
that is interested in leasing a formation within a parcel of 53
land that is owned or controlled by a state agency for the 54
exploration for and the development and production of oil or 55
natural gas may submit to the oil and gas land management 56
commission a nomination that shall include all of the following: 57

(a) The name of the person making the nomination and the 58
person's address, telephone number, and email address; 59

(b) An identification of the formation and parcel of land 60
proposed to be leased that specifies all of the following: 61

(i) The percentage of the interest owned or controlled by 62
the state agency, and whether that interest is divided, 63
undivided, or partial; 64

(ii) The source deed by book and page numbers, including 65
the description and acreage of the parcel and an identification 66
of the county, section, township, and range in which the parcel 67
is located; 68

(iii) A plat map depicting the area in which the parcel is 69
located. 70

(c) If the person making the nomination is not a state 71
agency, a nomination fee of one hundred fifty dollars; 72

(d) The proposed lease bonus that applies to the 73
nomination; 74

(e) If the person making the nomination is not a state agency, proof of both of the following:	75 76
(i) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;	77 78 79
(ii) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.	80 81 82
(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural resources, only the information submitted under division (A) (2) (b) of this section may be disclosed to the public until a person is selected under division (F) of this section. Until a person is selected under division (F) of this section, all other information submitted under division (A) (2) of this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection or copying under section 149.43 of the Revised Code.	83 84 85 86 87 88 89 90 91 92
(4) When a nomination is not submitted by a state agency, the nomination is the opening bid for purposes of division (D) of this section. However, the person submitting the nomination may supplement or amend that bid by providing additional information in accordance with that division.	93 94 95 96 97
(B) (1) Not less than thirty days, but not more than one hundred twenty days following the receipt of a nomination, the commission shall conduct a meeting for the purpose of determining whether to approve or disapprove the nomination for the purpose of leasing a formation within the parcel of land that is identified in the nomination.	98 99 100 101 102 103

In making its decision to approve or disapprove the	104
nomination, the commission shall consider all of the following:	105
(a) The economic benefits, including the potential income	106
from an oil or natural gas operation, that would result if the	107
lease of a formation that is the subject of the nomination were	108
approved;	109
(b) Whether the proposed oil or gas operation is	110
compatible with the current uses of the parcel of land that is	111
the subject of the nomination;	112
(c) The environmental impact that would result if the	113
lease of a formation that is the subject of the nomination were	114
approved;	115
(d) Any potential adverse geological impact that would	116
result if the lease of a formation that is the subject of the	117
nomination were approved;	118
(e) Any potential impact to visitors or users of a parcel	119
of land that is the subject of the nomination;	120
(f) Any potential impact to the operations or equipment of	121
a state agency that is a state university or college if the	122
lease of a formation within a parcel of land owned or controlled	123
by the university or college that is the subject of the	124
nomination were executed;	125
(g) Any comments or objections to the nomination submitted	126
to the commission by the state agency that owns or controls the	127
parcel of land on which the proposed oil or natural gas	128
operation would take place;	129
(h) Any comments or objections to the nomination submitted	130
to the commission by residents of this state or other users of	131

the parcel of land that is the subject of the nomination;	132
(i) Any special terms and conditions the state agency	133
included in its comments or objections that the state agency	134
believes are appropriate for the lease of the parcel of land	135
because of specific conditions related to that parcel of land.	136
(2) The commission shall approve or disapprove a	137
nomination not later than two calendar quarters following the	138
receipt of the nomination. The commission shall post notice of	139
the commission's decision on the commission's web site and send	140
notice of the decision by email and by certified mail to the	141
person that submitted the nomination and to the state agency	142
that owns or controls the formation within the parcel of land	143
that is the subject of the nomination.	144
(C) Each calendar quarter, the commission shall proceed to	145
advertise for bids for a lease for a formation within a parcel	146
of land that was the subject of a nomination approved during the	147
previous calendar quarter. The commission shall publish the	148
advertisement on its web site for a period of time established	149
by the commission. The advertisement shall include all of the	150
following:	151
(1) An identification of each formation and parcel of land	152
proposed to be leased that includes all of the information	153
specified in division (A) (2) (b) of this section;	154
(2) The deadline for the submission of bids;	155
(3) A statement that each bid must contain all of the	156
items required under division (D) of this section;	157
(4) A statement that a standard lease form that is	158
consistent with the practices of the oil and natural gas	159
industries and adopted by rule by the commission will be used	160

for the lease of a formation within the parcel of land;	161
(5) Any special terms and conditions that may apply to the	162
lease because of specific conditions related to the parcel of	163
land;	164
(6) The amount of the bid fee that is required to be	165
submitted with a bid;	166
(7) Any other information that the commission considers	167
pertinent to the advertisement for bids.	168
(D) A person interested in leasing a formation within a	169
parcel of land owned or controlled by a state agency for the	170
exploration for and development and production of oil or natural	171
gas may submit a bid to the commission on a parcel by parcel	172
basis that contains all of the following:	173
(1) A bid fee of twenty-five dollars;	174
(2) The name of the person making the bid and the person's	175
address, telephone number, and email address;	176
(3) An identification of the formation and parcel of land	177
for which the bid is being submitted, including all of the	178
information specified in division (A) (2) (b) of this section;	179
(4) The proposed lease bonus that applies to the bid;	180
(5) Proof of both of the following:	181
(a) That the person has obtained the insurance and	182
financial assurance required under section 1509.07 of the	183
Revised Code;	184
(b) That the person has registered with and obtained an	185
identification number from the division of oil and gas resources	186
management under section 1509.31 of the Revised Code.	187

(6) Any other information that the person believes is relevant to the bid. 188
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(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section. 190
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The commission shall select the person who submits the highest and best bid, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission. 198
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(G) (1) Except as otherwise provided in section 155.37 of the Revised Code, all money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section shall be paid by the state agency into the state treasury to the credit of the state land royalty fund created in section 131.50 of the Revised Code. 206
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(2) All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas land management commission administration fund created in section 155.35 of the Revised Code. 212
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(H) Notwithstanding any other provision of this section to 216

the contrary, a nature preserve as defined in section 1517.01 of 217
the Revised Code that is owned or controlled by a state agency 218
shall not be nominated or leased under this section for the 219
purpose of exploring for and developing and producing oil and 220
natural gas resources. 221

Sec. 913.04. (A) The director of agriculture shall adopt 222
rules under Chapter 119. of the Revised Code which: 223

(1) Require all canneries to comply with regulations 224
adopted by the United States food and drug administration in 21 225
C.F.R. ~~110.3 to 110.110~~117, as ~~amended~~applicable; 226

(2) Require all canneries thermally processing low-acid 227
foods packed in hermetically sealed containers to comply with 228
regulations adopted by the United States food and drug 229
administration in 21 C.F.R. 113.3 to 113.100, as amended; 230

(3) Require all canneries thermally processing acidified 231
foods packed in hermetically sealed containers to comply with 232
regulations adopted by the United States food and drug 233
administration in 21 C.F.R. 114.3 to 114.100, as amended; 234

(4) Require all canneries, except those canneries required 235
to register with the United States food and drug administration 236
under 21 C.F.R. 108.35, to provide the director, prior to the 237
processing of any food product, with scheduled processes for 238
each processing method utilized, including all of the following: 239

(a) The type of processing equipment used; 240

(b) The type of retort or other thermal processing 241
equipment used; 242

(c) Minimum initial temperatures; 243

(d) Time and temperature of processing; 244

(e) Sterilizing value or other equivalent scientific evidence of process adequacy;	245 246
(f) Critical control factors affecting heat penetration.	247
(5) Establish standards of identity, quality, and fill for canned foods.	248 249
(B) No person shall violate any rule adopted under this section.	250 251
Sec. 913.28. The director of agriculture shall enforce sections 913.01 to 913.05 and 913.22 to 913.27 <u>913.26</u> of the Revised Code, and he <u>the director</u> shall adopt rules as he <u>the director</u> considers necessary for the administration and enforcement of such sections.	252 253 254 255 256
Sec. 915.01. As used in section 915.01 to 915.12, inclusive, of the Revised Code:	257 258
(A) "Cold storage" means the storage of food, at or below a temperature of forty degrees Fahrenheit, in a cold-storage warehouse.	259 260 261
(B) "Cold-storage warehouse" means a place artificially cooled by the employment of refrigerating machinery or ice or other means, in which articles of food are stored for thirty days or more at a temperature of forty degrees Fahrenheit, or lower.	262 263 264 265 266
(C) "Food" means eggs, butter, fresh animal flesh and fresh products therefrom, and fresh fish and fowl flesh, which have been stored in a cold storage warehouse;	267 268 269
<u>(1) Articles used for food or drink for humans or animals;</u>	270
<u>(2) Chewing gum;</u>	271

<u>(3) Articles used for components of any such articles.</u>	272
(D) "Container" means any bag, barrel, basket, bottle, box, caddy can, canister, carton, crate, firkin, hogshead, jar, jug, keg, stopper, vessel, wrapper, frozen bulk, or any similar or analogous utensil, receptacle, band, or wrapper in which food may be kept, stored, sold, or offered for sale.	273 274 275 276 277
(E) "Marked" means written, printed, stamped, or painted, or any other means whereby words or figures may be indicated in or on a container, or any cover attached thereto.	278 279 280
(F) "Wholesome" means fit for human food.	281
Sec. 915.03. Each person, firm, or corporation licensed to operate a cold-storage warehouse shall keep an accurate record of the receipts and withdrawals of food therefrom. The agents of the director of agriculture shall have free access to such records at all times. Each such person, firm, or corporation shall file in the office of the director on or before the sixth day of January, April, July, and October of each year, a report setting forth in itemized form the kind and quantities of food products held in cold storage in such warehouse. The report shall be made on printed forms prepared and supplied by the director. The director may cause such other reports to be filed at such times as he may deem advisable.	282 283 284 285 286 287 288 289 290 291 292 293
Sec. 915.14. As used in sections 915.14 to 915.24 of the Revised Code, unless the context otherwise requires:	294 295
(A) "Food" means all articles used by humans for food, drink, ice, confectionery, or condiment, whether simple, mixed, or compound, and any substance used as a constituent in the manufacture thereof.	296 297 298 299
<u>(1) Articles used for food or drink for humans or animals;</u>	300

<u>(2) Chewing gum;</u>	301
<u>(3) Articles used for components of any such articles.</u>	302
(B) "Establishment" means any business location or building of which any of the following facilities or operations are a part: a frozen food manufacturing facility, slaughterhouse, locker room, locker, chill room, sharp freezing room and facilities, or sharp freezing cabinet.	303 304 305 306 307
(C) "Slaughterhouse" means a room or space used to butcher animals for sharp freezing.	308 309
(D) "Locker room" means any room in an establishment in which lockers are located and in which space may be provided for the storage of frozen food belonging to and for sale by the operator to the public.	310 311 312 313
(E) "Locker" means the individual section or compartment, provided with a lock, of a capacity not to exceed twenty five cubic feet, in the locker room of an establishment, which is rented by a person, firm, or corporation for the purpose of storing frozen food for its use.	314 315 316 317 318
(F) "Chill room" means a room or space in an establishment used for the purpose of chilling food in preparation for processing for sharp freezing.	319 320 321
(G) <u>(D)</u> "Sharp freezing" means the reducing of every portion of food placed in a sharp freezer facility to a temperature of ten degrees Fahrenheit or less in five hours or less.	322 323 324 325
(H) <u>(E)</u> "Sharp freezing room," "sharp freezing cabinet," or "other sharp freezing facilities" means any location, space, or facility in an establishment used for the sharp freezing of	326 327 328

food for storage or eventual sale. 329

~~(I)~~ (F) "Operator" means any person, firm, or corporation 330
operating or maintaining an establishment. 331

~~(J)~~ (G) "Frozen food manufacturing facility" means a room 332
or space in an establishment used to freeze food, other than 333
frozen desserts as defined in section 917.01 of the Revised 334
Code, for eventual sale in a frozen state. 335

Sec. 915.18. (A) The refrigeration system for an 336
establishment shall be equipped with accurate and reliable 337
controls for the automatic maintenance of uniform temperatures 338
as required in the various refrigerated rooms and shall be of 339
adequate capacity to provide under extreme conditions of outside 340
temperatures and under peak load conditions in the normal 341
operations of the establishment, the following temperatures: 342

(1) In the chill room temperatures within two degrees of 343
Fahrenheit plus or minus of thirty-eight degrees above zero 344
Fahrenheit with a tolerance of ten degrees Fahrenheit for a 345
reasonable time after fresh food is put in for chilling; 346

(2) In the sharp freezing room temperatures of ten degrees 347
below zero Fahrenheit or lower or temperatures of zero degrees 348
Fahrenheit or lower when forced air circulation is employed with 349
a tolerance of ten degrees Fahrenheit for either type of 350
installation for a reasonable time after fresh food is put in 351
for freezing; 352

~~(3) In the locker room temperatures of not to exceed plus-~~ 353
~~five degrees Fahrenheit with a tolerance of five degrees-~~ 354
~~Fahrenheit higher; 355~~

~~(B) All establishments with the exception of those having-~~ 356
~~a locker room only, shall have a chill room, and sharp freezing-~~ 357

~~facilities and facilities for cutting and wrapping or packaging~~ 358
~~food.~~ 359

(B) This section does not prohibit such variations as may 360
occur during short periods of time incidental to defrosting. For 361
experimental purposes, the department of agriculture, upon 362
application in writing, may authorize for a limited and 363
prescribed period, the installation and use of refrigeration 364
systems or methods which in the opinion of the department will 365
result in improvement over present methods. 366

Sec. 915.20. (A) As used in this section: 367

(1) "Locker" means the individual section or compartment, 368
provided with a lock, of a capacity not to exceed twenty-five 369
cubic feet, in the locker room of an establishment, which is 370
rented by a person, firm, or corporation for the purpose of 371
storing frozen food for its use. 372

(2) "Locker room" means any room in an establishment in 373
which lockers are located and in which space may be provided for 374
the storage of frozen food belonging to and for sale by the 375
operator to the public. 376

(B) Every operator ~~of an establishment~~ having lockers 377
shall keep an accurate record setting forth: 378

~~(A) The~~ the name and address of each patron renting a 379
locker or storing food: 380

~~(B) The rental period for each locker rented, the charge~~ 381
~~therefor, and the payments thereon;~~ 382

~~(C) All persons renting lockers who are directly or~~ 383
~~indirectly engaged in the selling of foodstuffs for human~~ 384
~~consumption must declare this fact to the management and an~~ 385

~~entry shall be made on the records of the operator.~~ 386

~~Articles of food in any establishment which are intended for trade channels must be handled as provided under sections 915.03 to 915.12, inclusive, of the Revised Code, and the rules and regulations promulgated thereunder. An operator may have in storage in any establishment under his control, food belonging to and for sale by such operator to the public, without complying with section 915.03 of the Revised Code.~~ 387
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Sec. 921.26. (A) The penalties provided for violations of this chapter do not apply to any of the following: 394
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(1) Any carrier while lawfully engaged in transporting a pesticide or device within this state, if that carrier, upon request, permits the director of agriculture to copy all records showing the transactions in the movement of the pesticides or devices; 396
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(2) Public officials of this state and the federal government, other than commercial applicators employed by the federal government, the state, or a political subdivision, while engaged in the performance of their official duties in administering state or federal pesticide laws or rules, or while engaged in pesticide research; 401
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(3) The manufacturer or shipper of a pesticide for experimental use only by or under supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of pesticides, provided that the manufacturer or shipper is not required to obtain an experimental use permit from the United States environmental protection agency; 407
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(4) The manufacturer or shipper of a substance being 414

tested in which its purpose only is to determine its value for 415
pesticide purposes or to determine its toxicity or other 416
properties, and from which the user does not expect to receive 417
any benefit in pest control from its use; 418

(5) Persons conducting laboratory research involving 419
pesticides; 420

(6) Persons who incidentally use pesticides. The 421
incidental use shall involve only the application of general use 422
pesticides. If a person incidentally uses a pesticide, the 423
pesticide shall be applied in strict accordance with the 424
manufacturer's label for general use purposes. If further 425
applications are necessary following the incidental use 426
application, a pesticide applicator shall apply the pesticide. 427

(B) No pesticide or device shall be considered in 428
violation of this chapter when intended solely for export to a 429
foreign country, and when prepared or packed according to the 430
specifications or directions of the purchaser. If the pesticide 431
or device is not so exported, this chapter applies. 432

~~(C)~~(C) (1) No person who is licensed, regulated, or 433
registered under section 921.02, 921.03, 921.06, 921.08, 921.09, 434
921.11, or 921.13 of the Revised Code shall be required to 435
obtain a license or permit to operate or to be otherwise 436
regulated in such capacity by any local ordinance, or to meet 437
any other condition except as otherwise provided by statute or 438
rule of the United States or of this state. 439

(2) No political subdivision shall regulate or ban the 440
packaging, registration, labeling, sale, storage, distribution, 441
use, or application of a pesticide registered under section 442
921.02 of the Revised Code on private property, including 443

private property that is open to the public. As used in this 444
section, "political subdivision" has the same meaning as in 445
section 905.503 of the Revised Code. 446

(D) Section 921.09 of the Revised Code does not apply to 447
an individual who uses only ground equipment for the individual 448
or for the individual's neighbors, provided that the individual 449
meets all of the following requirements: 450

(1) Is licensed under section 921.11 of the Revised Code; 451

(2) Operates farm property and operates and maintains 452
pesticide application equipment primarily for the individual's 453
own use; 454

(3) Is not regularly engaged in the business of applying 455
pesticides for hire or does not publicly hold oneself out as a 456
pesticide applicator; 457

(4) Meets any other requirement established by rule. 458

(E) Section 921.06 of the Revised Code relating to 459
licenses and requirements for their issuance does not apply to 460
licensed physicians or veterinarians applying pesticides to 461
human beings or other animals during the normal course of their 462
practice, provided that they are not regularly engaged in the 463
business of applying pesticides for hire amounting to a 464
principal or regular occupation or do not publicly hold 465
themselves out as commercial applicators. 466

(F) Division (S) of section 921.24 of the Revised Code 467
does not apply to a pesticide dealer who distributes restricted 468
use pesticides to a nonresident who is licensed in another state 469
having a state plan approved by the United States environmental 470
protection agency. 471

Sec. 925.21. As used in sections 925.22 to 925.32, 472
inclusive, of the Revised Code: 473

(A) "Fruit or vegetable" means any fresh unprocessed fruit 474
or vegetable which is intended for human consumption. 475

(B) "Container" means any device used to hold or enclose a 476
quantity of fruits or vegetables, except one with a capacity of 477
one dry quart or less which is packed in a larger container 478
marked in compliance with sections 925.21 to 925.32, inclusive, 479
of the Revised Code. 480

(C) "Person" includes any individual, company, 481
partnership, corporation, or association or any combination of 482
individuals of whatever form and character, also any employee, 483
agent, or officer thereof. 484

~~(D) "Unclassified" means that no grade has been applied to~~ 485
~~a quantity of fruits or vegetables.~~ 486

Sec. 925.62. No person, firm, or corporation shall dye or 487
otherwise color any rabbit or baby poultry, including, but not 488
limited to, chicks and ducklings. No person, firm, or 489
corporation shall sell, offer for sale, expose for sale, raffle, 490
or give away any rabbit or baby poultry which has been dyed or 491
otherwise colored. No poultry younger than four weeks of age may 492
be sold, given away, or otherwise distributed to any person in 493
lots of less than ~~six~~ three. Stores, shops, vendors, and others 494
offering young poultry for sale or other distribution shall 495
provide and operate brooders or other heating devices that may 496
be necessary to maintain poultry in good health, and shall keep 497
adequate food and water available to the poultry at all times. 498

Sec. 3715.041. (A) (1) As used in this section, "food 499
processing establishment" has the same meaning as in section 500

3715.021 of the Revised Code. 501

(2) A person that operates a food processing establishment 502
shall register the establishment annually with the director of 503
agriculture. The person shall submit an application for 504
registration or renewal on a form prescribed and provided by the 505
director. Except as provided in division (G) of this section, an 506
application for registration or renewal shall be accompanied by 507
a registration fee in an amount established in rules adopted 508
under this section. If a person files an application for 509
registration on or after the first day of August of any year, 510
the fee shall be one-half of the annual registration fee. 511

(B) (1) The director shall inspect the food processing 512
establishment for which an application for initial registration 513
has been submitted. If, upon inspection, the director finds that 514
the establishment is in compliance with this chapter and Chapter 515
911., 913., 915., or 925. of the Revised Code, as applicable, or 516
applicable rules adopted under those chapters, the director 517
shall issue a certificate of registration to the food processing 518
establishment. A food processing establishment registration 519
expires on the thirty-first day of January and is valid until 520
that date unless it is suspended or revoked under this section. 521

(2) A person that is operating a food processing 522
establishment shall apply to the director for a certificate of 523
registration not later than a date specified by the director in 524
rules adopted under this section. If an application is not filed 525
with the director or postmarked on or before that date, the 526
director shall assess a late fee in an amount established in 527
rules adopted under this section. 528

(C) (1) A food processing establishment registration may be 529
renewed by the director. A person seeking registration renewal 530

shall submit an application for renewal to the director not 531
later than the thirty-first day of January. The director shall 532
issue a renewed certificate of registration on receipt of a 533
complete renewal application except as provided in division (C) 534
(2) of this section. 535

(2) If a renewal application is not filed with the 536
director or postmarked on or before the thirty-first day of 537
January, the director shall assess a late fee in an amount 538
established in rules adopted under this section. The director 539
shall not renew the registration until the applicant pays the 540
late fee. 541

(D) A copy of the food processing establishment 542
registration certificate shall be conspicuously displayed in an 543
area of the establishment to which customers of the 544
establishment have access. 545

(E) (1) The director or the director's designee may issue 546
an order suspending or revoking a food processing establishment 547
registration upon determining that the registration holder is in 548
violation of this chapter or Chapter 911., 913., 915., or 925. 549
of the Revised Code, as applicable, or applicable rules adopted 550
under those chapters. Except as provided in division (E) (2) of 551
this section, a registration shall not be suspended or revoked 552
until the registration holder is provided an opportunity to 553
appeal the suspension or revocation in accordance with Chapter 554
119. of the Revised Code. 555

(2) If the director determines that a food processing 556
establishment presents an immediate danger to the public health, 557
the director may issue an order immediately suspending the 558
establishment's registration without affording the registration 559
holder an opportunity for a hearing. The director then shall 560

afford the registration holder an opportunity for a hearing in 561
accordance with Chapter 119. of the Revised Code not later than 562
ten days after the date of suspension. 563

(3) If the director finds that a person is operating a 564
food processing establishment without registering the 565
establishment under this section, the director shall issue a 566
letter of warning to the person giving the person ten days to 567
register the establishment. If the person fails to register the 568
establishment within that ten-day time period, the director may 569
assess a civil penalty against the person. If the director 570
assesses a civil penalty, the director shall do so as follows: 571

(a) If, within five years of the issuance of the letter of 572
warning to the person, the director has not previously assessed 573
a civil penalty against the person under this section, in an 574
amount not exceeding five hundred dollars; 575

(b) If, within five years of the issuance of the letter of 576
warning to the person, the director has previously assessed one 577
civil penalty against the person under this section, in an 578
amount not exceeding one thousand five hundred dollars; 579

(c) If, within five years of the issuance of the letter of 580
warning to the person, the director has previously assessed two 581
or more civil penalties against the person under this section, 582
in an amount not exceeding five thousand dollars. 583

(F) The director shall adopt rules in accordance with 584
Chapter 119. of the Revised Code that establish all of the 585
following: 586

(1) The date by which a person that is operating a food 587
processing establishment must submit an application for a food 588
processing establishment registration; 589

(2) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal;	590 591 592
(3) The amount of the late fee that is required in division (B) (2) of this section;	593 594
(4) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C) (2) of this section;	595 596 597
(5) Any other procedures and requirements that are necessary to administer and enforce this section.	598 599
(G) The following are not required to pay any registration fee that is otherwise required in this section:	600 601
(1) Bakeries registered under section 911.02 of the Revised Code;	602 603
(2) Canneries licensed under section 913.02 of the Revised Code;	604 605
(3) Soft drink plants licensed under section 913.23 of the Revised Code;	606 607
(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;	608 609
(5) Persons licensed under section 915.15 of the Revised Code;	610 611
(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.	612 613
(H) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code.	614 615 616

Sec. 3715.07. A flavoring extract is adulterated within 617
the meaning of sections 3715.01 to ~~3715.37, inclusive,~~ 3715.34 618
of the Revised Code, if, when sold under or by any one of the 619
following names it differs from the standard fixed therefor by 620
this section: 621

(A) Almond extract is the flavoring extract prepared from 622
oil of bitter almonds, free from hydrocyanic acid, and shall 623
contain not less than one per cent by volume of oil of bitter 624
almonds. 625

(B) Anise extract is the flavoring extract prepared from 626
oil of anise, and shall contain not less than three per cent by 627
volume of oil of anise. 628

(C) Celery seed extract is the flavoring extract prepared 629
from celery seed or the oil of celery seed, or both, and shall 630
contain not less than three-tenths per cent by volume of oil of 631
celery seed. 632

(D) Cassia extract is the flavoring extract prepared from 633
oil of cassia, and shall contain not less than two per cent by 634
volume of oil of cassia. 635

(E) Cinnamon extract is the flavoring extract prepared 636
from oil of cinnamon, and shall contain not less than two per 637
cent by volume of oil of cinnamon. 638

(F) Clove extract is the flavoring extract prepared from 639
oil of cloves, and shall contain not less than two percent by 640
volume of oil of cloves. 641

(G) Ginger extract is the flavoring extract prepared from 642
ginger, and shall contain in each one hundred cubic centimeters 643
the alcohol-soluble matters from not less than twenty grams of 644
ginger. 645

(H) Lemon extract is the flavoring extract prepared from 646
oil of lemon or from lemon peel, or both, and shall contain not 647
less than five per cent by volume of oil of lemon. 648

(I) Terpeneless extract of lemon is the flavoring extract 649
prepared by shaking oil of lemon with dilute alcohol, or by 650
dissolving terpeneless oil of lemon in dilute alcohol, and shall 651
contain not less than two-tenths per cent by weight of citral 652
derived from oil of lemon. 653

(J) Nutmeg extract is the flavoring extract prepared from 654
oil of nutmeg, and shall contain not less than two per cent by 655
volume of oil of nutmeg. 656

(K) Orange extract is the flavoring extract prepared from 657
oil of orange or from orange peel, or both, and shall contain 658
not less than five per cent by volume of oil of orange. 659

(L) Terpeneless extract of orange is the flavoring extract 660
prepared by shaking oil of orange with dilute alcohol, or by 661
dissolving terpeneless oil of orange in dilute alcohol and shall 662
correspond in flavoring strength to orange extract. 663

(M) Peppermint extract is the flavoring extract prepared 664
from oil of peppermint or from peppermint, or both, and shall 665
contain not less than three per cent by volume of oil of 666
peppermint. 667

(N) Rose extract is the flavoring extract prepared from 668
otto of roses, with or without rose petals, and shall contain 669
not less than four-tenths per cent by volume of otto of roses. 670

(O) Savory extract is the flavoring extract prepared from 671
oil of savory or from savory, or both, and shall contain not 672
less than thirty-five hundredths per cent by volume of oil of 673
savory. 674

(P) Spearmint extract is the flavoring extract prepared 675
from oil of spearmint or from spearmint, or both, and shall 676
contain not less than three per cent by volume of oil of 677
spearmint. 678

(Q) Star anise extract is the flavoring extract prepared 679
from oil of star anise, and shall contain not less than three 680
per cent by volume of oil of star anise. 681

(R) Sweet basil extract is the flavoring extract prepared 682
from oil of sweet basil or from sweet basil, or both, and shall 683
contain not less than one-tenth per cent by volume of oil of 684
sweet basil. 685

(S) Sweet marjoram extract or marjoram extract is the 686
flavoring extract prepared from the oil of marjoram or from 687
marjoram, or both, and shall contain not less than one per cent 688
by volume of oil of marjoram. 689

(T) Thyme extract is the flavoring extract prepared from 690
oil of thyme or from thyme, or both, and shall contain not less 691
than two-tenths per cent by volume of oil of thyme. 692

(U) Tonka extract is the flavoring extract prepared from 693
tonka bean, with or without sugar or glycerine, and shall 694
contain not less than one-tenth per cent by weight of coumarin 695
extracted from the tonka bean, together with a corresponding 696
proportion of the other soluble matters thereof. 697

(V) Vanilla extract is the flavoring extract prepared from 698
vanilla bean, with or without sugar or glycerin, and shall 699
contain in one hundred cubic centimeters the soluble matters 700
from not less than ten grams of the vanilla bean. 701

(W) Wintergreen extract is the flavoring extract prepared 702
from oil of wintergreen, and shall contain not less than three 703

per cent by volume of oil of wintergreen. 704

All of said flavoring extracts shall be a solution in 705
ethyl alcohol of proper strength of the sapid and odorous 706
principles derived from an aromatic plant, or parts of the 707
plant, and shall conform in name to the plant used in its 708
preparation. 709

Sec. 3715.27. (A) As used in this section, "cider" means 710
the unfermented juice, obtained by mechanically expressing the 711
juice from sound, mature, non-citrus fruit, from which is 712
removed excess pulp and seeds, other than embryonic seeds and 713
small fragments of seeds that cannot be separated by good 714
manufacturing practice. The cider may contain natural or 715
artificial citric acid, preservatives authorized by rules 716
adopted under section 3715.02 of the Revised Code, or a 717
combination thereof. 718

(B) For the manufacture of apple cider, a mechanical 719
washing and scrubbing device shall be used to remove orchard 720
soil and dirt from the fruit prior to crushing. This device 721
shall be equipped with automatic scrubbing brushes and a means 722
to ~~chlorinate~~ add a sanitizer to the water used as the washing 723
liquid. 724

(C) A complete label that complies with rules adopted 725
under section 3715.02 of the Revised Code shall be placed on 726
each package of cider designed for sale to the ultimate 727
consumer. 728

(D) No person shall fail to comply with division (B) or 729
(C) of this section. 730

Sec. 3715.33. Vinegar made by fermentation and oxidation 731
without the intervention of distillation shall be branded 732

"fermented vinegar" with the name of the fruit or substance from which it is made. Fermented vinegar, not otherwise provided for in sections 3715.28 to ~~3715.36, inclusive,~~3715.34 of the Revised Code, and not being distilled vinegar as defined in section 3715.32 of the Revised Code, shall contain not less than two per cent by weight, upon full evaporation at the temperature of boiling water, of solids, contained in the fruit or grain or substance from which such vinegar is fermented, and not less than two and one-half-tenths of one per cent ash or mineral matter, the product of the material from which such vinegar is manufactured.

Sec. ~~3715.36~~ 3715.34. No person shall manufacture for sale, sell, deliver, or offer or expose for sale, or have in ~~his~~ the person's possession with intent to sell or deliver, vinegar not made in compliance with sections 3715.28 to ~~3715.35,~~ inclusive, 3715.33 of the Revised Code, ~~or contained in packages not branded in compliance with such sections.~~

No person shall violate sections 3715.28 to ~~3715.36,~~ inclusive, 3715.34 of the Revised Code.

Whoever violates this section shall pay all necessary costs and expenses incurred in inspecting and analyzing the vinegar.

Sec. 3715.99. (A) Whoever violates ~~sections~~ section 3715.13 ~~to 3715.19,~~ or 3715.38 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates section 3715.22, 3715.25, or 3715.27, ~~or 3715.34~~ of the Revised Code is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates section 3715.23 or ~~3715.36~~ 3715.34 of

the Revised Code is guilty of a misdemeanor of the second 762
degree. 763

(D) Whoever violates section 3715.52 or 3715.65 of the 764
Revised Code is guilty of a misdemeanor of the fourth degree on 765
a first offense; on each subsequent offense, the person is 766
guilty of a misdemeanor of the second degree. 767

(E) Whoever violates section 3715.521 of the Revised Code 768
is guilty of a minor misdemeanor. A violation of that section 769
occurs on a daily basis, not according to the number of times 770
per day that an expired drug, baby food, or infant formula is 771
sold, offered for sale, or delivered at retail or to the 772
consumer. Each day of violation is a separate offense. 773

Sec. 3717.33. Pursuant to section 3717.04 of the Revised 774
Code, the director of agriculture shall adopt rules regarding 775
the following: 776

(A) Licensing categories for retail food establishments 777
and licensing requirements for each category, including 778
appropriate practices for the activities performed by a retail 779
food establishment; 780

(B) Standards for collection of food samples from retail 781
food establishments for purposes of identifying adulteration and 782
misbranding; 783

(C) Records to be generated and maintained by licensed 784
retail food establishments; 785

(D) Appeals of proposed suspensions and revocations of 786
retail food establishment licenses and appeals of suspensions of 787
licenses issued for violations presenting a clear and present 788
danger to the public health; 789

(E) Standards and procedures, including a schedule of frequency, for conducting inspections of retail food establishments;

(F) Standards and procedures for determining during an inspection whether articles should be removed from use because of a clear and present danger to the public health;

(G) Standards and procedures for conducting investigations of complaints pertaining to retail food establishments;

~~(H)~~ (H) (1) Surveys conducted by the director to determine whether boards of health are qualified and have the capacity to administer and enforce the provisions of this chapter and the rules adopted under it applicable to retail food establishments and to abide by the Ohio uniform food safety code~~r~~. The rules shall require, as part of a survey, both of the following:

(a) The director to evaluate whether an individual registered as an environmental health specialist or an environmental health specialist in training under Chapter 4736. of the Revised Code who is employed by or has contracted with a board of health to enforce this chapter as it relates to retail food establishments has sufficient knowledge of the provisions of this chapter, rules adopted under it, and of the Ohio uniform food safety code to conduct such enforcement;

(b) The director to evaluate an individual under division (H) (1) (a) of this section solely through the use of an objective written or electronic assessment that complies with all of the following:

(i) It is developed by the director in consultation with representatives from the Ohio environmental health association and the association of Ohio health commissioners.

- (ii) It does not exceed fifty questions in length. 819
- (iii) In order to pass the assessment, the individual must 820
correctly answer eighty per cent or more of the questions in the 821
assessment. Questions on the exam shall be derived from the most 822
common violations cited during the previous inspection year. 823
- (iv) The individual is allowed to review the Ohio uniform 824
food safety code during the assessment. 825
- (2) The director, in consultation with representatives 826
from the Ohio environmental health association and the 827
association of Ohio health commissioners, shall review and 828
update the assessment described in division (H) (1) (b) of this 829
section on at least a biennial basis. 830
- (3) For purposes of any field review portion of the 831
survey, the director may require a registered environmental 832
health specialist or environmental health specialist in training 833
to participate in the field review for training and educational 834
purposes. However, the director shall not use such participation 835
to evaluate whether the registered environmental health 836
specialist or environmental health specialist in training has 837
sufficient knowledge of this chapter, rules adopted under it, 838
and of the Ohio uniform food safety code. 839
- (I) Reinstatement of a board of health as a licensor after 840
the director has revoked the approval of the board; 841
- (J) Procedures for resolving disputes between licensors 842
and the holders of licenses for retail food establishments; 843
- (K) Procedures for providing enforcement support to a 844
board of health requesting assistance in the prosecution of a 845
person for a violation of the provisions of this chapter 846
applicable to retail food establishments; 847

(L) Any other matter the director considers relevant to 848
the administration and enforcement of the provisions of this 849
chapter applicable to retail food establishments. 850

Sec. 3717.52. Pursuant to section 3717.04 of the Revised 851
Code, the director of health shall adopt rules establishing 852
procedures for the following: 853

(A) Appeals of proposed suspension or revocation of food 854
service operation licenses and appeals of suspension of licenses 855
issued for violations presenting immediate danger to the public 856
health; 857

~~(B)~~ (B) (1) Surveys conducted by the director to determine 858
whether boards of health are qualified and have the capacity to 859
administer and enforce the provisions of this chapter and the 860
rules adopted under it applicable to food service operations and 861
to abide by the Ohio uniform food safety code~~r~~. The rules shall 862
require, as part of a survey, both of the following: 863

(a) The director to evaluate whether an individual 864
registered as an environmental health specialist or an 865
environmental health specialist in training under Chapter 4736. 866
of the Revised Code who is employed by or has contracted with a 867
board of health to enforce this chapter as it relates to food 868
service operations has sufficient knowledge of the provisions of 869
this chapter, rules adopted under it, and of the Ohio uniform 870
food safety code to conduct such enforcement; 871

(b) The director to evaluate an individual under division 872
(B) (1) (a) of this section solely through the use of an objective 873
written or electronic assessment that complies with all of the 874
following: 875

(i) It is developed by the director in consultation with 876

representatives from the Ohio environmental health association 877
and the association of Ohio health commissioners. 878

(ii) It does not exceed fifty questions in length. 879

(iii) In order to pass the assessment, the individual must 880
correctly answer eighty per cent or more of the questions in the 881
assessment. Questions on the exam shall be derived from the most 882
common violations cited during the previous inspection year. 883

(iv) The individual is allowed to review the Ohio uniform 884
food safety code during the assessment. 885

(2) The director, in consultation with representatives 886
from the Ohio environmental health association and the 887
association of Ohio health commissioners, shall review and 888
update the assessment described in division (B)(1)(b) of this 889
section on at least a biennial basis. 890

(3) For purposes of any field review portion of the 891
survey, the director may require a registered environmental 892
health specialist or environmental health specialist in training 893
to participate in the field review for training and educational 894
purposes. However, the director shall not use such participation 895
to evaluate whether the registered environmental health 896
specialist or environmental health specialist in training has 897
sufficient knowledge of this chapter, rules adopted under it, 898
and of the Ohio uniform food safety code. 899

(C) Reinstatement of a board of health as a licensor after 900
the director has revoked the approval of the board; 901

(D) Procedures for providing enforcement support to a 902
board of health requesting assistance in the prosecution of a 903
person for a violation of the provisions of this chapter 904
applicable to food service operations; 905

(E) Procedures for resolving disputes between licensors 906
and the holders of licenses for food service operations. 907

Sec. 4505.101. (A) (1) Any repair garage or place of 908
storage in which a motor vehicle with a value of less than three 909
thousand five hundred dollars has been left unclaimed for 910
fifteen days or more following completion of the requested 911
repair or the agreed term of storage shall send a notice to 912
remove the motor vehicle to the last known address of any owner 913
and any lienholder of the motor vehicle. The repair garage or 914
place of storage shall send the notice by certified or express 915
mail with return receipt requested, by certified mail with 916
electronic tracking, or by a commercial carrier service 917
utilizing any form of delivery requiring a signed receipt. In 918
order to identify any owner or lienholder, prior to sending a 919
notice, the repair garage or place of storage shall cause a 920
search to be made of the records of an applicable entity listed 921
in division (F) (1) of section 4513.601 of the Revised Code. Any 922
notice to a lienholder shall state where the motor vehicle is 923
located and the value of the vehicle. If the person who 924
requested the repair or who agreed to the storage of the motor 925
vehicle is not the owner or a lienholder of the motor vehicle as 926
indicated in the title records, the repair garage or place of 927
storage also shall notify the sheriff of the county or the 928
~~police department~~ law enforcement agency of the municipal 929
corporation, township, port authority, conservancy district, or 930
township or joint police district in which the repair garage or 931
place of storage is located that the repair garage or place of 932
storage is in possession of the vehicle. 933

(2) The repair garage or place of storage may obtain a 934
certificate of title to the motor vehicle if all of the 935
following apply: 936

(a) The motor vehicle remains unclaimed by any owner or 937
lienholder of the vehicle for fifteen days after the sending of 938
the required notice. 939

(b) For the notice, the repair garage or place of storage 940
has either received the signed receipt or has been notified that 941
the delivery was not possible. Unless the lienholder claims the 942
motor vehicle within fifteen days from the sending of the 943
notice, the lienholder's lien is invalid. 944

(c) An agent of the repair garage or place of storage that 945
sent the notice executes an affidavit, in a form established by 946
the registrar of motor vehicles by rule, affirming that all of 947
the requirements of this section necessary to authorize the 948
issuance of a certificate of title for the motor vehicle have 949
been met. The affidavit shall set forth an itemized statement of 950
the value of the motor vehicle; the length of time that the 951
motor vehicle has remained unclaimed; that a notice to remove 952
the vehicle has been sent to any titled owner or lienholder in a 953
manner authorized by division (A) (1) of this section; and that a 954
search of title records has been made in accordance with 955
division (A) (1) of this section. 956

(B) A towing service or storage facility that is in 957
possession of a vehicle may obtain a certificate of title to the 958
vehicle as provided in division (C) of this section if all of 959
the following apply: 960

(1) The vehicle was towed under division (B) of section 961
4513.601 of the Revised Code. 962

(2) The vehicle has a value of less than three thousand 963
five hundred dollars. 964

(3) The vehicle has been left unclaimed for sixty days 965

after the date the earliest notice required by division (F) of 966
section 4513.601 of the Revised Code is received, as evidenced 967
by a receipt signed by any person, or the towing service or 968
storage facility has been notified that the delivery was not 969
possible. 970

(4) An agent of the towing service or storage facility 971
executes an affidavit, in a form established by the registrar of 972
motor vehicles by rule, affirming that all of the requirements 973
of this section necessary to authorize the issuance of a 974
certificate of title for the motor vehicle have been met. The 975
affidavit shall set forth an itemized statement of the value of 976
the motor vehicle; that notices to remove the vehicle have been 977
sent to the owner and any lienholder as required under division 978
(F) of section 4513.601 of the Revised Code; the length of time 979
that the motor vehicle has remained unclaimed after the date the 980
earliest notice required under division (F) of section 4513.601 981
of the Revised Code was received or the towing service or 982
storage facility was notified that delivery was not possible; 983
and that a search of the records of the applicable entity has 984
been made for outstanding liens on the motor vehicle. 985

(C) (1) The clerk of courts shall issue a certificate of 986
title, free and clear of all liens and encumbrances as follows: 987

(a) To a repair garage or place of storage that presents 988
an affidavit that complies with all of the requirements of 989
division (A) of this section; 990

(b) To a towing service or storage facility that presents 991
an affidavit in compliance with division (B) of this section. 992

(2) A repair garage or place of storage may use the 993
process established under division (A) of this section in order 994

to take title to a motor vehicle even if the person who 995
requested the repair or who agreed to the storage of the motor 996
vehicle is not the owner or a lienholder of the motor vehicle as 997
indicated in the title records. 998

(3) Upon receipt of the certificate of title, a repair 999
garage or place of storage, or a towing service or storage 1000
facility, shall pay to the clerk of courts the value of the 1001
motor vehicle minus both of the following: 1002

(a) If the motor vehicle was towed by the party seeking 1003
title to the motor vehicle under this section, a towing fee; 1004

(b) Storage fees for the period of time the vehicle was 1005
stored without payment. 1006

The clerk of courts shall deposit any money received under 1007
this section into the county general fund. 1008

(D) Whoever violates this section shall be fined not more 1009
than two hundred dollars, imprisoned not more than ninety days, 1010
or both. 1011

(E) As used in this section: 1012

(1) "Repair garage or place of storage" means any business 1013
with which a person entered into an agreement for the repair of 1014
a motor vehicle or any business with which a person entered into 1015
an agreement for the storage of a motor vehicle. 1016

(2) "Towing service or storage facility" means any for- 1017
hire motor carrier that removes a motor vehicle under the 1018
authority of section 4513.601 of the Revised Code and any place 1019
to which such a for-hire motor carrier delivers a motor vehicle 1020
towed under that section. 1021

(3) "Value" means the wholesale value for that make and 1022

model of motor vehicle at the time an affidavit is submitted 1023
under division (C) of this section, as provided in a vehicle 1024
valuation guide that is generally available and recognized by 1025
the motor vehicle industry, minus both of the following: 1026

(a) The estimated cost of repairs to restore the motor 1027
vehicle to the wholesale value for that make and model of motor 1028
vehicle; 1029

(b) The cost of any agreed-upon repairs. 1030

Sec. 4505.104. (A) A towing service or storage facility 1031
that is in possession of a motor vehicle may obtain a 1032
certificate of title to the vehicle as provided in division (B) 1033
of this section if all of the following apply: 1034

(1) The motor vehicle was towed or stored pursuant to 1035
section 4513.60, 4513.61, or 4513.66 of the Revised Code. 1036

(2) A search was made of the records of an applicable 1037
entity listed in division (F)(1) of section 4513.601 of the 1038
Revised Code to ascertain the identity of the owner and any 1039
lienholder of the motor vehicle. 1040

(3) Upon obtaining the identity in division (A)(2) of this 1041
section, notice was sent to the last known address of the owner 1042
and any lienholder, by certified or express mail with return 1043
receipt requested, by certified mail with electronic tracking, 1044
or by a commercial carrier service utilizing any form of 1045
delivery requiring a signed receipt. The notice shall inform the 1046
owner and lienholder that the towing service or storage facility 1047
will obtain title to the motor vehicle if not claimed within 1048
sixty days after the date the notice was received. 1049

(4) The motor vehicle has been left unclaimed for sixty 1050
days after one of the following: 1051

(a) The date the notice sent under division (A) (3) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the towing service or storage facility received notification that the delivery of the notice sent under division (A) (3) of this section was not possible.

(5) A sheriff, chief of ~~police~~ law enforcement agency, or state highway patrol trooper, as applicable, has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation.

(6) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after September 30, 2021, affirming that conditions in divisions (A) (1) to (5) of this section are met.

(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to the towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A) (1) to (5) of this section are met.

(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility shall retain any money arising from the disposal of the vehicle.

(D) A towing service or storage facility that obtains title to a motor vehicle under this section shall notify the entity that ordered the motor vehicle into storage that the motor vehicle has been so disposed. The towing service or storage facility shall provide the notice on the last business day of the month in which the service or facility obtained title

to the motor vehicle. 1081

(E) As used in this section, "towing service or storage 1082
facility" means any for-hire motor carrier that removes a motor 1083
vehicle under the authority of section 4513.60, 4513.61, or 1084
4513.66 of the Revised Code and any place to which such a for- 1085
hire motor carrier delivers a motor vehicle towed under those 1086
sections. 1087

Sec. 4513.60. (A) (1) The sheriff of a county or chief of 1088
~~police~~ a law enforcement agency of a municipal corporation, 1089
township, port authority, conservancy district, or township or 1090
joint police district, within the sheriff's or chief's 1091
respective territorial jurisdiction, upon complaint of any 1092
person adversely affected, may order into storage any motor 1093
vehicle, other than an abandoned junk motor vehicle as defined 1094
in section 4513.63 of the Revised Code, that has been left on 1095
private residential or private agricultural property for at 1096
least four hours without the permission of the person having the 1097
right to the possession of the property. The sheriff or chief ~~of~~ 1098
~~police~~, upon complaint of a repair garage or place of storage, 1099
may order into storage any motor vehicle, other than an 1100
abandoned junk motor vehicle, that has been left at the garage 1101
or place of storage for a longer period than that agreed upon. 1102
When ordering a motor vehicle into storage pursuant to this 1103
division, a sheriff or chief ~~of police~~ may arrange for the 1104
removal of the motor vehicle by a towing service and shall 1105
designate a storage facility. 1106

(2) A towing service towing a motor vehicle under division 1107
(A) (1) of this section shall remove the motor vehicle in 1108
accordance with that division. The towing service shall deliver 1109
the motor vehicle to the location designated by the sheriff or 1110

chief ~~of police~~ not more than two hours after the time it is 1111
removed from the private property, unless the towing service is 1112
unable to deliver the motor vehicle within two hours due to an 1113
uncontrollable force, natural disaster, or other event that is 1114
not within the power of the towing service. 1115

(3) Subject to division (B) of this section, the owner of 1116
a motor vehicle that has been removed pursuant to this division 1117
may recover the vehicle only in accordance with division (D) of 1118
this section. 1119

(4) As used in this section, "private residential 1120
property" means private property on which is located one or more 1121
structures that are used as a home, residence, or sleeping place 1122
by one or more persons, if no more than three separate 1123
households are maintained in the structure or structures. 1124
"Private residential property" does not include any private 1125
property on which is located one or more structures that are 1126
used as a home, residence, or sleeping place by two or more 1127
persons, if more than three separate households are maintained 1128
in the structure or structures. 1129

(B) If the owner or operator of a motor vehicle that has 1130
been ordered into storage pursuant to division (A) (1) of this 1131
section arrives after the motor vehicle has been prepared for 1132
removal, but prior to its actual removal from the property, the 1133
towing service shall give the owner or operator oral or written 1134
notification at the time of such arrival that the vehicle owner 1135
or operator may pay a fee of not more than one-half of the fee 1136
for the removal of the motor vehicle established by the public 1137
utilities commission in rules adopted under section 4921.25 of 1138
the Revised Code, in order to obtain release of the motor 1139
vehicle. However, if the vehicle is within a municipal 1140

corporation and the municipal corporation has established a 1141
vehicle removal fee, the towing service shall give the owner or 1142
operator oral or written notification that the owner or operator 1143
may pay not more than one-half of that fee to obtain release of 1144
the motor vehicle. That fee may be paid by use of a major credit 1145
card unless the towing service uses a mobile credit card 1146
processor and mobile service is not available at the time of the 1147
transaction. 1148

Upon payment of the applicable fee, the towing service 1149
shall give the vehicle owner or operator a receipt showing both 1150
the full amount normally assessed and the actual amount received 1151
and shall release the motor vehicle to the owner or operator. 1152
Upon its release, the owner or operator immediately shall move 1153
it so that it is not on the private residential or private 1154
agricultural property without the permission of the person 1155
having the right to possession of the property, or is not at the 1156
garage or place of storage without the permission of the owner, 1157
whichever is applicable. 1158

(C) (1) Each county sheriff and each chief of ~~police~~ a law 1159
enforcement agency of a municipal corporation, township, port 1160
authority, conservancy district, or township or joint police 1161
district shall maintain a record of motor vehicles that the 1162
sheriff or chief orders into storage pursuant to division (A) (1) 1163
of this section. The record shall include an entry for each such 1164
motor vehicle that identifies the motor vehicle's license 1165
number, make, model, and color, the location from which it was 1166
removed, the date and time of its removal, the telephone number 1167
of the person from whom it may be recovered, and the address of 1168
the place to which it has been taken and from which it may be 1169
recovered. A sheriff or chief ~~of police~~ shall provide any 1170
information in the record that pertains to a particular motor 1171

vehicle to any person who, either in person or pursuant to a 1172
telephone call, identifies self as the owner or operator of the 1173
motor vehicle and requests information pertaining to its 1174
location. 1175

(2) Any person who registers a complaint that is the basis 1176
of a sheriff's or ~~police~~-chief's order for the removal and 1177
storage of a motor vehicle under division (A) (1) of this section 1178
shall provide the identity of the law enforcement agency with 1179
which the complaint was registered to any person who identifies 1180
self as the owner or operator of the motor vehicle and requests 1181
information pertaining to its location. 1182

(D) (1) The owner or lienholder of a motor vehicle that is 1183
ordered into storage pursuant to division (A) (1) of this section 1184
may reclaim it upon both of the following: 1185

(a) Payment of all applicable fees established by the 1186
public utilities commission in rules adopted under section 1187
4921.25 of the Revised Code or, if the vehicle was towed within 1188
a municipal corporation that has established fees for vehicle 1189
removal and storage, payment of all applicable fees established 1190
by the municipal corporation. 1191

(b) Presentation of proof of ownership, which may be 1192
evidenced by a certificate of title to the motor vehicle, a 1193
certificate of registration for the motor vehicle, or a lease 1194
agreement. 1195

When the owner of a vehicle towed under this section 1196
retrieves the vehicle, the towing service or storage facility in 1197
possession of the vehicle shall give the owner written notice 1198
that if the owner disputes that the motor vehicle was lawfully 1199
towed, the owner may be able to file a civil action under 1200

section 4513.611 of the Revised Code. 1201

(2) Upon presentation of proof of ownership as required 1202
under division (D) (1) (b) of this section, the owner of a motor 1203
vehicle that is ordered into storage under division (A) (1) of 1204
this section may retrieve any personal items from the motor 1205
vehicle without retrieving the vehicle and without paying any 1206
fee. However, a towing service or storage facility may charge an 1207
after-hours retrieval fee established by the public utilities 1208
commission in rules adopted under section 4921.25 of the Revised 1209
Code if the owner retrieves the personal items after hours, 1210
unless the towing service or storage facility fails to provide 1211
the notice required under division (B) (3) of section 4513.69 of 1212
the Revised Code, if applicable. The owner of a motor vehicle 1213
shall not do either of the following: 1214

(a) Retrieve any personal item that has been determined by 1215
the sheriff or chief ~~of police~~, as applicable, to be necessary 1216
to a criminal investigation; 1217

(b) Retrieve any personal item from a vehicle if it would 1218
endanger the safety of the owner, unless the owner agrees to 1219
sign a waiver of liability. 1220

For purposes of division (D) (2) of this section, "personal 1221
items" do not include any items that are attached to the motor 1222
vehicle. 1223

(3) If a motor vehicle that is ordered into storage 1224
pursuant to division (A) (1) of this section remains unclaimed by 1225
the owner for thirty days, the procedures established by 1226
sections 4513.61 and 4513.62 of the Revised Code apply. 1227

(E) (1) No person shall remove, or cause the removal of, 1228
any motor vehicle from any private residential or private 1229

agricultural property other than in accordance with division (A) 1230
(1) of this section or sections 4513.61 to 4513.65 of the 1231
Revised Code. 1232

(2) No towing service or storage facility shall fail to 1233
comply with the requirements of this section. 1234

(F) This section does not apply to any private residential 1235
or private agricultural property that is established as a 1236
private tow-away zone in accordance with section 4513.601 of the 1237
Revised Code. 1238

(G) Whoever violates division (E) of this section is 1239
guilty of a minor misdemeanor. 1240

Sec. 4513.601. (A) The owner of a private property may 1241
establish a private tow-away zone, but may do so only if all of 1242
the following conditions are satisfied: 1243

(1) The owner of the private property posts on the 1244
property a sign, that is at least eighteen inches by twenty-four 1245
inches in size, that is visible from all entrances to the 1246
property, and that includes all of the following information: 1247

(a) A statement that the property is a tow-away zone; 1248

(b) A description of persons authorized to park on the 1249
property. If the property is a residential property, the owner 1250
of the private property may include on the sign a statement that 1251
only tenants and guests may park in the private tow-away zone, 1252
subject to the terms of the property owner. If the property is a 1253
commercial property, the owner of the private property may 1254
include on the sign a statement that only customers may park in 1255
the private tow-away zone. In all cases, if it is not apparent 1256
which persons may park in the private tow-away zone, the owner 1257
of the private property shall include on the sign the address of 1258

the property on which the private tow-away zone is located or 1259
the name of the business that is located on the property 1260
designated as a private tow-away zone. 1261

(c) If the private tow-away zone is not enforceable at all 1262
times, the times during which the parking restrictions are 1263
enforced; 1264

(d) The telephone number and the address of the place from 1265
which a towed vehicle may be recovered at any time during the 1266
day or night; 1267

(e) A statement that the failure to recover a towed 1268
vehicle may result in the loss of title to the vehicle as 1269
provided in division (B) of section 4505.101 of the Revised 1270
Code. 1271

In order to comply with the requirements of division (A) 1272
(1) of this section, the owner of a private property may modify 1273
an existing sign by affixing to the existing sign stickers or an 1274
addendum in lieu of replacing the sign. 1275

(2) A towing service ensures that a vehicle towed under 1276
this section is taken to a location from which it may be 1277
recovered that complies with all of the following: 1278

(a) It is located within twenty-five linear miles of the 1279
location of the private tow-away zone, unless it is not 1280
practicable to take the vehicle to a place of storage within 1281
twenty-five linear miles. 1282

(b) It is well-lighted. 1283

(c) It is on or within a reasonable distance of a 1284
regularly scheduled route of one or more modes of public 1285
transportation, if any public transportation is available in the 1286

municipal corporation or township in which the private tow-away zone is located. 1287
1288

(B) (1) If a vehicle is parked on private property that is 1289
established as a private tow-away zone in accordance with 1290
division (A) of this section, without the consent of the owner 1291
of the private property or in violation of any posted parking 1292
condition or regulation, the owner of the private property may 1293
cause the removal of the vehicle by a towing service. The towing 1294
service shall remove the vehicle in accordance with this 1295
section. The vehicle owner and the operator of the vehicle are 1296
considered to have consented to the removal and storage of the 1297
vehicle, to the payment of the applicable fees established by 1298
the public utilities commission in rules adopted under section 1299
4921.25 of the Revised Code, and to the right of a towing 1300
service to obtain title to the vehicle if it remains unclaimed 1301
as provided in section 4505.101 of the Revised Code. The owner 1302
or lienholder of a vehicle that has been removed under this 1303
section, subject to division (C) of this section, may recover 1304
the vehicle in accordance with division (G) of this section. 1305

(2) If a municipal corporation requires tow trucks and tow 1306
truck operators to be licensed, no owner of a private property 1307
located within the municipal corporation shall cause the removal 1308
and storage of any vehicle pursuant to division (B) of this 1309
section by an unlicensed tow truck or unlicensed tow truck 1310
operator. 1311

(3) No towing service shall remove a vehicle from a 1312
private tow-away zone except pursuant to a written contract for 1313
the removal of vehicles entered into with the owner of the 1314
private property on which the private tow-away zone is located. 1315

(C) If the owner or operator of a vehicle that is being 1316

removed under authority of division (B) of this section arrives 1317
after the vehicle has been prepared for removal, but prior to 1318
its actual removal from the property, the towing service shall 1319
give the vehicle owner or operator oral or written notification 1320
at the time of such arrival that the vehicle owner or operator 1321
may pay a fee of not more than one-half of the fee for the 1322
removal of the vehicle established by the public utilities 1323
commission in rules adopted under section 4921.25 of the Revised 1324
Code in order to obtain release of the vehicle. That fee may be 1325
paid by use of a major credit card unless the towing service 1326
uses a mobile credit card processor and mobile service is not 1327
available at the time of the transaction. Upon payment of that 1328
fee, the towing service shall give the vehicle owner or operator 1329
a receipt showing both the full amount normally assessed and the 1330
actual amount received and shall release the vehicle to the 1331
owner or operator. Upon its release, the owner or operator 1332
immediately shall move the vehicle so that the vehicle is not 1333
parked on the private property established as a private tow-away 1334
zone without the consent of the owner of the private property or 1335
in violation of any posted parking condition or regulation. 1336

(D) (1) Prior to towing a vehicle under division (B) of 1337
this section, a towing service shall make all reasonable efforts 1338
to take as many photographs as necessary to evidence that the 1339
vehicle is clearly parked on private property in violation of a 1340
private tow-away zone established under division (A) of this 1341
section. 1342

The towing service shall record the time and date of the 1343
photographs taken under this section. The towing service shall 1344
retain the photographs and the record of the time and date, in 1345
electronic or printed form, for at least thirty days after the 1346
date on which the vehicle is recovered by the owner or 1347

lienholder or at least two years after the date on which the 1348
vehicle was towed, whichever is earlier. 1349

(2) A towing service shall deliver a vehicle towed under 1350
division (B) of this section to the location from which it may 1351
be recovered not more than two hours after the time it was 1352
removed from the private tow-away zone, unless the towing 1353
service is unable to deliver the motor vehicle within two hours 1354
due to an uncontrollable force, natural disaster, or other event 1355
that is not within the power of the towing service. 1356

(E) (1) If an owner of a private property that is 1357
established as a private tow-away zone in accordance with 1358
division (A) of this section causes the removal of a vehicle 1359
from that property by a towing service under division (B) of 1360
this section, the towing service, within two hours of removing 1361
the vehicle, shall provide notice to the sheriff of the county 1362
or the ~~police department~~ law enforcement agency of the municipal 1363
corporation, township, port authority, conservancy district, or 1364
township or joint police district in which the property is 1365
located concerning all of the following: 1366

(a) The vehicle's license number, make, model, and color; 1367

(b) The location from which the vehicle was removed; 1368

(c) The date and time the vehicle was removed; 1369

(d) The telephone number of the person from whom the 1370
vehicle may be recovered; 1371

(e) The address of the place from which the vehicle may be 1372
recovered. 1373

(2) Each county sheriff and each chief of ~~police~~ a law 1374
enforcement agency of a municipal corporation, township, port 1375

authority, conservancy district, or township or joint police 1376
district shall maintain a record of any vehicle removed from 1377
private property in the sheriff's or chief's jurisdiction that 1378
is established as a private tow-away zone of which the sheriff 1379
or chief has received notice under this section. The record 1380
shall include all information submitted by the towing service. 1381
The sheriff or chief shall provide any information in the record 1382
that pertains to a particular vehicle to a person who, either in 1383
person or pursuant to a telephone call, identifies self as the 1384
owner, operator, or lienholder of the vehicle and requests 1385
information pertaining to the vehicle. 1386

(F) (1) When a vehicle is removed from private property in 1387
accordance with this section, within three business days of the 1388
removal, the towing service or storage facility from which the 1389
vehicle may be recovered shall cause a search to be made of 1390
either of the following to ascertain the identity of the owner 1391
and any lienholder of the vehicle: 1392

(a) The records of the bureau of motor vehicles; 1393

(b) The records of any vendor or vendors, approved by the 1394
registrar of motor vehicles, that are capable of providing real- 1395
time access to owner and lienholder information. 1396

The towing service or storage facility may search the 1397
national motor vehicle title information system in order to 1398
determine the state in which the vehicle is titled. The entity 1399
that provides the record of the owner and any lienholder under 1400
this division shall ensure that such information is provided in 1401
a timely manner. 1402

(2) Subject to division (F) (5) of this section, the towing 1403
service or storage facility shall send notice to the vehicle 1404

owner and any known lienholder as follows: 1405

(a) Within five business days after the applicable entity 1406
provides the identity of the owner and any lienholder of the 1407
motor vehicle, if the vehicle remains unclaimed, to the owner's 1408
and lienholder's last known address by certified or express mail 1409
with return receipt requested, by certified mail with electronic 1410
tracking, or by a commercial carrier service utilizing any form 1411
of delivery requiring a signed receipt; 1412

(b) If the vehicle remains unclaimed thirty days after the 1413
first notice is sent, in the manner required under division (F) 1414
(2) (a) of this section. 1415

(3) Sixty days after any notice sent pursuant to division 1416
(F) (2) of this section is received, as evidenced by a receipt 1417
signed by any person, or the towing service or storage facility 1418
has been notified that delivery was not possible, the towing 1419
service or storage facility, if authorized under division (B) of 1420
section 4505.101 of the Revised Code, may initiate the process 1421
for obtaining a certificate of title to the motor vehicle as 1422
provided in that section. 1423

(4) A towing service or storage facility that does not 1424
receive a signed receipt of notice, or a notification that 1425
delivery was not possible, shall not obtain, and shall not 1426
attempt to obtain, a certificate of title to the motor vehicle 1427
under division (B) of section 4505.101 of the Revised Code. 1428

(5) With respect to a vehicle concerning which a towing 1429
service or storage facility is not eligible to obtain title 1430
under section 4505.101 of the Revised Code, the towing service 1431
or storage facility need only comply with the initial notice 1432
required under division (F) (2) (a) of this section. 1433

(G) (1) The owner or lienholder of a vehicle that is 1434
removed under division (B) of this section may reclaim it upon 1435
both of the following: 1436

(a) Presentation of proof of ownership, which may be 1437
evidenced by a certificate of title to the vehicle, a 1438
certificate of registration for the motor vehicle, or a lease 1439
agreement; 1440

(b) Payment of the following fees: 1441

(i) All applicable fees established by the public 1442
utilities commission in rules adopted under section 4921.25 of 1443
the Revised Code, except that the lienholder of a vehicle may 1444
retrieve the vehicle without paying any storage fee for the 1445
period of time that the vehicle was in the possession of the 1446
towing service or storage facility prior to the date the 1447
lienholder received the notice sent under division (F) (2) (a) of 1448
this section; 1449

(ii) If notice has been sent to the owner and lienholder 1450
as described in division (F) of this section, a processing fee 1451
of twenty-five dollars. 1452

(2) A towing service or storage facility in possession of 1453
a vehicle that is removed under authority of division (B) of 1454
this section shall show the vehicle owner, operator, or 1455
lienholder who contests the removal of the vehicle all 1456
photographs taken under division (D) of this section. Upon 1457
request, the towing service or storage facility shall provide a 1458
copy of all photographs in the medium in which the photographs 1459
are stored, whether paper, electronic, or otherwise. 1460

(3) When the owner of a vehicle towed under this section 1461
retrieves the vehicle, the towing service or storage facility in 1462

possession of the vehicle shall give the owner written notice 1463
that if the owner disputes that the motor vehicle was lawfully 1464
towed, the owner may be able to file a civil action under 1465
section 4513.611 of the Revised Code. 1466

(4) Upon presentation of proof of ownership, which may be 1467
evidenced by a certificate of title to the vehicle, a 1468
certificate of registration for the motor vehicle, or a lease 1469
agreement, the owner of a vehicle that is removed under 1470
authority of division (B) of this section may retrieve any 1471
personal items from the vehicle without retrieving the vehicle 1472
and without paying any fee. The owner of the vehicle shall not 1473
retrieve any personal items from a vehicle if it would endanger 1474
the safety of the owner, unless the owner agrees to sign a 1475
waiver of liability. For purposes of division (G) (4) of this 1476
section, "personal items" do not include any items that are 1477
attached to the vehicle. 1478

(H) No person shall remove, or cause the removal of, any 1479
vehicle from private property that is established as a private 1480
tow-away zone under this section or store such a vehicle other 1481
than in accordance with this section, or otherwise fail to 1482
comply with any applicable requirement of this section. 1483

(I) This section does not affect or limit the operation of 1484
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 1485
Code as they relate to property other than private property that 1486
is established as a private tow-away zone under division (A) of 1487
this section. 1488

(J) Whoever violates division (H) of this section is 1489
guilty of a minor misdemeanor. 1490

(K) As used in this section, "owner of a private property" 1491

or "owner of the private property" includes, with respect to a	1492
private property, any of the following:	1493
(1) Any person who holds title to the property;	1494
(2) Any person who is a lessee or sublessee with respect	1495
to a lease or sublease agreement for the property;	1496
(3) A person who is authorized to manage the property;	1497
(4) A duly authorized agent of any person listed in	1498
divisions (K) (1) to (3) of this section.	1499
Sec. 4513.61. (A) The sheriff of a county or chief of	1500
police <u>a law enforcement agency</u> of a municipal corporation,	1501
township, port authority, <u>conservancy district</u> , or township or	1502
joint police district, within the sheriff's or chief's	1503
respective territorial jurisdiction, or a state highway patrol	1504
trooper, upon notification to the sheriff or chief of police of	1505
such action and of the location of the place of storage, may	1506
order into storage any motor vehicle, including an abandoned	1507
junk motor vehicle as defined in section 4513.63 of the Revised	1508
Code, that:	1509
(1) Has come into the possession of the sheriff, chief of	1510
police , or state highway patrol trooper as a result of the	1511
performance of the sheriff's, chief's, or trooper's duties; or	1512
(2) Has been left on a public street or other property	1513
open to the public for purposes of vehicular travel, or upon or	1514
within the right-of-way of any road or highway, for forty-eight	1515
hours or longer without notification to the sheriff or chief of	1516
police of the reasons for leaving the motor vehicle in such	1517
place. However, when such a motor vehicle constitutes an	1518
obstruction to traffic it may be ordered into storage	1519
immediately unless either of the following applies:	1520

(a) The vehicle was involved in an accident and is subject 1521
to section 4513.66 of the Revised Code; 1522

(b) The vehicle is a commercial motor vehicle. If the 1523
vehicle is a commercial motor vehicle, the sheriff, chief-of- 1524
~~police~~, or state highway patrol trooper shall allow the owner or 1525
operator of the vehicle the opportunity to arrange for the 1526
removal of the motor vehicle within a period of time specified 1527
by the sheriff, chief-of-police, or state highway patrol 1528
trooper. If the sheriff, chief-of-police, or state highway 1529
patrol trooper determines that the vehicle cannot be removed 1530
within the specified period of time, the sheriff, chief-of- 1531
~~police~~, or state highway patrol trooper shall order the removal 1532
of the vehicle. 1533

Subject to division (C) of this section, the sheriff or 1534
chief of ~~police~~ shall designate the place of storage of any 1535
motor vehicle so ordered removed. 1536

(B) If the sheriff, chief-of-police, or a state highway 1537
patrol trooper issues an order under division (A) of this 1538
section and arranges for the removal of a motor vehicle by a 1539
towing service, the towing service shall deliver the motor 1540
vehicle to the location designated by the sheriff or chief of- 1541
~~police~~ not more than two hours after the time it is removed. 1542

(C) (1) The sheriff or chief of ~~police~~ shall cause a search 1543
to be made of the records of an applicable entity listed in 1544
division (F) (1) of section 4513.601 of the Revised Code to 1545
ascertain the identity of the owner and any lienholder of a 1546
motor vehicle ordered into storage by the sheriff or chief-of- 1547
~~police~~, or by a state highway patrol trooper within five 1548
business days of the removal of the vehicle. Upon obtaining such 1549
identity, the sheriff or chief of ~~police~~ shall send or cause to 1550

be sent to the owner or lienholder at the owner's or 1551
lienholder's last known address by certified or express mail 1552
with return receipt requested, by certified mail with electronic 1553
tracking, or by a commercial carrier service utilizing any form 1554
of delivery requiring a signed receipt. The notice shall inform 1555
the owner or lienholder that the motor vehicle will be declared 1556
a nuisance and disposed of if not claimed within ten days of the 1557
date of the sending of the notice. 1558

(2) The owner or lienholder of the motor vehicle may 1559
reclaim the motor vehicle upon payment of any expenses or 1560
charges incurred in its removal and storage, and presentation of 1561
proof of ownership, which may be evidenced by a certificate of 1562
title or memorandum certificate of title to the motor vehicle, a 1563
certificate of registration for the motor vehicle, or a lease 1564
agreement. Upon presentation of proof of ownership evidenced as 1565
provided above, the owner of the motor vehicle also may retrieve 1566
any personal items from the vehicle without retrieving the 1567
vehicle and without paying any fee. However, a towing service or 1568
storage facility may charge an after-hours retrieval fee 1569
established by the public utilities commission in rules adopted 1570
under section 4921.25 of the Revised Code if the owner retrieves 1571
the personal items after hours, unless the towing service or 1572
storage facility fails to provide the notice required under 1573
division (B) (3) of section 4513.69 of the Revised Code, if 1574
applicable. However, the owner shall not do either of the 1575
following: 1576

(a) Retrieve any personal item that has been determined by 1577
the sheriff, chief-of-police, or a state highway patrol trooper, 1578
as applicable, to be necessary to a criminal investigation; 1579

(b) Retrieve any personal item from a vehicle if it would 1580

endanger the safety of the owner, unless the owner agrees to 1581
sign a waiver of liability. 1582

For purposes of division (C) (2) of this section, "personal 1583
items" do not include any items that are attached to the 1584
vehicle. 1585

(3) If the owner or lienholder of the motor vehicle 1586
reclaims it after a search of the applicable records has been 1587
conducted and after notice has been sent to the owner or 1588
lienholder as described in this section, and the search was 1589
conducted by the place of storage, and the notice was sent to 1590
the motor vehicle owner by the place of storage, the owner or 1591
lienholder shall pay to the place of storage a processing fee of 1592
twenty-five dollars, in addition to any expenses or charges 1593
incurred in the removal and storage of the vehicle. 1594

(D) If the owner or lienholder makes no claim to the motor 1595
vehicle within ten days of the date of sending the notice, and 1596
if the vehicle is to be disposed of at public auction as 1597
provided in section 4513.62 of the Revised Code, the sheriff or 1598
chief ~~of police~~, without charge to any party, shall file with 1599
the clerk of courts of the county in which the place of storage 1600
is located an affidavit showing compliance with the requirements 1601
of this section. Upon presentation of the affidavit, the clerk, 1602
without charge, shall issue a salvage certificate of title, free 1603
and clear of all liens and encumbrances, to the sheriff or chief 1604
~~of police~~. If the vehicle is to be disposed of to a motor 1605
vehicle salvage dealer or other facility as provided in section 1606
4513.62 of the Revised Code, the sheriff or chief ~~of police~~ 1607
shall execute in triplicate an affidavit, as prescribed by the 1608
registrar of motor vehicles, describing the motor vehicle and 1609
the manner in which it was disposed of, and that all 1610

requirements of this section have been complied with. The 1611
sheriff or chief ~~of police~~ shall retain the original of the 1612
affidavit for the sheriff's or chief's records, and shall 1613
furnish two copies to the motor vehicle salvage dealer or other 1614
facility. Upon presentation of a copy of the affidavit by the 1615
motor vehicle salvage dealer, the clerk of courts, within thirty 1616
days of the presentation, shall issue a salvage certificate of 1617
title, free and clear of all liens and encumbrances. 1618

(E) Whenever a motor vehicle salvage dealer or other 1619
facility receives an affidavit for the disposal of a motor 1620
vehicle as provided in this section, the dealer or facility 1621
shall not be required to obtain an Ohio certificate of title to 1622
the motor vehicle in the dealer's or facility's own name if the 1623
vehicle is dismantled or destroyed and both copies of the 1624
affidavit are delivered to the clerk of courts. 1625

(F) No towing service or storage facility shall fail to 1626
comply with this section. 1627

Sec. 4513.62. An unclaimed motor vehicle ordered into 1628
storage pursuant to division (A) (1) of section 4513.60 or 1629
section 4513.61 of the Revised Code is subject to one of the 1630
following: 1631

(A) The sheriff of the county or the chief of ~~police~~ a law 1632
enforcement agency of the municipal corporation, township, port 1633
authority, conservancy district, or township or joint police 1634
district may dispose of it with a motor vehicle salvage dealer 1635
or scrap metal processing facility as defined in section 4737.05 1636
of the Revised Code, or with any other facility owned by or 1637
under contract with the county, municipal corporation, port 1638
authority, conservancy district, or township, for the disposal 1639
of such motor vehicles. 1640

(B) The sheriff, ~~chief of police~~, or a licensed auctioneer 1641
may sell the motor vehicle at public auction, after giving 1642
notice thereof by advertisement, published once a week for two 1643
successive weeks in a newspaper of general circulation in the 1644
county or as provided in section 7.16 of the Revised Code. 1645

(C) A towing service or storage facility may obtain title 1646
to the motor vehicle in accordance with section 4505.104 of the 1647
Revised Code. 1648

Any moneys accrued pursuant to division (A) or (B) of this 1649
section that are in excess of the expenses resulting from the 1650
removal and storage of the vehicle shall be credited to the 1651
general fund of the county, municipal corporation, port 1652
authority, township, conservancy district, or joint police 1653
district, as the case may be. 1654

Sec. 4513.63. "Abandoned junk motor vehicle" means any 1655
motor vehicle meeting all of the following requirements: 1656

(A) Left on private property for forty-eight hours or 1657
longer without the permission of the person having the right to 1658
the possession of the property, on a public street or other 1659
property open to the public for purposes of vehicular travel or 1660
parking, or upon or within the right-of-way of any road or 1661
highway, for forty-eight hours or longer; 1662

(B) Three years old, or older; 1663

(C) Extensively damaged, such damage including but not 1664
limited to any of the following: missing wheels, tires, motor, 1665
or transmission; 1666

(D) Apparently inoperable; 1667

(E) Having a fair market value of one thousand five 1668

hundred dollars or less. 1669

The sheriff of a county or chief of ~~police~~ a law 1670
enforcement agency of a municipal corporation, township, port 1671
authority, conservancy district, or township or joint police 1672
district, within the sheriff's or chief's respective territorial 1673
jurisdiction, or a state highway patrol trooper, upon 1674
notification to the sheriff or chief ~~of police~~ of such action, 1675
shall order any abandoned junk motor vehicle to be photographed 1676
by a law enforcement officer. The officer shall record the make 1677
of motor vehicle, the serial number when available, and shall 1678
also detail the damage or missing equipment to substantiate the 1679
value of one thousand five hundred dollars or less. The sheriff 1680
or chief ~~of police~~ shall thereupon immediately dispose of the 1681
abandoned junk motor vehicle to a motor vehicle salvage dealer 1682
as defined in section 4738.01 of the Revised Code or a scrap 1683
metal processing facility as defined in section 4737.05 of the 1684
Revised Code which is under contract to the county, township, 1685
port authority, conservancy district, or municipal corporation, 1686
or to any other facility owned by or under contract with the 1687
county, township, port authority, conservancy district, or 1688
municipal corporation for the destruction of such motor 1689
vehicles. The records and photograph relating to the abandoned 1690
junk motor vehicle shall be retained by the law enforcement 1691
agency ordering the disposition of such vehicle for a period of 1692
at least two years. The law enforcement agency shall execute in 1693
quadruplicate an affidavit, as prescribed by the registrar of 1694
motor vehicles, describing the motor vehicle and the manner in 1695
which it was disposed of, and that all requirements of this 1696
section have been complied with, and, within thirty days of 1697
disposing of the vehicle, shall sign and file the affidavit with 1698
the clerk of courts of the county in which the motor vehicle was 1699

abandoned. The clerk of courts shall retain the original of the 1700
affidavit for the clerk's files, shall furnish one copy thereof 1701
to the registrar, one copy to the motor vehicle salvage dealer 1702
or other facility handling the disposal of the vehicle, and one 1703
copy to the law enforcement agency ordering the disposal, who 1704
shall file such copy with the records and photograph relating to 1705
the disposal. Any moneys arising from the disposal of an 1706
abandoned junk motor vehicle shall be deposited in the general 1707
fund of the county, township, conservancy district, or the 1708
municipal corporation, as the case may be. 1709

Notwithstanding section 4513.61 of the Revised Code, any 1710
motor vehicle meeting the requirements of divisions (C), (D), 1711
and (E) of this section which has remained unclaimed by the 1712
owner or lienholder for a period of ten days or longer following 1713
notification as provided in section 4513.61 of the Revised Code 1714
may be disposed of as provided in this section. 1715

Sec. 4513.64. (A) No person shall willfully leave an 1716
abandoned junk motor vehicle as defined in section 4513.63 of 1717
the Revised Code on private property for more than seventy-two 1718
hours without the permission of the person having the right to 1719
the possession of the property, or on a public street or other 1720
property open to the public for purposes of vehicular travel or 1721
parking, or upon or within the right-of-way of any road or 1722
highway, for forty-eight hours or longer without notification to 1723
the sheriff of the county or chief of ~~police~~ a law enforcement 1724
agency of the municipal corporation, township, port authority, 1725
conservancy district, or township or joint police district of 1726
the reasons for leaving the motor vehicle in such place. 1727

For purposes of this section, the fact that a motor 1728
vehicle has been so left without permission or notification is 1729

prima-facie evidence of abandonment. 1730

Nothing contained in sections 4513.60, 4513.61, and 1731
4513.63 of the Revised Code shall invalidate the provisions of 1732
municipal ordinances or township resolutions regulating or 1733
prohibiting the abandonment of motor vehicles on streets, 1734
highways, public property, or private property within municipal 1735
corporations or townships. 1736

(B) Whoever violates this section is guilty of a minor 1737
misdemeanor and shall also be assessed any costs incurred by the 1738
county, township, joint police district, port authority, 1739
conservancy district, or municipal corporation in disposing of 1740
the abandoned junk motor vehicle that is the basis of the 1741
violation, less any money accruing to the county, township, 1742
joint police district, port authority, conservancy district, or 1743
municipal corporation from this disposal of the vehicle. 1744

Sec. 4513.65. (A) For purposes of this section, "junk 1745
motor vehicle" means any motor vehicle meeting the requirements 1746
of divisions (B), (C), (D), and (E) of section 4513.63 of the 1747
Revised Code that is left uncovered in the open on private 1748
property for more than seventy-two hours with the permission of 1749
the person having the right to the possession of the property, 1750
except if the person is operating a junk yard or scrap metal 1751
processing facility licensed under authority of sections 4737.05 1752
to 4737.12 of the Revised Code, or regulated under authority of 1753
a political subdivision; or if the property on which the motor 1754
vehicle is left is not subject to licensure or regulation by any 1755
governmental authority, unless the person having the right to 1756
the possession of the property can establish that the motor 1757
vehicle is part of a bona fide commercial operation; or if the 1758
motor vehicle is a collector's vehicle. 1759

No political subdivision shall prevent a person from 1760
storing or keeping, or restrict a person in the method of 1761
storing or keeping, any collector's vehicle on private property 1762
with the permission of the person having the right to the 1763
possession of the property; except that a political subdivision 1764
may require a person having such permission to conceal, by means 1765
of buildings, fences, vegetation, terrain, or other suitable 1766
obstruction, any unlicensed collector's vehicle stored in the 1767
open. 1768

The sheriff of a county, or chief of ~~police~~ a law 1769
enforcement agency of a municipal corporation or port authority, 1770
or conservancy district within the sheriff's or chief's 1771
respective territorial jurisdiction, a state highway patrol 1772
trooper, a board of township trustees, the legislative authority 1773
of a municipal corporation or port authority, or the zoning 1774
authority of a township or a municipal corporation, may send 1775
notice, by certified mail with return receipt requested, to the 1776
person having the right to the possession of the property on 1777
which a junk motor vehicle is left, that within ten days of 1778
receipt of the notice, the junk motor vehicle either shall be 1779
covered by being housed in a garage or other suitable structure, 1780
or shall be removed from the property. 1781

No person shall willfully leave a junk motor vehicle 1782
uncovered in the open for more than ten days after receipt of a 1783
notice as provided in this section. The fact that a junk motor 1784
vehicle is so left is prima-facie evidence of willful failure to 1785
comply with the notice, and each subsequent period of thirty 1786
days that a junk motor vehicle continues to be so left 1787
constitutes a separate offense. 1788

(B) Whoever violates this section is guilty of a minor 1789

misdemeanor. 1790

Sec. 4513.66. (A) If a motor vehicle accident occurs on 1791
any highway, public street, or other property open to the public 1792
for purposes of vehicular travel and if any motor vehicle, 1793
cargo, or personal property that has been damaged or spilled as 1794
a result of the motor vehicle accident is blocking the highway, 1795
street, or other property or is otherwise endangering public 1796
safety, a public safety official may do either of the following 1797
without the consent of the owner but with the approval of the 1798
law enforcement agency conducting any investigation of the 1799
accident: 1800

(1) Remove, or order the removal of, the motor vehicle if 1801
the motor vehicle is unoccupied, cargo, or personal property 1802
from the portion of the highway, public street, or property 1803
ordinarily used for vehicular travel on the highway, public 1804
street, or other property open to the public for purposes of 1805
vehicular travel. 1806

(2) If the motor vehicle is a commercial motor vehicle, 1807
allow the owner or operator of the vehicle the opportunity to 1808
arrange for the removal of the motor vehicle within a period of 1809
time specified by the public safety official. If the public 1810
safety official determines that the motor vehicle cannot be 1811
removed within the specified period of time, the public safety 1812
official shall remove or order the removal of the motor vehicle. 1813

(B) (1) Except as provided in division (B) (2) of this 1814
section, the department of transportation, any employee of the 1815
department of transportation, or a public safety official who 1816
authorizes or participates in the removal of any unoccupied 1817
motor vehicle, cargo, or personal property as authorized by 1818
division (A) of this section, regardless of whether the removal 1819

is executed by a private towing service, is not liable for civil 1820
damages for any injury, death, or loss to person or property 1821
that results from the removal of that unoccupied motor vehicle, 1822
cargo, or personal property. Further, except as provided in 1823
division (B) (2) of this section, if a public safety official 1824
authorizes, employs, or arranges to have a private towing 1825
service remove any unoccupied motor vehicle, cargo, or personal 1826
property as authorized by division (A) of this section, that 1827
private towing service is not liable for civil damages for any 1828
injury, death, or loss to person or property that results from 1829
the removal of that unoccupied motor vehicle, cargo, or personal 1830
property. 1831

(2) Division (B) (1) of this section does not apply to any 1832
of the following: 1833

(a) Any person or entity involved in the removal of an 1834
unoccupied motor vehicle, cargo, or personal property pursuant 1835
to division (A) of this section if that removal causes or 1836
contributes to the release of a hazardous material or to 1837
structural damage to the roadway; 1838

(b) A private towing service that was not authorized, 1839
employed, or arranged by a public safety official to remove an 1840
unoccupied motor vehicle, cargo, or personal property under this 1841
section; 1842

(c) Except as provided in division (B) (2) (d) of this 1843
section, a private towing service that was authorized, employed, 1844
or arranged by a public safety official to perform the removal 1845
of the unoccupied motor vehicle, cargo, or personal property but 1846
the private towing service performed the removal in a negligent 1847
manner; 1848

(d) A private towing service that was authorized, 1849
employed, or arranged by a public safety official to perform the 1850
removal of the unoccupied motor vehicle, cargo, or personal 1851
property that was endangering public safety but the private 1852
towing service performed the removal in a reckless manner. 1853

(C) As used in this section: 1854

(1) "Public safety official" means any of the following: 1855

(a) The sheriff of the county, or the chief of ~~police~~a 1856
law enforcement agency in the municipal corporation, township, 1857
port authority, conservancy district, or township or joint 1858
police district, in which the accident occurred; 1859

(b) A state highway patrol trooper; 1860

(c) The chief of the fire department having jurisdiction 1861
where the accident occurred; 1862

(d) A duly authorized subordinate acting on behalf of an 1863
official specified in divisions (C) (1) (a) to (c) of this 1864
section. 1865

(2) "Hazardous material" has the same meaning as in 1866
section 2305.232 of the Revised Code. 1867

Sec. 4513.69. (A) A storage facility shall ensure that the 1868
facility remains open during both of the following periods of 1869
time to allow a vehicle owner or lienholder to retrieve a 1870
vehicle in the possession of the storage facility: 1871

(1) Any time during which a towing service is towing a 1872
vehicle pursuant to section 4513.601 of the Revised Code and the 1873
vehicle will be held by the storage facility; 1874

(2) Between nine o'clock in the morning and noon on the 1875

day after any day during which the storage facility accepted for 1876
storage a vehicle towed under section 4513.60, 4513.601, or 1877
4513.61 of the Revised Code. 1878

(B) (1) A storage facility that accepts for storage 1879
vehicles towed under section 4513.60, 4513.601, or 4513.61 of 1880
the Revised Code shall ensure that a notice is conspicuously 1881
posted at the entrance to the storage facility that states the 1882
telephone number at which the owner or lienholder of a vehicle 1883
may contact the owner or a representative of the storage 1884
facility for the purpose of determining whether the person may 1885
retrieve a vehicle or personal items when the storage facility 1886
is closed. The storage facility also shall provide that 1887
telephone number to the sheriff of a county or chief of ~~police~~a 1888
law enforcement agency of a municipal corporation, township, 1889
port authority, conservancy district, or township or joint 1890
police district. The storage facility shall ensure that a 1891
process is in place for purposes of answering calls at all times 1892
day or night. 1893

(2) After receiving a call from the owner or lienholder of 1894
a vehicle who seeks to recover a vehicle that was towed pursuant 1895
to section 4513.601 of the Revised Code, the storage facility 1896
shall ensure that, within three hours of receiving the phone 1897
call, a representative of the storage facility is available to 1898
release the vehicle upon being presented with proof of ownership 1899
of the vehicle, which may be evidenced by a certificate of title 1900
to the vehicle, a certificate of registration for the motor 1901
vehicle, or a lease agreement, and payment of an after-hours 1902
vehicle retrieval fee established under section 4921.25 of the 1903
Revised Code along with all other applicable fees. 1904

(3) If a storage facility receives a call from a person 1905

who seeks to recover personal items from a vehicle that was 1906
towed pursuant to section 4513.60 or 4513.61 of the Revised Code 1907
and the storage facility is not open to the public, the storage 1908
facility shall notify the person that an after-hours retrieval 1909
fee applies and shall state the amount of the fee as established 1910
by the public utilities commission in rules adopted under 1911
section 4921.25 of the Revised Code. The storage facility shall 1912
allow the person to retrieve personal items in accordance with 1913
division (D) (2) of section 4513.60 or division (C) (2) of section 1914
4513.61 of the Revised Code, but shall not charge an after-hours 1915
retrieval fee unless notice is provided in accordance with this 1916
division. 1917

(C) No storage facility shall fail to comply with division 1918
(A) or (B) of this section. 1919

Sec. 4707.02. (A) No person shall act as an auction firm 1920
or auctioneer within this state without a license issued by the 1921
department of agriculture. No auction shall be conducted in this 1922
state except by an auctioneer licensed by the department. 1923

Except as provided in division (D) of this section, the 1924
department shall not issue or renew a license if the applicant 1925
or licensee has been convicted of a felony or crime involving 1926
fraud or theft in this or another state at any time during the 1927
ten years immediately preceding application or renewal. 1928

(B) Division (A) of this section does not apply to any of 1929
the following: 1930

(1) Sales at auction that either are required by law to be 1931
at auction, other than sales pursuant to a judicial order or 1932
decree, or are conducted by or under the direction of a public 1933
authority; 1934

(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;	1935 1936 1937
(3) An auction mediation company;	1938
(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;	1939 1940 1941 1942
(5) (a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction;	1943 1944 1945 1946 1947 1948 1949 1950 1951
(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c) (3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B) (5) (b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.	1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962
(c) Sales at an auction sponsored by an organization that	1963

is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;

(9) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.

<u>(10) A person who, in any calendar year, sells not more</u>	1993
<u>than ten thousand dollars of personal property via an auction</u>	1994
<u>mediation company if both of the following apply:</u>	1995
<u>(a) The auction mediation company specifically provides a</u>	1996
<u>fraud protection or money-back guarantee to the buyer of the</u>	1997
<u>property being sold;</u>	1998
<u>(b) The person is either selling the property of another</u>	1999
<u>and does not receive any compensation for such sale, or the</u>	2000
<u>person is selling the person's own personal property.</u>	2001
(C) (1) No person shall advertise or hold oneself out as an	2002
auction firm or auctioneer without a license issued by the	2003
department of agriculture.	2004
(2) Division (C) (1) of this section does not apply to an	2005
individual who is the subject of an advertisement regarding an	2006
auction conducted under division (B) (5) (b) of this section.	2007
(D) The department shall not refuse to issue a license to	2008
an applicant because of a criminal conviction unless the refusal	2009
is in accordance with section 9.79 of the Revised Code.	2010
Sec. 4928.01. (A) As used in this chapter:	2011
(1) "Ancillary service" means any function necessary to	2012
the provision of electric transmission or distribution service	2013
to a retail customer and includes, but is not limited to,	2014
scheduling, system control, and dispatch services; reactive	2015
supply from generation resources and voltage control service;	2016
reactive supply from transmission resources service; regulation	2017
service; frequency response service; energy imbalance service;	2018
operating reserve-spinning reserve service; operating reserve-	2019
supplemental reserve service; load following; back-up supply	2020
service; real-power loss replacement service; dynamic	2021

scheduling; system black start capability; and network stability service. 2022
2023

(2) "Billing and collection agent" means a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility company, cooperative, or aggregator. 2024
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(3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code. 2033
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(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section. 2036
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(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company. 2039
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(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 2045
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(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent 2048
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that it consumes electricity it so produces, sells that 2051
electricity for resale, or obtains electricity from a generating 2052
facility it hosts on its premises. 2053

(8) "Electric load center" has the same meaning as in 2054
section 4933.81 of the Revised Code. 2055

(9) "Electric services company" means an electric light 2056
company that is engaged on a for-profit or not-for-profit basis 2057
in the business of supplying or arranging for the supply of only 2058
a competitive retail electric service in this state. "Electric 2059
services company" includes a power marketer, power broker, 2060
aggregator, or independent power producer but excludes an 2061
electric cooperative, municipal electric utility, governmental 2062
aggregator, or billing and collection agent. 2063

(10) "Electric supplier" has the same meaning as in 2064
section 4933.81 of the Revised Code. 2065

(11) "Electric utility" means an electric light company 2066
that has a certified territory and is engaged on a for-profit 2067
basis either in the business of supplying a noncompetitive 2068
retail electric service in this state or in the businesses of 2069
supplying both a noncompetitive and a competitive retail 2070
electric service in this state. "Electric utility" excludes a 2071
municipal electric utility or a billing and collection agent. 2072

(12) "Firm electric service" means electric service other 2073
than nonfirm electric service. 2074

(13) "Governmental aggregator" means a legislative 2075
authority of a municipal corporation, a board of township 2076
trustees, or a board of county commissioners acting as an 2077
aggregator for the provision of a competitive retail electric 2078
service under authority conferred under section 4928.20 of the 2079

Revised Code. 2080

(14) A person acts "knowingly," regardless of the person's 2081
purpose, when the person is aware that the person's conduct will 2082
probably cause a certain result or will probably be of a certain 2083
nature. A person has knowledge of circumstances when the person 2084
is aware that such circumstances probably exist. 2085

(15) "Level of funding for low-income customer energy 2086
efficiency programs provided through electric utility rates" 2087
means the level of funds specifically included in an electric 2088
utility's rates on October 5, 1999, pursuant to an order of the 2089
public utilities commission issued under Chapter 4905. or 4909. 2090
of the Revised Code and in effect on October 4, 1999, for the 2091
purpose of improving the energy efficiency of housing for the 2092
utility's low-income customers. The term excludes the level of 2093
any such funds committed to a specific nonprofit organization or 2094
organizations pursuant to a stipulation or contract. 2095

(16) "Low-income customer assistance programs" means the 2096
percentage of income payment plan program, the home energy 2097
assistance program, the home weatherization assistance program, 2098
and the targeted energy efficiency and weatherization program. 2099

(17) "Market development period" for an electric utility 2100
means the period of time beginning on the starting date of 2101
competitive retail electric service and ending on the applicable 2102
date for that utility as specified in section 4928.40 of the 2103
Revised Code, irrespective of whether the utility applies to 2104
receive transition revenues under this chapter. 2105

(18) "Market power" means the ability to impose on 2106
customers a sustained price for a product or service above the 2107
price that would prevail in a competitive market. 2108

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the Revised Code.

(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for

industrial, distribution, commercial, institutional, 2138
governmental, research, not-for-profit, or residential energy 2139
users, including, but not limited to, advanced energy resources 2140
and renewable energy resources. "Advanced energy project" also 2141
includes any project described in division (A), (B), or (C) of 2142
section 4928.621 of the Revised Code. 2143

(26) "Regulatory assets" means the unamortized net 2144
regulatory assets that are capitalized or deferred on the 2145
regulatory books of the electric utility, pursuant to an order 2146
or practice of the public utilities commission or pursuant to 2147
generally accepted accounting principles as a result of a prior 2148
commission rate-making decision, and that would otherwise have 2149
been charged to expense as incurred or would not have been 2150
capitalized or otherwise deferred for future regulatory 2151
consideration absent commission action. "Regulatory assets" 2152
includes, but is not limited to, all deferred demand-side 2153
management costs; all deferred percentage of income payment plan 2154
arrears; post-in-service capitalized charges and assets 2155
recognized in connection with statement of financial accounting 2156
standards no. 109 (receivables from customers for income taxes); 2157
future nuclear decommissioning costs and fuel disposal costs as 2158
those costs have been determined by the commission in the 2159
electric utility's most recent rate or accounting application 2160
proceeding addressing such costs; the undepreciated costs of 2161
safety and radiation control equipment on nuclear generating 2162
plants owned or leased by an electric utility; and fuel costs 2163
currently deferred pursuant to the terms of one or more 2164
settlement agreements approved by the commission. 2165

(27) "Retail electric service" means any service involved 2166
in supplying or arranging for the supply of electricity to 2167
ultimate consumers in this state, from the point of generation 2168

to the point of consumption. For the purposes of this chapter, 2169
retail electric service includes one or more of the following 2170
"service components": generation service, aggregation service, 2171
power marketing service, power brokerage service, transmission 2172
service, distribution service, ancillary service, metering 2173
service, and billing and collection service. 2174

(28) "Starting date of competitive retail electric 2175
service" means January 1, 2001. 2176

(29) "Customer-generator" means a user of a net metering 2177
system. 2178

(30) "Net metering" means measuring the difference in an 2179
applicable billing period between the electricity supplied by an 2180
electric service provider and the electricity generated by a 2181
customer-generator that is fed back to the electric service 2182
provider. 2183

(31) "Net metering system" means a facility for the 2184
production of electrical energy that does all of the following: 2185

(a) Uses as its fuel either solar, wind, biomass, landfill 2186
gas, or hydropower, or uses a microturbine or a fuel cell; 2187

(b) Is located on a customer-generator's premises; 2188

(c) Operates in parallel with the electric utility's 2189
transmission and distribution facilities; 2190

(d) Is intended primarily to offset part or all of the 2191
customer-generator's requirements for electricity. For an 2192
industrial customer-generator with a net metering system that 2193
has a capacity of less than twenty megawatts and uses wind as 2194
energy, this means the net metering system was sized so as to 2195
not exceed one hundred per cent of the customer-generator's 2196

annual requirements for electric energy at the time of 2197
interconnection. 2198

(32) "Self-generator" means an entity in this state that 2199
owns or hosts on its premises an electric generation facility 2200
that produces electricity primarily for the owner's consumption 2201
and that may provide any such excess electricity to another 2202
entity, whether the facility is installed or operated by the 2203
owner or by an agent under a contract. 2204

(33) "Rate plan" means the standard service offer in 2205
effect on the effective date of the amendment of this section by 2206
S.B. 221 of the 127th general assembly, July 31, 2008. 2207

(34) "Advanced energy resource" means any of the 2208
following: 2209

(a) Any method or any modification or replacement of any 2210
property, process, device, structure, or equipment that 2211
increases the generation output of an electric generating 2212
facility to the extent such efficiency is achieved without 2213
additional carbon dioxide emissions by that facility; 2214

(b) Any distributed generation system consisting of 2215
customer cogeneration technology; 2216

(c) Clean coal technology that includes a carbon-based 2217
product that is chemically altered before combustion to 2218
demonstrate a reduction, as expressed as ash, in emissions of 2219
nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 2220
sulfur trioxide in accordance with the American society of 2221
testing and materials standard D1757A or a reduction of metal 2222
oxide emissions in accordance with standard D5142 of that 2223
society, or clean coal technology that includes the design 2224
capability to control or prevent the emission of carbon dioxide, 2225

which design capability the commission shall adopt by rule and 2226
shall be based on economically feasible best available 2227
technology or, in the absence of a determined best available 2228
technology, shall be of the highest level of economically 2229
feasible design capability for which there exists generally 2230
accepted scientific opinion; 2231

(d) Advanced nuclear energy technology consisting of 2232
generation III technology as defined by the nuclear regulatory 2233
commission; other, later technology; or significant improvements 2234
to existing facilities; 2235

(e) Any fuel cell used in the generation of electricity, 2236
including, but not limited to, a proton exchange membrane fuel 2237
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 2238
solid oxide fuel cell; 2239

(f) Advanced solid waste or construction and demolition 2240
debris conversion technology, including, but not limited to, 2241
advanced stoker technology, and advanced fluidized bed 2242
gasification technology, that results in measurable greenhouse 2243
gas emissions reductions as calculated pursuant to the United 2244
States environmental protection agency's waste reduction model 2245
(WARM); 2246

(g) Demand-side management and any energy efficiency 2247
improvement; 2248

(h) Any new, retrofitted, refueled, or repowered 2249
generating facility located in Ohio, including a simple or 2250
combined-cycle natural gas generating facility or a generating 2251
facility that uses biomass, coal, modular nuclear, or any other 2252
fuel as its input; 2253

(i) Any uprated capacity of an existing electric 2254

generating facility if the uprated capacity results from the 2255
deployment of advanced technology. 2256

"Advanced energy resource" does not include a waste energy 2257
recovery system that is, or has been, included in an energy 2258
efficiency program of an electric distribution utility pursuant 2259
to requirements under section 4928.66 of the Revised Code. 2260

(35) "Air contaminant source" has the same meaning as in 2261
section 3704.01 of the Revised Code. 2262

(36) "Cogeneration technology" means technology that 2263
produces electricity and useful thermal output simultaneously. 2264

(37) (a) "Renewable energy resource" means any of the 2265
following: 2266

(i) Solar photovoltaic or solar thermal energy; 2267

(ii) Wind energy; 2268

(iii) Power produced by a hydroelectric facility; 2269

(iv) Power produced by a small hydroelectric facility, 2270
which is a facility that operates, or is rated to operate, at an 2271
aggregate capacity of less than six megawatts; 2272

(v) Power produced by a run-of-the-river hydroelectric 2273
facility placed in service on or after January 1, 1980, that is 2274
located within this state, relies upon the Ohio river, and 2275
operates, or is rated to operate, at an aggregate capacity of 2276
forty or more megawatts; 2277

(vi) Geothermal energy; 2278

(vii) Fuel derived from solid wastes, as defined in 2279
section 3734.01 of the Revised Code, through fractionation, 2280
biological decomposition, or other process that does not 2281

principally involve combustion;	2282
(viii) Biomass energy;	2283
(ix) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census;	2284 2285 2286 2287 2288 2289 2290 2291 2292 2293
(x) Biologically derived methane gas;	2294
(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas;	2295 2296 2297
(xii) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors.	2298 2299 2300
"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; waste energy recovery system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, except that a waste energy	2301 2302 2303 2304 2305 2306 2307 2308 2309 2310

recovery system described in division (A) (38) (b) of this section 2311
may be included only if it was placed into service between 2312
January 1, 2002, and December 31, 2004; storage facility that 2313
will promote the better utilization of a renewable energy 2314
resource; or distributed generation system used by a customer to 2315
generate electricity from any such energy. 2316

"Renewable energy resource" does not include a waste 2317
energy recovery system that is, or was, on or after January 1, 2318
2012, included in an energy efficiency program of an electric 2319
distribution utility pursuant to requirements under section 2320
4928.66 of the Revised Code. 2321

(b) As used in division (A) (37) of this section, 2322
"hydroelectric facility" means a hydroelectric generating 2323
facility that is located at a dam on a river, or on any water 2324
discharged to a river, that is within or bordering this state or 2325
within or bordering an adjoining state and meets all of the 2326
following standards: 2327

(i) The facility provides for river flows that are not 2328
detrimental for fish, wildlife, and water quality, including 2329
seasonal flow fluctuations as defined by the applicable 2330
licensing agency for the facility. 2331

(ii) The facility demonstrates that it complies with the 2332
water quality standards of this state, which compliance may 2333
consist of certification under Section 401 of the "Clean Water 2334
Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and 2335
demonstrates that it has not contributed to a finding by this 2336
state that the river has impaired water quality under Section 2337
303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 2338
U.S.C. 1313. 2339

(iii) The facility complies with mandatory prescriptions 2340
regarding fish passage as required by the federal energy 2341
regulatory commission license issued for the project, regarding 2342
fish protection for riverine, anadromous, and catadromous fish. 2343

(iv) The facility complies with the recommendations of the 2344
Ohio environmental protection agency and with the terms of its 2345
federal energy regulatory commission license regarding watershed 2346
protection, mitigation, or enhancement, to the extent of each 2347
agency's respective jurisdiction over the facility. 2348

(v) The facility complies with provisions of the 2349
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 2350
to 1544, as amended. 2351

(vi) The facility does not harm cultural resources of the 2352
area. This can be shown through compliance with the terms of its 2353
federal energy regulatory commission license or, if the facility 2354
is not regulated by that commission, through development of a 2355
plan approved by the Ohio historic preservation office, to the 2356
extent it has jurisdiction over the facility. 2357

(vii) The facility complies with the terms of its federal 2358
energy regulatory commission license or exemption that are 2359
related to recreational access, accommodation, and facilities 2360
or, if the facility is not regulated by that commission, the 2361
facility complies with similar requirements as are recommended 2362
by resource agencies, to the extent they have jurisdiction over 2363
the facility; and the facility provides access to water to the 2364
public without fee or charge. 2365

(viii) The facility is not recommended for removal by any 2366
federal agency or agency of any state, to the extent the 2367
particular agency has jurisdiction over the facility. 2368

(c) The standards in divisions (A) (37) (b) (i) to (viii) of this section do not apply to a small hydroelectric facility under division (A) (37) (a) (iv) of this section.

(38) "Waste energy recovery system" means either of the following:

(a) A facility that generates electricity through the conversion of energy from either of the following:

(i) Exhaust heat from engines or manufacturing, industrial, commercial, or institutional sites, except for exhaust heat from a facility whose primary purpose is the generation of electricity;

(ii) Reduction of pressure in gas pipelines before gas is distributed through the pipeline, provided that the conversion of energy to electricity is achieved without using additional fossil fuels.

(b) A facility at a state institution of higher education as defined in section 3345.011 of the Revised Code that recovers waste heat from electricity-producing engines or combustion turbines and that simultaneously uses the recovered heat to produce steam, provided that the facility was placed into service between January 1, 2002, and December 31, 2004.

(39) "Smart grid" means capital improvements to an electric distribution utility's distribution infrastructure that improve reliability, efficiency, resiliency, or reduce energy demand or use, including, but not limited to, advanced metering and automation of system functions.

(40) "Combined heat and power system" means the coproduction of electricity and useful thermal energy from the same fuel source designed to achieve thermal-efficiency levels

of at least sixty per cent, with at least twenty per cent of the 2398
system's total useful energy in the form of thermal energy. 2399

(41) "Legacy generation resource" means all generating 2400
facilities owned directly or indirectly by a corporation that 2401
was formed prior to 1960 by investor-owned utilities for the 2402
original purpose of providing power to the federal government 2403
for use in the nation's defense or in furtherance of national 2404
interests, including the Ohio valley electric corporation. 2405

(42) "Prudently incurred costs related to a legacy 2406
generation resource" means costs, including deferred costs, 2407
allocated pursuant to a power agreement approved by the federal 2408
energy regulatory commission that relates to a legacy generation 2409
resource, less any revenues realized from offering the 2410
contractual commitment for the power agreement into the 2411
wholesale markets, provided that where the net revenues exceed 2412
net costs, those excess revenues shall be credited to customers. 2413
Such costs shall exclude any return on investment in common 2414
equity and, in the event of a premature retirement of a legacy 2415
generation resource, shall exclude any recovery of remaining 2416
debt. Such costs shall include any incremental costs resulting 2417
from the bankruptcy of a current or former sponsor under such 2418
power agreement or co-owner of the legacy generation resource if 2419
not otherwise recovered through a utility rate cost recovery 2420
mechanism. 2421

(43) "Green energy" means any energy generated by using an 2422
energy resource that does one or more of the following: 2423

(a) Releases reduced air pollutants, thereby reducing 2424
cumulative air emissions; 2425

(b) Is more sustainable and reliable relative to some 2426

<u>fossil fuels.</u>	2427
<u>"Green energy" includes energy generated by using natural</u>	2428
<u>gas as a resource.</u>	2429
(B) For the purposes of this chapter, a retail electric	2430
service component shall be deemed a competitive retail electric	2431
service if the service component is competitive pursuant to a	2432
declaration by a provision of the Revised Code or pursuant to an	2433
order of the public utilities commission authorized under	2434
division (A) of section 4928.04 of the Revised Code. Otherwise,	2435
the service component shall be deemed a noncompetitive retail	2436
electric service.	2437
Sec. 4928.645. (A) An electric distribution utility or	2438
electric services company may use, for the purpose of complying	2439
with the requirements under divisions (B)(1) and (2) of section	2440
4928.64 of the Revised Code, renewable energy credits any time	2441
in the five calendar years following the date of their purchase	2442
or acquisition from any entity, including, but not limited to,	2443
the following:	2444
(1) A mercantile customer;	2445
(2) An owner or operator of a hydroelectric generating	2446
facility that is located at a dam on a river, or on any water	2447
discharged to a river, that is within or bordering this state or	2448
within or bordering an adjoining state, or that produces power	2449
that can be shown to be deliverable into this state;	2450
(3) A seller of compressed natural gas that has been	2451
produced from biologically derived methane gas, provided that	2452
the seller may only provide renewable energy credits for metered	2453
amounts of gas.	2454
(B)(1) The public utilities commission shall adopt rules	2455

specifying that one unit of credit shall equal one megawatt hour 2456
of electricity derived from renewable energy resources, except 2457
that, for a generating facility of seventy-five megawatts or 2458
greater that is situated within this state and has committed by 2459
December 31, 2009, to modify or retrofit its generating unit or 2460
units to enable the facility to generate principally from 2461
biomass energy by June 30, 2013, each megawatt hour of 2462
electricity generated principally from that biomass energy shall 2463
equal, in units of credit, the product obtained by multiplying 2464
the actual percentage of biomass feedstock heat input used to 2465
generate such megawatt hour by the quotient obtained by dividing 2466
the then existing unit dollar amount used to determine a 2467
renewable energy compliance payment as provided under division 2468
(C) (2) (b) of section 4928.64 of the Revised Code by the then 2469
existing market value of one renewable energy credit, but such 2470
megawatt hour shall not equal less than one unit of credit. 2471
Renewable energy resources do not have to be converted to 2472
electricity in order to be eligible to receive renewable energy 2473
credits. The rules shall specify that, for purposes of 2474
converting the quantity of energy derived from biologically 2475
derived methane gas to an electricity equivalent, one megawatt 2476
hour equals 3,412,142 British thermal units. 2477

(2) The rules also shall provide for this state a system 2478
of registering renewable energy credits by specifying which of 2479
any generally available registries shall be used for that 2480
purpose and not by creating a registry. That selected system of 2481
registering renewable energy credits shall allow a hydroelectric 2482
generating facility to be eligible for obtaining renewable 2483
energy credits and shall allow customer-sited projects or 2484
actions the broadest opportunities to be eligible for obtaining 2485
renewable energy credits. 2486

(C) Beginning January 1, 2020, a qualifying solar resource 2487
as defined in section 3706.40 of the Revised Code is not 2488
eligible to obtain a renewable energy credit under this section 2489
for any megawatt hour for which the resource has been issued a 2490
solar energy credit under section 3706.45 of the Revised Code. 2491

(D) Except for compressed natural gas that has been 2492
produced from biologically derived methane gas, energy generated 2493
by using natural gas as a resource is not eligible to obtain a 2494
renewable energy credit under this section. 2495

Section 2. That existing sections 155.33, 913.04, 913.28, 2496
915.01, 915.03, 915.14, 915.18, 915.20, 921.26, 925.21, 925.62, 2497
3715.041, 3715.07, 3715.27, 3715.33, 3715.36, 3715.99, 3717.33, 2498
3717.52, 4505.101, 4505.104, 4513.60, 4513.601, 4513.61, 2499
4513.62, 4513.63, 4513.64, 4513.65, 4513.66, 4513.69, 4707.02, 2500
4928.01, and 4928.645 of the Revised Code are hereby repealed. 2501

Section 3. That sections 913.27, 915.04, 915.05, 915.06, 2502
915.07, 915.08, 915.19, 915.21, 925.26, 925.27, 925.28, 925.52, 2503
925.56, 925.61, 3715.14, 3715.15, 3715.16, 3715.17, 3715.18, 2504
3715.19, 3715.20, 3715.34, 3715.35, and 3715.37 of the Revised 2505
Code are hereby repealed. 2506

Section 4. (A) The Director of Agriculture shall complete 2507
the initial development and implementation of the assessment 2508
described in division (H) (1) of section 3717.33 of the Revised 2509
Code within one hundred eighty days after the effective date of 2510
this section. 2511

(B) The Director of Health shall complete the initial 2512
development and implementation of the assessment described in 2513
division (B) (1) of section 3717.52 of the Revised Code within 2514
one hundred eighty days after the effective date of this 2515

section.

2516