

_____ moved to amend as follows:

Engross the bill as directed by the commands in the amendments attached hereto, ignoring matter extraneous to those commands

INDEX

The following amendments are attached hereto:

Amendment No.	Topic
AM_134_0336-2	Commercial trailer tax
AM_134_0378	Towing law changes
AM_134_0390	Remedial driver instruction courses
AM_134_0396-1	Controlling Board transfers
AM_134_0397-1	LSC technical
AM_134_0407	Fireworks manufacturer and wholesaler licenses
AM_134_0411	Removes pavement preference provision

Amendment No.	Topic
AM_134_0413	Fire engine permits
AM_134_0416-1	Allows ODOT to request that the Controlling Board approve a reduction in flexible funding
AM_134_0439	Highway patrol increase in funding to \$50M

1 The motion was _____ agreed to.

_____ moved to amend as follows:

In line 3 of the title, after "4503.04" insert ", 4503.042"; after 1
"4503.102" insert ", 4503.103" 2

In line 33, after "4503.04" insert ", 4503.042" 3

In line 34, after "4503.102" insert ", 4503.103" 4

After line 2228, insert: 5

"Sec. 4503.042. The rates established under this section 6
apply to commercial cars, buses, trailers, and semitrailers that 7
are not subject to apportioned rates under the international 8
registration plan. 9

(A) The rates of the annual registration taxes imposed by 10
section 4503.02 of the Revised Code, based on gross vehicle 11
weight or combined gross vehicle weight, for commercial cars 12
that are not apportionable are as follows: 13

(1) For not more than two thousand pounds, forty-five 14
dollars; 15

(2) For more than two thousand but not more than six 16



thousand pounds, seventy dollars;	17
(3) For more than six thousand but not more than ten thousand pounds, eighty-five dollars;	18 19
(4) For more than ten thousand but not more than fourteen thousand pounds, one hundred five dollars;	20 21
(5) For more than fourteen thousand but not more than eighteen thousand pounds, one hundred twenty-five dollars;	22 23
(6) For more than eighteen thousand but not more than twenty-two thousand pounds, one hundred fifty dollars;	24 25
(7) For more than twenty-two thousand but not more than twenty-six thousand pounds, one hundred seventy-five dollars;	26 27
(8) For more than twenty-six thousand but not more than thirty thousand pounds, three hundred fifty-five dollars;	28 29
(9) For more than thirty thousand but not more than thirty-four thousand pounds, four hundred twenty dollars;	30 31
(10) For more than thirty-four thousand but not more than thirty-eight thousand pounds, four hundred eighty dollars;	32 33
(11) For more than thirty-eight thousand but not more than forty-two thousand pounds, five hundred forty dollars;	34 35
(12) For more than forty-two thousand but not more than forty-six thousand pounds, six hundred dollars;	36 37
(13) For more than forty-six thousand but not more than fifty thousand pounds, six hundred sixty dollars;	38 39
(14) For more than fifty thousand but not more than fifty-four thousand pounds, seven hundred twenty-five dollars;	40 41
(15) For more than fifty-four thousand but not more than	42

fifty-eight thousand pounds, seven hundred eighty-five dollars;	43
(16) For more than fifty-eight thousand but not more than sixty-two thousand pounds, eight hundred fifty-five dollars;	44 45
(17) For more than sixty-two thousand but not more than sixty-six thousand pounds, nine hundred twenty-five dollars;	46 47
(18) For more than sixty-six thousand but not more than seventy thousand pounds, nine hundred ninety-five dollars;	48 49
(19) For more than seventy thousand but not more than seventy-four thousand pounds, one thousand eighty dollars;	50 51
(20) For more than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand two hundred dollars;	52 53
(21) For more than seventy-eight thousand pounds, one thousand three hundred forty dollars.	54 55
(B) The rates of the annual registration taxes imposed by section 4503.02 of the Revised Code, based on gross vehicle weight or combined gross vehicle weight, for buses that are not apportionable are as follows:	56 57 58 59
(1) For not more than two thousand pounds, ten dollars;	60
(2) For more than two thousand but not more than six thousand pounds, forty dollars;	61 62
(3) For more than six thousand but not more than ten thousand pounds, one hundred dollars;	63 64
(4) For more than ten thousand but not more than fourteen thousand pounds, one hundred eighty dollars;	65 66
(5) For more than fourteen thousand but not more than eighteen thousand pounds, two hundred sixty dollars;	67 68

(6) For more than eighteen thousand but not more than twenty-two thousand pounds, three hundred forty dollars;	69 70
(7) For more than twenty-two thousand but not more than twenty-six thousand pounds, four hundred twenty dollars;	71 72
(8) For more than twenty-six thousand but not more than thirty thousand pounds, five hundred dollars;	73 74
(9) For more than thirty thousand but not more than thirty-four thousand pounds, five hundred eighty dollars;	75 76
(10) For more than thirty-four thousand but not more than thirty-eight thousand pounds, six hundred sixty dollars;	77 78
(11) For more than thirty-eight thousand but not more than forty-two thousand pounds, seven hundred forty dollars;	79 80
(12) For more than forty-two thousand but not more than forty-six thousand pounds, eight hundred twenty dollars;	81 82
(13) For more than forty-six thousand but not more than fifty thousand pounds, nine hundred forty dollars;	83 84
(14) For more than fifty thousand but not more than fifty-four thousand pounds, one thousand dollars;	85 86
(15) For more than fifty-four thousand but not more than fifty-eight thousand pounds, one thousand ninety dollars;	87 88
(16) For more than fifty-eight thousand but not more than sixty-two thousand pounds, one thousand one hundred eighty dollars;	89 90 91
(17) For more than sixty-two thousand but not more than sixty-six thousand pounds, one thousand two hundred seventy dollars;	92 93 94

(18) For more than sixty-six thousand but not more than seventy thousand pounds, one thousand three hundred sixty dollars;	95 96 97
(19) For more than seventy thousand but not more than seventy-four thousand pounds, one thousand four hundred fifty dollars;	98 99 100
(20) For more than seventy-four thousand but not more than seventy-eight thousand pounds, one thousand five hundred forty dollars;	101 102 103
(21) For more than seventy-eight thousand pounds, one thousand six hundred thirty dollars.	104 105
<u>(C) —(1) Except as provided in division (C) (2) of this section, the rate of the tax for each trailer and semitrailer is twenty-five dollars.</u>	106 107 108
<u>(2) Beginning on the effective date of this amendment, when an owner or lessee of a trailer or semitrailer is registering it for the first time in Ohio, the rate of the tax for that trailer or semitrailer is fifty dollars for the first year of registration. Any qualified applicant for registration that pays the fifty-dollar tax is not required to pay the tax for any subsequent registration of that trailer or semitrailer under this division.</u>	109 110 111 112 113 114 115 116
(D) If an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration, but may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require. The fee shall be in addition to	117 118 119 120 121 122 123

all other fees established by this section. A deputy registrar
shall retain fifty cents of the fee and shall transmit the
remaining amount to the registrar at the time and in the manner
provided by section 4503.10 of the Revised Code. The registrar
shall deposit all moneys received under this division into the
public safety - highway purposes fund established in section
4501.06 of the Revised Code. 124
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(E) The rates established by this section shall not apply
to any of the following: 131
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(1) Vehicles equipped, owned, and used by a charitable or
nonprofit corporation exclusively for the purpose of
administering chest x-rays or receiving blood donations; 133
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(2) Vans used principally for the transportation of
handicapped persons that have been modified by being equipped
with adaptive equipment to facilitate the movement of such
persons into and out of the vans; 136
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(3) Buses used principally for the transportation of
handicapped persons or persons sixty-five years of age or older; 140
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(4) Buses used principally for the transportation of
persons in a ridesharing arrangement; 142
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(5) Transit buses having motor power; 144

(6) Noncommercial trailers, mobile homes, or manufactured
homes." 145
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After line 2747, insert: 147

"Sec. 4503.103. (A) (1) The registrar of motor vehicles may
adopt rules to permit any person or lessee, other than a person
receiving an apportioned license plate under the international
registration plan, who owns or leases one or more motor vehicles 148
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to file a written application for registration for no more than 152
five succeeding registration years. The rules adopted by the 153
registrar may designate the classes of motor vehicles that are 154
eligible for such registration. At the time of application, all 155
annual taxes and fees shall be paid for each year for which the 156
person is registering. 157

(2) (a) The registrar shall adopt rules to permit any 158
person or lessee who owns or leases a trailer or semitrailer 159
that is subject to the tax ~~rates~~ rate prescribed in either 160
division (C) (1) or (2) of section 4503.042 of the Revised Code 161
~~for such trailers or semitrailers~~ to file a written application 162
for registration for any number of succeeding registration 163
years, including a permanent registration, for such trailers or 164
semitrailers. At 165

At the time of application, ~~all annual taxes and fees~~ 166
~~shall be paid~~ the applicant shall pay all of the following: 167

(i) As applicable, either the annual tax prescribed in 168
division (C) (1) of section 4503.042 of the Revised Code for each 169
year for which the ~~person~~ applicant is registering, provided 170
~~that~~ or the annual tax prescribed in division (C) (2) of section 171
4503.042 of the Revised Code, unless the applicant previously 172
paid the tax specified in division (C) (2) of that section for 173
the trailer or semitrailer being registered. However, an 174
applicant paying the annual tax under division (C) (1) of section 175
4503.042 of the Revised Code shall not pay more than eight times 176
the annual taxes due, regardless of the number of years for 177
which the ~~person~~ applicant is registering, ~~shall not exceed two~~ 178
~~hundred dollars. A person who registers a vehicle under division~~ 179
~~(A) (2) of this section shall pay for each year of registration~~ 180
~~the~~ 181

(ii) The additional fee established under division (C) (1) of section 4503.10 of the Revised Code for each year of registration, provided that not more than eight times the additional fee due shall be paid, regardless of the number of years for which the person applicant is registering, shall not exceed eighty eight dollars. The person also shall pay one 182
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(iii) One single deputy registrar service fee in the amount specified in division (D) of section 4503.10 of the Revised Code or one single bureau of motor vehicles service fee in the amount specified in division (G) of that section, as applicable, regardless of the number of years for which the person applicant is registering. 188
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(b) In addition, each person applicant registering a trailer or semitrailer under division (A) (2) (a) of this section shall pay any applicable local motor vehicle license tax levied under Chapter 4504. of the Revised Code for each year for which the person applicant is registering, provided that not more than eight times any such annual local taxes shall be due upon registration. 194
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(c) The period of registration for a trailer or semitrailer registered under division (A) (2) (a) of this section is exclusive to the trailer or semitrailer for which that certificate of registration is issued and is not transferable to any other trailer or semitrailer if the registration is a permanent registration. 201
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(3) Except as provided in division (A) (4) of this section, the registrar shall adopt rules to permit any person who owns a motor vehicle to file an application for registration for not more than five succeeding registration years. At the time of application, the person shall pay the annual taxes and fees for 207
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each registration year, calculated in accordance with division 212
(C) of section 4503.11 of the Revised Code. A person who is 213
registering a vehicle under division (A)(3) of this section 214
shall pay for each year of registration the additional fee 215
established under division (C)(1), (3), or (4) of section 216
4503.10 of the Revised Code, as applicable. The person shall 217
also pay the deputy registrar service fee or the bureau of motor 218
vehicles service fee equal to the amount established under 219
section 4503.038 of the Revised Code. 220

(4) Division (A)(3) of this section does not apply to a 221
person receiving an apportioned license plate under the 222
international registration plan, or the owner of a commercial 223
car used solely in intrastate commerce, or the owner of a bus as 224
defined in section 4513.50 of the Revised Code. 225

(B) No person applying for a multi-year registration under 226
division (A) of this section is entitled to a refund of any 227
taxes or fees paid. 228

(C) The registrar shall not issue to any applicant who has 229
been issued a final, nonappealable order under division (D) of 230
this section a multi-year registration or renewal thereof under 231
this division or rules adopted under it for any motor vehicle 232
that is required to be inspected under section 3704.14 of the 233
Revised Code the district of registration of which, as 234
determined under section 4503.10 of the Revised Code, is or is 235
located in the county named in the order. 236

(D) Upon receipt from the director of environmental 237
protection of a notice issued under rules adopted under section 238
3704.14 of the Revised Code indicating that an owner of a motor 239
vehicle that is required to be inspected under that section who 240
obtained a multi-year registration for the vehicle under 241

division (A) of this section or rules adopted under that 242
division has not obtained a required inspection certificate for 243
the vehicle, the registrar in accordance with Chapter 119. of 244
the Revised Code shall issue an order to the owner impounding 245
the certificate of registration and identification license 246
plates for the vehicle. The order also shall prohibit the owner 247
from obtaining or renewing a multi-year registration for any 248
vehicle that is required to be inspected under that section, the 249
district of registration of which is or is located in the same 250
county as the county named in the order during the number of 251
years after expiration of the current multi-year registration 252
that equals the number of years for which the current multi-year 253
registration was issued. 254

An order issued under this division shall require the 255
owner to surrender to the registrar the certificate of 256
registration and license plates for the vehicle named in the 257
order within five days after its issuance. If the owner fails to 258
do so within that time, the registrar shall certify that fact to 259
the county sheriff or local police officials who shall recover 260
the certificate of registration and license plates for the 261
vehicle. 262

(E) Upon the occurrence of either of the following 263
circumstances, the registrar in accordance with Chapter 119. of 264
the Revised Code shall issue to the owner a modified order 265
rescinding the provisions of the order issued under division (D) 266
of this section impounding the certificate of registration and 267
license plates for the vehicle named in that original order: 268

(1) Receipt from the director of environmental protection 269
of a subsequent notice under rules adopted under section 3704.14 270
of the Revised Code that the owner has obtained the inspection 271

certificate for the vehicle as required under those rules; 272

 (2) Presentation to the registrar by the owner of the 273
 required inspection certificate for the vehicle. 274

 (F) The owner of a motor vehicle for which the certificate 275
 of registration and license plates have been impounded pursuant 276
 to an order issued under division (D) of this section, upon 277
 issuance of a modified order under division (E) of this section, 278
 may apply to the registrar for their return. A fee of two 279
 dollars and fifty cents shall be charged for the return of the 280
 certificate of registration and license plates for each vehicle 281
 named in the application." 282

 In line 7912, after "4503.04" insert ", 4503.042"; after "4503.102" 283
 insert ", 4503.103" 284

 After line 8608, insert: 285

"Section 755.20. (A) Beginning on the effective date of 286
 this section through July 1, 2022, the Registrar of Motor 287
 Vehicles shall collect all of the following information: 288

 (1) The number of trailer and semitrailer registrations 289
 under division (C) (2) of section 4503.042 of the Revised Code; 290

 (2) The number of trailer and semitrailer registrations 291
 under division (A) (2) of section 4503.103 of the Revised Code 292
 when the annual registration tax rate is the rate specified by 293
 division (C) (2) of section 4503.042 of the Revised Code; 294

 (3) The number of trailer and semitrailer registrations as 295
 described in divisions (A) (1) and (2) of this section that are 296
 registered by a person or entity that is located or based in 297
 Ohio; 298

 (4) The number of trailer and semitrailer registrations as 299

described in divisions (A)(1) and (2) of this section when the
trailer or semitrailer was most recently registered in another
state or that constitutes a new registration made by a person or
entity that is otherwise located or was previously located in
another state;

(5) The total number of trailers and semitrailers
registered in Ohio under either section 4503.042 or 4503.103 of
the Revised Code.

(B) Not later than September 15, 2022, the Registrar shall
provide a report to the Governor, the President of the Senate,
the Speaker of the House of Representatives, and the Director of
the Legislative Service Commission that provides the information
collected under division (A) of this section."

The motion was _____ agreed to.

SYNOPSIS

Commercial trailer and semitrailer registration 314

R.C. 4503.042 and 4503.103; Section 755.20 315

Establishes a one-time \$50 registration tax for the first
year of registration for any commercial trailer or semitrailer
when the owner or lessee of a trailer or semitrailer is
registering it for the first time in Ohio.

Retains the annual \$25 registration tax for all other
commercial trailers and semitrailers previously registered in
Ohio by the current owner or lessee.

Makes conforming changes to the multi-year and permanent registration options for commercial trailers and semitrailers to account for the changes referenced above.	323
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Requires the Registrar of Motor Vehicles to collect all of the following information from the effective date of the new tax rate until July 1, 2022:	326
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	328
1. The number of trailers and semitrailers that register under the new registration tax rate (either as an annual, multi-year, or permanent registration);	329
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	331
2. Whether each person or entity registering the trailer or the semitrailer under the new registration tax rate is located or based in Ohio or another state; and	332
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3. The total number of trailer and semitrailer registrations in Ohio.	335
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Requires the Registrar to provide a report detailing the information described above to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Director of the Legislative Service Commission by September 15, 2022.	337
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moved to amend as follows:

In line 12 of the title, after "4505.06" insert ", 4505.101,
4505.103" 1

In line 15 of the title, after "4511.751" insert ", 4513.601,
4513.61, 4513.611" 2

In line 41, after "4505.06" insert ", 4505.101, 4505.103" 3

In line 43, after "4511.751" insert ", 4513.601, 4513.61, 4513.611" 4

After line 5654, insert: 5

"Sec. 4505.101. (A) (1) Any repair garage or place of
storage in which a motor vehicle with a value of less than three
thousand five hundred dollars has been left unclaimed for
fifteen days or more following completion of the requested
repair or the agreed term of storage shall send by certified
mail, return receipt requested, a notice to remove the motor
vehicle to the last known address of any owner and any
lienholder of the motor vehicle a notice to remove the motor
vehicle. The repair garage or place of storage shall send the
notice by certified or express mail with return receipt 6



requested, by certified mail with electronic tracking, or by a 18
commercial carrier service utilizing any form of delivery 19
requiring a signed receipt. In order to identify any owner or 20
lienholder, prior to sending a notice, the repair garage or 21
place of storage shall cause a search to be made of the records 22
of the bureau of motor vehicles an applicable entity listed in 23
division (F) (1) of section 4513.601 of the Revised Code. Any 24
notice to a lienholder shall state where the motor vehicle is 25
located and the value of the vehicle. If the person who 26
requested the repair or who agreed to the storage of the motor 27
vehicle is not the owner or a lienholder of the motor vehicle as 28
indicated in the title records of the bureau, the repair garage 29
or place of storage also shall notify the sheriff of the county 30
or the police department of the municipal corporation, township, 31
port authority, or township or joint police district in which 32
the repair garage or place of storage is located that the repair 33
garage or place of storage is in possession of the vehicle. 34

(2) The repair garage or place of storage may obtain a 35
certificate of title to the motor vehicle if all of the 36
following apply: 37

(a) The motor vehicle remains unclaimed by any owner or 38
lienholder of the vehicle for fifteen days after the mailing of 39
all the required notices notice. 40

(b) For ~~each~~ the notice, the repair garage or place of 41
storage has either received the signed receipt ~~from the~~ 42
~~certified mail~~ or has been notified that the delivery was not 43
possible. Unless the lienholder claims the motor vehicle within 44
fifteen days from the mailing of the notice, the lienholder's 45
lien is invalid. 46

(c) An agent of the repair garage or place of storage that 47

mailed the notice executes an affidavit, in a form established 48
by the registrar of motor vehicles by rule, affirming that all 49
of the requirements of this section necessary to authorize the 50
issuance of a certificate of title for the motor vehicle have 51
been met. The affidavit shall set forth an itemized statement of 52
the value of the motor vehicle; the length of time that the 53
motor vehicle has remained unclaimed; that a notice to remove 54
the vehicle has been mailed to any titled owner or lienholder ~~by~~ 55
~~certified mail, return receipt requested in a manner authorized~~ 56
~~by division (A)(1) of this section; and that a search of the~~ 57
~~title records of the bureau of motor vehicles has been made in~~ 58
accordance with division (A)(1) of this section. 59

(B) A towing service or storage facility that is in 60
possession of a vehicle may obtain a certificate of title to the 61
vehicle as provided in division (C) of this section if all of 62
the following apply: 63

(1) The vehicle was towed under division (B) of section 64
4513.601 of the Revised Code. 65

(2) The vehicle has a value of less than three thousand 66
five hundred dollars. 67

(3) The vehicle has been left unclaimed for sixty days 68
after the date the earliest notice required by division ~~(F)(1)~~ 69
~~(F)~~ of section 4513.601 of the Revised Code is received, as 70
evidenced by a receipt signed by any person, or the towing 71
service or storage facility has been notified that the delivery 72
was not possible. 73

(4) An agent of the towing service or storage facility 74
executes an affidavit, in a form established by the registrar of 75
motor vehicles by rule, affirming that all of the requirements 76

of this section necessary to authorize the issuance of a 77
certificate of title for the motor vehicle have been met. The 78
affidavit shall set forth an itemized statement of the value of 79
the motor vehicle; that notices to remove the vehicle have been 80
mailed to the owner and any lienholder as required under 81
division (F) of section 4513.601 of the Revised Code; the length 82
of time that the motor vehicle has remained unclaimed after the 83
date the earliest notice required under division (F) of section 84
4513.601 of the Revised Code was received or the towing service 85
or storage facility was notified that delivery was not possible; 86
and that a search of the records of the ~~bureau of motor vehicles~~ 87
applicable entity has been made for outstanding liens on the 88
motor vehicle. 89

(C) (1) The clerk of courts shall issue a certificate of 90
title, free and clear of all liens and encumbrances as follows: 91

(a) To a repair garage or place of storage that presents 92
an affidavit that complies with all of the requirements of 93
division (A) of this section; 94

(b) To a towing service or storage facility that presents 95
an affidavit in compliance with division (B) of this section. 96

(2) A repair garage or place of storage may use the 97
process established under division (A) of this section in order 98
to take title to a motor vehicle even if the person who 99
requested the repair or who agreed to the storage of the motor 100
vehicle is not the owner or a lienholder of the motor vehicle as 101
indicated in the title records of the bureau of motor vehicles. 102

(3) Upon receipt of the certificate of title, a repair 103
garage or place of storage, or a towing service or storage 104
facility, shall pay to the clerk of courts the value of the 105

motor vehicle minus both of the following:	106
(a) If the motor vehicle was towed by the party seeking title to the motor vehicle under this section, a towing fee;	107
(b) Storage fees for the period of time the vehicle was stored without payment.	109
The clerk of courts shall deposit any money received under this section into the county general fund.	111
(D) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both.	113
(E) As used in this section:	116
(1) "Repair garage or place of storage" means any business with which a person entered into an agreement for the repair of a motor vehicle or any business with which a person entered into an agreement for the storage of a motor vehicle.	117
(2) "Towing service or storage facility" means any for-hire motor carrier that removes a motor vehicle under the authority of section 4513.601 of the Revised Code and any place to which such a for-hire motor carrier delivers a motor vehicle towed under that section.	121
(3) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under division (C) of this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus both of the following:	126
(a) The estimated cost of repairs to restore the motor vehicle to the wholesale value for that make and model of motor vehicle;	131

(b) The cost of any agreed-upon repairs.	134
Sec. 4505.103. (A) As used in this section:	135
(1) "Authorized entity" means any business with which a person entered into an agreement for the repair of a motor vehicle, any for-hire motor carrier that tows motor vehicles, or any place to which such a for-hire motor carrier delivers a towed motor vehicle for storage.	136 137 138 139 140
(2) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.	141 142
(3) "Scrap metal processing facility" has the same meaning as in section 4737.05 of the Revised Code.	143 144
(4) "Value" means the wholesale value for that make and model of motor vehicle at the time an affidavit is submitted under this section, as provided in a vehicle valuation guide that is generally available and recognized by the motor vehicle industry, minus all of the following:	145 146 147 148 149
(a) The estimated cost of repairs to restore the motor vehicle to the wholesale value for that make and model of motor vehicle;	150 151 152
(b) If the motor vehicle was towed by the party seeking title to the motor vehicle under this section, a towing fee;	153 154
(c) Storage fees for the period of time that the vehicle was stored without payment, up to a maximum of thirty days of storage fees.	155 156 157
(B) (1) An authorized entity may obtain a salvage certificate of title to a motor vehicle in the possession of the authorized entity for purposes of disposing of the motor vehicle through a motor vehicle salvage dealer or a scrap metal	158 159 160 161

processing facility if all of the following apply to the motor	162
vehicle:	163
(a) The motor vehicle has a value of less than one	164
thousand five hundred dollars.	165
(b) The motor vehicle is inoperable.	166
(c) The motor vehicle is impossible to restore for highway	167
operation.	168
(2) In order to obtain a salvage certificate of title to a	169
motor vehicle, the authorized entity shall cause a search to be	170
made of the records of the bureau of motor vehicles an	171
<u>applicable entity listed in division (F) (1) of section 4503.601</u>	172
<u>of the Revised Code</u> to ascertain the identity of the owner and	173
any lienholder of the motor vehicle. The registrar of motor	174
vehicles shall ensure that such information is provided in a	175
timely manner. Within eight business days after the registrar	176
provides receiving the identity of the owner and any lienholder	177
of the motor vehicle, if the vehicle remains unclaimed, the	178
authorized entity shall send written notice to any owner and any	179
lienholder of the vehicle by certified or express mail with	180
return receipt requested, <u>by certified mail with electronic</u>	181
<u>tracking,</u> or by a commercial carrier service utilizing any form	182
of delivery requiring a signed receipt. If the motor vehicle	183
came into the possession of a towing service or storage facility	184
as a result of being towed, the notice shall include notice that	185
if the owner disputes that the motor vehicle was lawfully towed,	186
the owner may be able to file a civil action under section	187
4513.611 of the Revised Code.	188
(3) Not sooner than thirty days after the notice has been	189
received, as evidenced by a receipt signed by any person, or the	190

authorized entity has been notified that the delivery was not 191
possible, an agent of the authorized entity may complete and 192
sign an affidavit, on a form prescribed by the registrar of 193
motor vehicles, attesting that the motor vehicle qualifies for 194
disposal under this section and that all of the requirements of 195
this section have been complied with. The affidavit shall 196
include the make and model of the motor vehicle; the vehicle 197
identification number if available; an itemized statement of the 198
value of the motor vehicle; a description of the damage to the 199
motor vehicle; the length of time that the motor vehicle has 200
remained unclaimed; that a notice to remove the motor vehicle 201
has been mailed to any titled owner or lienholder by certified 202
or express mail with return receipt requested, by certified mail 203
with electronic tracking, or by a commercial carrier service 204
utilizing any form of delivery requiring a signed receipt; and 205
that a search of the title records of the bureau of motor 206
vehicles—has been made for outstanding liens on the motor 207
vehicle. The authorized entity also shall photograph the motor 208
vehicle to substantiate the determination that the value of the 209
motor vehicle is less than one thousand five hundred dollars. 210

(C) An agent of the authorized entity may present the 211
affidavit along with the photographs, an application for a 212
salvage certificate of title, and a fee of four dollars to the 213
clerk of courts. Upon receipt of a properly executed application 214
and the required fee and documents, the clerk of courts shall 215
issue a salvage certificate of title to the motor vehicle, on a 216
form prescribed by the registrar, and shall mark the certificate 217
of title with the words "FOR DESTRUCTION." The clerk shall 218
retain a record of the issuance of the salvage certificate of 219
title and all accompanying documentation in the automated title 220
processing system for not less than ten years. The clerk shall 221

deposit the four-dollar fee into the certificate of title 222
administration fund established under section 325.33 of the 223
Revised Code. 224

A salvage certificate of title issued under this section 225
is free and clear of all liens and shall be used solely for 226
purposes of disposing of the vehicle through a motor vehicle 227
salvage dealer or a scrap metal processing facility. No motor 228
vehicle for which a certificate of title has been issued under 229
this section shall be used for anything except parts and scrap 230
metal. 231

(D) At the time of disposal, the authorized entity shall 232
deliver the salvage certificate of title to the motor vehicle 233
salvage dealer or scrap metal processing facility for its 234
records. Any money arising from the disposal of the motor 235
vehicle may be retained by the authorized entity." 236

After line 7036, insert: 237

"Sec. 4513.601. (A) The owner of a private property may 238
establish a private tow-away zone, but may do so only if all of 239
the following conditions are satisfied: 240

(1) The owner of the private property posts on the 241
property a sign, that is at least eighteen inches by twenty-four 242
inches in size, that is visible from all entrances to the 243
property, and that includes all of the following information: 244

(a) A statement that the property is a tow-away zone; 245

(b) A description of persons authorized to park on the 246
property. If the property is a residential property, the owner 247
of the private property may include on the sign a statement that 248
only tenants and guests may park in the private tow-away zone, 249

subject to the terms of the property owner. If the property is a
250 commercial property, the owner of the private property may
251 include on the sign a statement that only customers may park in
252 the private tow-away zone. In all cases, if it is not apparent
253 which persons may park in the private tow-away zone, the owner
254 of the private property shall include on the sign the address of
255 the property on which the private tow-away zone is located or
256 the name of the business that is located on the property
257 designated as a private tow-away zone.
258

(c) If the private tow-away zone is not enforceable at all
259 times, the times during which the parking restrictions are
260 enforced;
261

(d) The telephone number and the address of the place from
262 which a towed vehicle may be recovered at any time during the
263 day or night;
264

(e) A statement that the failure to recover a towed
265 vehicle may result in the loss of title to the vehicle as
266 provided in division (B) of section 4505.101 of the Revised
267 Code.
268

In order to comply with the requirements of division (A)
269 (1) of this section, the owner of a private property may modify
270 an existing sign by affixing to the existing sign stickers or an
271 addendum in lieu of replacing the sign.
272

(2) A towing service ensures that a vehicle towed under
273 this section is taken to a location from which it may be
274 recovered that complies with all of the following:
275

(a) It is located within twenty-five linear miles of the
276 location of the private tow-away zone, unless it is not
277 practicable to take the vehicle to a place of storage within
278

twenty-five linear miles. 279

(b) It is well-lighted. 280

(c) It is on or within a reasonable distance of a 281
regularly scheduled route of one or more modes of public 282
transportation, if any public transportation is available in the 283
municipal corporation or township in which the private tow-away 284
zone is located. 285

(B) (1) If a vehicle is parked on private property that is 286
established as a private tow-away zone in accordance with 287
division (A) of this section, without the consent of the owner 288
of the private property or in violation of any posted parking 289
condition or regulation, the owner of the private property may 290
cause the removal of the vehicle by a towing service. The towing 291
service shall remove the vehicle in accordance with this 292
section. The vehicle owner and the operator of the vehicle are 293
considered to have consented to the removal and storage of the 294
vehicle, to the payment of the applicable fees established by 295
the public utilities commission in rules adopted under section 296
4921.25 of the Revised Code, and to the right of a towing 297
service to obtain title to the vehicle if it remains unclaimed 298
as provided in section 4505.101 of the Revised Code. The owner 299
or lienholder of a vehicle that has been removed under this 300
section, subject to division (C) of this section, may recover 301
the vehicle in accordance with division (G) of this section. 302

(2) If a municipal corporation requires tow trucks and tow 303
truck operators to be licensed, no owner of a private property 304
located within the municipal corporation shall cause the removal 305
and storage of any vehicle pursuant to division (B) of this 306
section by an unlicensed tow truck or unlicensed tow truck 307
operator. 308

(3) No towing service shall remove a vehicle from a 309
private tow-away zone except pursuant to a written contract for 310
the removal of vehicles entered into with the owner of the 311
private property on which the private tow-away zone is located. 312

(C) If the owner or operator of a vehicle that is being 313
removed under authority of division (B) of this section arrives 314
after the vehicle has been prepared for removal, but prior to 315
its actual removal from the property, the towing service shall 316
give the vehicle owner or operator oral or written notification 317
at the time of such arrival that the vehicle owner or operator 318
may pay a fee of not more than one-half of the fee for the 319
removal of the vehicle established by the public utilities 320
commission in rules adopted under section 4921.25 of the Revised 321
Code in order to obtain release of the vehicle. That fee may be 322
paid by use of a major credit card unless the towing service 323
uses a mobile credit card processor and mobile service is not 324
available at the time of the transaction. Upon payment of that 325
fee, the towing service shall give the vehicle owner or operator 326
a receipt showing both the full amount normally assessed and the 327
actual amount received and shall release the vehicle to the 328
owner or operator. Upon its release, the owner or operator 329
immediately shall move the vehicle so that the vehicle is not 330
parked on the private property established as a private tow-away 331
zone without the consent of the owner of the private property or 332
in violation of any posted parking condition or regulation. 333

(D) (1) Prior to towing a vehicle under division (B) of 334
this section, a towing service shall make all reasonable efforts 335
to take as many photographs as necessary to evidence that the 336
vehicle is clearly parked on private property in violation of a 337
private tow-away zone established under division (A) of this 338
section. 339

The towing service shall record the time and date of the 340
photographs taken under this section. The towing service shall 341
retain the photographs and the record of the time and date, in 342
electronic or printed form, for at least thirty days after the 343
date on which the vehicle is recovered by the owner or 344
lienholder or at least two years after the date on which the 345
vehicle was towed, whichever is earlier. 346

(2) A towing service shall deliver a vehicle towed under 347
division (B) of this section to the location from which it may 348
be recovered not more than two hours after the time it was 349
removed from the private tow-away zone, unless the towing 350
service is unable to deliver the motor vehicle within two hours 351
due to an uncontrollable force, natural disaster, or other event 352
that is not within the power of the towing service. 353

(E) (1) If an owner of a private property that is 354
established as a private tow-away zone in accordance with 355
division (A) of this section causes the removal of a vehicle 356
from that property by a towing service under division (B) of 357
this section, the towing service, within two hours of removing 358
the vehicle, shall provide notice to the sheriff of the county 359
or the police department of the municipal corporation, township, 360
port authority, or township or joint police district in which 361
the property is located concerning all of the following: 362

(a) The vehicle's license number, make, model, and color; 363

(b) The location from which the vehicle was removed; 364

(c) The date and time the vehicle was removed; 365

(d) The telephone number of the person from whom the 366
vehicle may be recovered; 367

(e) The address of the place from which the vehicle may be 368
recovered. 369

(2) Each county sheriff and each chief of police of a 370
municipal corporation, township, port authority, or township or 371
joint police district shall maintain a record of any vehicle 372
removed from private property in the sheriff's or chief's 373
jurisdiction that is established as a private tow-away zone of 374
which the sheriff or chief has received notice under this 375
section. The record shall include all information submitted by 376
the towing service. The sheriff or chief shall provide any 377
information in the record that pertains to a particular vehicle 378
to a person who, either in person or pursuant to a telephone 379
call, identifies self as the owner, operator, or lienholder of 380
the vehicle and requests information pertaining to the vehicle. 381

(F) (1) When a vehicle is removed from private property in 382
accordance with this section, within three business days of the 383
removal, the towing service or storage facility from which the 384
vehicle may be recovered shall cause a search to be made of ~~the~~ 385
one of the following to ascertain the identity of the owner and 386
any lienholder of the vehicle: 387

(a) The records of the bureau of motor vehicles—to 388
~~ascertain the identity of the owner and any lienholder of the~~ 389
~~motor vehicle;~~ 390

(b) The records of any vendor or vendors, approved by the 391
registrar of motor vehicles, that are capable of providing real- 392
time access to owner and lienholder information. The registrar 393
of motor vehicles 394

The towing service or storage facility may search the 395
national motor vehicle title information system in order to 396

determine the state in which the vehicle is titled. The entity 397
that provides the record of the owner and any lienholder under 398
this division shall ensure that such information is provided in 399
a timely manner. Subject 400

(2) Subject to division ~~(F)(4)-(F)(5)~~ of this section, the 401
towing service or storage facility shall send notice to the 402
vehicle owner and any known lienholder as follows: 403

(a) Within five business days after the ~~registrar of motor~~ 404
~~vehicles~~ applicable entity provides the identity of the owner 405
and any lienholder of the motor vehicle, if the vehicle remains 406
unclaimed, to the owner's and lienholder's last known address by 407
certified or express mail with return receipt requested, by 408
certified mail with electronic tracking, or by a commercial 409
carrier service utilizing any form of delivery requiring a 410
signed receipt; 411

(b) If the vehicle remains unclaimed thirty days after the 412
first notice is sent, in the manner required under division ~~(F)~~ 413
~~(1)(a)-(F)(2)(a)~~ of this section; 414

(c) If the vehicle remains unclaimed forty-five days after 415
the first notice is sent, in the manner required under division 416
~~(F)(1)(a)-(F)(2)(a)~~ of this section. 417

~~(2)-(3)~~ Sixty days after any notice sent pursuant to 418
division ~~(F)(1)-(F)(2)~~ of this section is received, as evidenced 419
by a receipt signed by any person, or the towing service or 420
storage facility has been notified that delivery was not 421
possible, the towing service or storage facility, if authorized 422
under division (B) of section 4505.101 of the Revised Code, may 423
initiate the process for obtaining a certificate of title to the 424
motor vehicle as provided in that section. 425

<u>(3)-(4)</u> A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of section 4505.101 of the Revised Code.	426 427 428 429 430
<u>(4)-(5)</u> With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under section 4505.101 of the Revised Code, the towing service or storage facility need only comply with the initial notice required under division (F)(1)(a)-(F)(2)(a) of this section.	431 432 433 434 435 436
(G) (1) The owner or lienholder of a vehicle that is removed under division (B) of this section may reclaim it upon both of the following:	437 438 439
(a) Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;	440 441 442 443
(b) Payment of the following fees:	444
(i) All applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (F)(1)(a)-(F)(2)(a) of this section;	445 446 447 448 449 450 451 452
(ii) If notice has been sent to the owner and lienholder as described in division (F) of this section, a processing fee	453 454

of twenty-five dollars. 455

(2) A towing service or storage facility in possession of 456
a vehicle that is removed under authority of division (B) of 457
this section shall show the vehicle owner, operator, or 458
lienholder who contests the removal of the vehicle all 459
photographs taken under division (D) of this section. Upon 460
request, the towing service or storage facility shall provide a 461
copy of all photographs in the medium in which the photographs 462
are stored, whether paper, electronic, or otherwise. 463

(3) When the owner of a vehicle towed under this section 464
retrieves the vehicle, the towing service or storage facility in 465
possession of the vehicle shall give the owner written notice 466
that if the owner disputes that the motor vehicle was lawfully 467
towed, the owner may be able to file a civil action under 468
section 4513.611 of the Revised Code. 469

(4) Upon presentation of proof of ownership, which may be 470
evidenced by a certificate of title to the vehicle, a 471
certificate of registration for the motor vehicle, or a lease 472
agreement, the owner of a vehicle that is removed under 473
authority of division (B) of this section may retrieve any 474
personal items from the vehicle without retrieving the vehicle 475
and without paying any fee. The owner of the vehicle shall not 476
retrieve any personal items from a vehicle if it would endanger 477
the safety of the owner, unless the owner agrees to sign a 478
waiver of liability. For purposes of division (G)(4) of this 479
section, "personal items" do not include any items that are 480
attached to the vehicle. 481

(H) No person shall remove, or cause the removal of, any 482
vehicle from private property that is established as a private 483
tow-away zone under this section or store such a vehicle other 484

than in accordance with this section, or otherwise fail to 485
comply with any applicable requirement of this section. 486

(I) This section does not affect or limit the operation of 487
section 4513.60 or sections 4513.61 to 4613.65 of the Revised 488
Code as they relate to property other than private property that 489
is established as a private tow-away zone under division (A) of 490
this section. 491

(J) Whoever violates division (H) of this section is 492
guilty of a minor misdemeanor. 493

(K) As used in this section, "owner of a private property" 494
or "owner of the private property" includes, with respect to a 495
private property, any of the following: 496

(1) Any person who holds title to the property; 497

(2) Any person who is a lessee or sublessee with respect 498
to a lease or sublease agreement for the property; 499

(3) A person who is authorized to manage the property; 500

(4) A duly authorized agent of any person listed in 501
divisions (K) (1) to (3) of this section. 502

Sec. 4513.61. (A) The sheriff of a county or chief of 503
police of a municipal corporation, township, port authority, or 504
township or joint police district, within the sheriff's or 505
chief's respective territorial jurisdiction, or a state highway 506
patrol trooper, upon notification to the sheriff or chief of 507
police of such action and of the location of the place of 508
storage, may order into storage any motor vehicle, including an 509
abandoned junk motor vehicle as defined in section 4513.63 of 510
the Revised Code, that: 511

(1) Has come into the possession of the sheriff, chief of 512

police, or state highway patrol trooper as a result of the	513
performance of the sheriff's, chief's, or trooper's duties; or	514
(2) Has been left on a public street or other property	515
open to the public for purposes of vehicular travel, or upon or	516
within the right-of-way of any road or highway, for forty-eight	517
hours or longer without notification to the sheriff or chief of	518
police of the reasons for leaving the motor vehicle in such	519
place. However, when such a motor vehicle constitutes an	520
obstruction to traffic it may be ordered into storage	521
immediately unless either of the following applies:	522
(a) The vehicle was involved in an accident and is subject	523
to section 4513.66 of the Revised Code;	524
(b) The vehicle is a commercial motor vehicle. If the	525
vehicle is a commercial motor vehicle, the sheriff, chief of	526
police, or state highway patrol trooper shall allow the owner or	527
operator of the vehicle the opportunity to arrange for the	528
removal of the motor vehicle within a period of time specified	529
by the sheriff, chief of police, or state highway patrol	530
trooper. If the sheriff, chief of police, or state highway	531
patrol trooper determines that the vehicle cannot be removed	532
within the specified period of time, the sheriff, chief of	533
police, or state highway patrol trooper shall order the removal	534
of the vehicle.	535
Subject to division (C) of this section, the sheriff or	536
chief of police shall designate the place of storage of any	537
motor vehicle so ordered removed.	538
(B) If the sheriff, chief of police, or a state highway	539
patrol trooper issues an order under division (A) of this	540
section and arranges for the removal of a motor vehicle by a	541

towing service, the towing service shall deliver the motor 542
vehicle to the location designated by the sheriff or chief of 543
police not more than two hours after the time it is removed. 544

(C) (1) The sheriff or chief of police shall cause a search 545
to be made of ~~the records of the bureau of motor vehicles an~~ 546
applicable entity listed in division (F) (1) of section 4513.601 547
of the Revised Code to ascertain the identity of the owner and 548
any lienholder of a motor vehicle ordered into storage by the 549
sheriff or chief of police, or by a state highway patrol trooper 550
within five business days of the removal of the vehicle. Upon 551
obtaining such identity, the sheriff or chief of police shall 552
send or cause notice to be sent to the owner or lienholder at 553
the owner's or lienholder's last known address by certified or 554
express mail with return receipt requested, ~~notice that informs~~ 555
by certified mail with electronic tracking, or by a commercial 556
carrier service utilizing any form of delivery requiring a 557
signed receipt. The notice shall inform the owner or lienholder 558
that the motor vehicle will be declared a nuisance and disposed 559
of if not claimed within ten days of the date of mailing of the 560
notice. 561

(2) The owner or lienholder of the motor vehicle may 562
reclaim the motor vehicle upon payment of any expenses or 563
charges incurred in its removal and storage, and presentation of 564
proof of ownership, which may be evidenced by a certificate of 565
title or memorandum certificate of title to the motor vehicle, a 566
certificate of registration for the motor vehicle, or a lease 567
agreement. Upon presentation of proof of ownership evidenced as 568
provided above, the owner of the motor vehicle also may retrieve 569
any personal items from the vehicle without retrieving the 570
vehicle and without paying any fee. However, a towing service or 571
storage facility may charge an after-hours retrieval fee 572

established by the public utilities commission in rules adopted 573
under section 4921.25 of the Revised Code if the owner retrieves 574
the personal items after hours, unless the towing service or 575
storage facility fails to provide the notice required under 576
division (B) (3) of section 4513.69 of the Revised Code, if 577
applicable. However, the owner shall not do either of the 578
following: 579

(a) Retrieve any personal item that has been determined by 580
the sheriff, chief of police, or a state highway patrol trooper, 581
as applicable, to be necessary to a criminal investigation; 582

(b) Retrieve any personal item from a vehicle if it would 583
endanger the safety of the owner, unless the owner agrees to 584
sign a waiver of liability. 585

For purposes of division (C) (2) of this section, "personal 586
items" do not include any items that are attached to the 587
vehicle. 588

(3) If the owner or lienholder of the motor vehicle 589
reclaims it after a search of the applicable records ~~of the~~ 590
~~bureau~~ has been conducted and after notice has been sent to the 591
owner or lienholder as described in this section, and the search 592
was conducted by the place of storage, and the notice was sent 593
to the motor vehicle owner by the place of storage, the owner or 594
lienholder shall pay to the place of storage a processing fee of 595
twenty-five dollars, in addition to any expenses or charges 596
incurred in the removal and storage of the vehicle. 597

(D) If the owner or lienholder makes no claim to the motor 598
vehicle within ten days of the date of mailing of the notice, 599
and if the vehicle is to be disposed of at public auction as 600
provided in section 4513.62 of the Revised Code, the sheriff or 601

chief of police, without charge to any party, shall file with 602
the clerk of courts of the county in which the place of storage 603
is located an affidavit showing compliance with the requirements 604
of this section. Upon presentation of the affidavit, the clerk, 605
without charge, shall issue a salvage certificate of title, free 606
and clear of all liens and encumbrances, to the sheriff or chief 607
of police. If the vehicle is to be disposed of to a motor 608
vehicle salvage dealer or other facility as provided in section 609
4513.62 of the Revised Code, the sheriff or chief of police 610
shall execute in triplicate an affidavit, as prescribed by the 611
registrar of motor vehicles, describing the motor vehicle and 612
the manner in which it was disposed of, and that all 613
requirements of this section have been complied with. The 614
sheriff or chief of police shall retain the original of the 615
affidavit for the sheriff's or chief's records, and shall 616
furnish two copies to the motor vehicle salvage dealer or other 617
facility. Upon presentation of a copy of the affidavit by the 618
motor vehicle salvage dealer, the clerk of courts, within thirty 619
days of the presentation, shall issue a salvage certificate of 620
title, free and clear of all liens and encumbrances. 621

(E) Whenever a motor vehicle salvage dealer or other 622
facility receives an affidavit for the disposal of a motor 623
vehicle as provided in this section, the dealer or facility 624
shall not be required to obtain an Ohio certificate of title to 625
the motor vehicle in the dealer's or facility's own name if the 626
vehicle is dismantled or destroyed and both copies of the 627
affidavit are delivered to the clerk of courts. 628

(F) No towing service or storage facility shall fail to 629
comply with this section. 630

Sec. 4513.611. (A) As used in this section: 631

(1) "Minor violation" means any of the following:	632
(a) Failure to deliver a vehicle to the designated location within two hours after removal, unless the towing service was unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that was not within the power of the towing service, as required under division (A) (2) of section 4513.60 or division (D) (2) of section 4513.601 of the Revised Code;	633 634 635 636 637 638 639
(b) Failure to provide a receipt as required under division (B) of section 4513.60 or division (C) of section 4513.601 of the Revised Code;	640 641 642
(c) Failure to take a towed vehicle to a location that meets the requirements of division (A) (2) of section 4513.601 of the Revised Code as required under that division;	643 644 645
(d) Failure to comply with any photograph-related requirement established under division (D) (1) or (G) (2) of section 4513.601 of the Revised Code. If a court determines that a towing service or storage facility committed more than one violation of divisions (D) (1) and (G) (2) of section 4513.601 of the Revised Code with regard to the same transaction, the court shall find the towing service or storage facility liable for only one minor violation under this section.	646 647 648 649 650 651 652 653
(e) Failure to send notice to the owner and any lienholder as required under division (F) (1) (a)–(F) (2) (a) of section 4513.601 of the Revised Code;	654 655 656
(f) Failure to provide an estimate as required under section 4513.68 of the Revised Code, containing the information required under that section;	657 658 659

(g) Charging a fee that does not comply with division (C) of section 4513.68 of the Revised Code if the towing service fee is required to be reduced under that division;	660 661 662
(h) Failure to post a notice pertaining to fee limitations as required under division (D) of section 4513.68 of the Revised Code.	663 664 665
(2) "Major violation" means any of the following:	666
(a) Failure to give the owner of a vehicle, who arrives after the owner's vehicle has been prepared for removal but prior to its actual removal, notification that the owner may pay a fee of not more than one-half of the fee for the removal of the vehicle for the immediate release of the vehicle as required under division (B) of section 4513.60 or division (C) of section 4513.601 of the Revised Code;	667 668 669 670 671 672 673
(b) Failure to release a vehicle upon payment of not more than one-half of the fee for the removal of the vehicle as permitted under division (B) of section 4513.60 or division (C) of section 4513.601 of the Revised Code;	674 675 676 677
(c) Refusal to allow a vehicle owner to reclaim the owner's vehicle upon payment of the applicable fees established by the public utilities commission and presentation of proof of ownership as permitted under division (D) (1) of section 4513.60 or division (G) (1) of section 4513.601 of the Revised Code;	678 679 680 681 682
(d) Refusal to allow a vehicle owner to retrieve personal items from the owner's vehicle under circumstances in which the owner is permitted to retrieve personal items under division (D) (2) of section 4513.60 or division (G) (4) of section 4513.601 of the Revised Code;	683 684 685 686 687

(e) Failure to provide notice to the appropriate law enforcement agency within two hours of removing a vehicle as required under division (E) (1) of section 4513.601 of the Revised Code;	688 689 690 691
(f) Failure to send notice that a vehicle has been towed to the vehicle owner and any known lienholder within thirty days of removal of the vehicle from a private tow-away zone under section 4513.601 of the Revised Code. If a court determines that a towing service or storage facility committed a violation specified in division (A) (2) (f) of this section and a violation of division (A) (1) (e) of this section with regard to the same transaction, the court shall find the towing service or storage facility liable for only the major violation;	692 693 694 695 696 697 698 699 700
(g) Failure to visibly display the certificate of public convenience and necessity number as required under division (B) (1) of section 4513.67 of the Revised Code.	701 702 703
(B) (1) A vehicle owner may bring a civil action in a court of competent jurisdiction against a towing service or storage facility that commits a major or minor violation.	704 705 706
(2) If a court determines that the towing service or storage facility committed a minor violation, the court shall award the vehicle owner the following:	707 708 709
(a) If the towing service or storage facility has not committed a prior minor violation within one year of the minor violation for which the court has determined the towing service or storage facility is liable, one hundred fifty dollars.	710 711 712 713
(b) If the towing service or storage facility has committed one prior minor violation within one year of the minor violation for which the court has determined the towing service	714 715 716

or storage facility is liable, three hundred fifty dollars. 717

(c) If the towing service or storage facility has 718
committed two prior minor violations within one year of the 719
minor violation for which the court has determined the towing 720
service or storage facility is liable, the violation constitutes 721
a major violation and division (B)(3) of this section applies. 722

(d) If the towing service or storage facility has 723
committed three prior minor violations within one year of the 724
minor violation for which the court has determined the towing 725
service or storage facility is liable, one thousand five hundred 726
dollars. 727

(e) If the towing service or storage facility has 728
committed four prior minor violations within one year of the 729
minor violation for which the court has determined the towing 730
service or storage facility is liable, two thousand dollars. 731

(f) If the towing service or storage facility has 732
committed five prior minor violations within one year of the 733
minor violation for which the court has determined the towing 734
service or storage facility is liable, the violation constitutes 735
a major violation and division (B)(3) of this section applies. 736

(g) If the towing service or storage facility has 737
committed six or seven prior minor violations within one year of 738
the minor violation for which the court has determined the 739
towing service or storage facility is liable, two thousand five 740
hundred dollars. 741

(h) If the towing service or storage facility has 742
committed eight prior minor violations within one year of the 743
minor violation for which the court has determined the towing 744
service or storage facility is liable, the violation constitutes 745

a major violation and division (B) (3) of this section applies. 746

(3) If a court determines that the towing service or 747
storage facility committed a major violation, the court shall 748
award the vehicle owner the following: 749

(a) If the towing service or storage facility has not 750
committed any prior major violations within one year of the 751
major violation for which the court has determined the towing 752
service or storage facility is liable, one thousand dollars; 753

(b) If the towing service or storage facility has 754
committed one prior major violation within one year of the major 755
violation for which the court has determined the towing service 756
or storage facility is liable, two thousand five hundred 757
dollars; 758

(c) If the towing service or storage facility has 759
committed two prior major violations within one year of the 760
major violation for which the court has determined the towing 761
service or storage facility is liable, three thousand five 762
hundred dollars. In addition, the court shall order the public 763
utilities commission to revoke the towing service's or storage 764
facility's certificate of public convenience and necessity for 765
six months. The commission shall comply with the order. 766

Upon expiration of the six-month revocation under division 767
(B) (3) (c) of this section, a court shall not consider any 768
violation committed by the towing service or storage facility 769
prior to the revocation for purposes of a civil action initiated 770
after the expiration of the six-month revocation. 771

(4) If a vehicle owner brings a civil action against a 772
towing service or storage facility that alleges multiple minor 773
or major violations, the court shall award, with regard to each 774

violation for which the towing service or storage facility is 775
determined to be liable, a civil penalty as required under 776
division (B) (2) or (3) of this section. The court shall consider 777
each violation as a separate violation for purposes of 778
determining how many violations the towing service or storage 779
facility has committed within one year. 780

(5) In determining if a towing service or storage facility 781
has committed prior minor or major violations within the 782
applicable one-year period, a court shall consider only 783
violations that have been determined by a court of competent 784
jurisdiction to have been committed by the towing service or 785
storage facility. 786

(C) In addition to an award made under division (B) of 787
this section, if a court determines that a towing service or 788
storage facility committed a violation that caused actual 789
damages, the court shall award the vehicle owner three times the 790
actual damages and reasonable attorney's fees. 791

(D) A court that issues a judgment under this section 792
against a towing service or storage facility shall send a copy 793
of that judgment to the public utilities commission. The 794
commission shall provide a copy of the judgment upon request." 795

In line 7919, after "4505.06" insert ", 4505.101, 4505.103" 796

In line 7921, after "4511.751" insert ", 4513.601, 4513.61, 797
4513.611" 798

The motion was _____ agreed to.

	<u>SYNOPSIS</u>	799
Towing law changes		800
R.C. 4505.101, 4505.103, 4513.601, 4513.61, and 4513.611		801
With regards to a title search conducted by a towing service, storage facility, or law enforcement related to a towed vehicle:		802
		803
		804
Authorizes the Registrar of Motor Vehicles to select a vendor or vendors that can provide real-time access to owner and lienholder information regarding motor vehicle title (as an alternative to searching the Registrar's records).		805
		806
		807
		808
Standardizes the mechanisms by which notice may be sent to a towed vehicle's owner and lienholders as follows:		809
1. Certified or express mail with return receipt requested;		810
		811
2. Certified mail with electronic tracking (new option); or		812
		813
3. A commercial carrier service utilizing any form of delivery requiring a signed receipt.		814
		815
		816

_____ moved to amend as follows:

In line 14 of the title, after "4507.53" insert ", 4510.037" 1

In line 42, after "4507.53" insert ", 4510.037" 2

After line 6607, insert: 3

"Sec. 4510.037. (A) When the registrar of motor vehicles 4
determines that the total points charged against any person 5
under section 4510.036 of the Revised Code exceed five, the 6
registrar shall send a warning letter to the person at the 7
person's last known address by regular mail. The warning letter 8
shall list the reported violations that are the basis of the 9
points charged, list the number of points charged for each 10
violation, and outline the suspension provisions of this 11
section. 12

(B) When the registrar determines that the total points 13
charged against any person under section 4510.036 of the Revised 14
Code within any two-year period beginning on the date of the 15
first conviction within the two-year period is equal to twelve 16
or more, the registrar shall send a written notice to the person 17



at the person's last known address by regular mail. The notice
shall list the reported violations that are the basis of the
points charged, list the number of points charged for each
violation, and state that, because the total number of points
charged against the person within the applicable two-year period
is equal to twelve or more, the registrar is imposing a class D
suspension of the person's driver's or commercial driver's
license or permit or nonresident operating privileges for the
period of time specified in division (B)(4) of section 4510.02
of the Revised Code. The notice also shall state that the
suspension is effective on the twentieth day after the mailing
of the notice, unless the person files a petition appealing the
determination and suspension in the municipal court, county
court, or, if the person is under the age of eighteen, the
juvenile division of the court of common pleas in whose
jurisdiction the person resides or, if the person is not a
resident of this state, in the Franklin county municipal court
or juvenile division of the Franklin county court of common
pleas. By filing the appeal of the determination and suspension,
the person agrees to pay the cost of the proceedings in the
appeal of the determination and suspension and alleges that the
person can show cause why the person's driver's or commercial
driver's license or permit or nonresident operating privileges
should not be suspended.

(C) (1) Any person against whom at least two but less than
twelve points have been charged under section 4510.036 of the
Revised Code may enroll in a course of remedial driving
instruction that is approved by the director of public safety in
accordance with division (L) of this section. Upon the person's
completion of an approved course of remedial driving
instruction, the person may apply to the registrar on a form

prescribed by the registrar for a credit of two points on the 49
person's driving record. Upon receipt of the application and 50
proof of completion of the approved remedial driving course, the 51
registrar shall approve the two-point credit. The registrar 52
shall not approve any credits for a person who completes an 53
approved course of remedial driving instruction pursuant to a 54
judge's order under section 4510.02 of the Revised Code. 55

(2) In any three-year period, the registrar shall approve 56
only one two-point credit on a person's driving record under 57
division (C)(1) of this section. The registrar shall approve not 58
more than five two-point credits on a person's driving record 59
under division (C)(1) of this section during that person's 60
lifetime. 61

(D) When a judge of a court of record suspends a person's 62
driver's or commercial driver's license or permit or nonresident 63
operating privilege and charges points against the person under 64
section 4510.036 of the Revised Code for the offense that 65
resulted in the suspension, the registrar shall credit that 66
period of suspension against the time of any subsequent 67
suspension imposed under this section for which those points 68
were used to impose the subsequent suspension. When a United 69
States district court that has jurisdiction within this state 70
suspends a person's driver's or commercial driver's license or 71
permit or nonresident operating privileges pursuant to the 72
"Assimilative Crimes Act," 102 Stat. 4381 (1988), 18 U.S.C.A. 73
13, as amended, the district court prepares an abstract pursuant 74
to section 4510.031 of the Revised Code, and the district court 75
charges points against the person under section 4510.036 of the 76
Revised Code for the offense that resulted in the suspension, 77
the registrar shall credit the period of suspension imposed by 78
the district court against the time of any subsequent suspension 79

imposed under this section for which the points were used to 80
impose the subsequent suspension. 81

(E) The registrar, upon the written request of a licensee 82
who files a petition under division (B) of this section, shall 83
furnish the licensee a certified copy of the registrar's record 84
of the convictions and bond forfeitures of the person. This 85
record shall include the name, address, and date of birth of the 86
licensee; the name of the court in which each conviction or bail 87
forfeiture took place; the nature of the offense that was the 88
basis of the conviction or bond forfeiture; and any other 89
information that the registrar considers necessary. If the 90
record indicates that twelve points or more have been charged 91
against the person within a two-year period, it is prima-facie 92
evidence that the person is a repeat traffic offender, and the 93
registrar shall suspend the person's driver's or commercial 94
driver's license or permit or nonresident operating privilege 95
pursuant to division (B) of this section. 96

In hearing the petition and determining whether the person 97
filing the petition has shown cause why the person's driver's or 98
commercial driver's license or permit or nonresident operating 99
privilege should not be suspended, the court shall decide the 100
issue on the record certified by the registrar and any 101
additional relevant, competent, and material evidence that 102
either the registrar or the person whose license is sought to be 103
suspended submits. 104

(F) If a petition is filed under division (B) of this 105
section in a county court, the prosecuting attorney of the 106
county in which the case is pending shall represent the 107
registrar in the proceedings, except that, if the petitioner 108
resides in a municipal corporation within the jurisdiction of 109

the county court, the city director of law, village solicitor, 110
or other chief legal officer of the municipal corporation shall 111
represent the registrar in the proceedings. If a petition is 112
filed under division (B) of this section in a municipal court, 113
the registrar shall be represented in the resulting proceedings 114
as provided in section 1901.34 of the Revised Code. 115

(G) If the court determines from the evidence submitted 116
that a person who filed a petition under division (B) of this 117
section has failed to show cause why the person's driver's or 118
commercial driver's license or permit or nonresident operating 119
privileges should not be suspended, the court shall assess 120
against the person the cost of the proceedings in the appeal of 121
the determination and suspension and shall impose the applicable 122
suspension under this section or suspend all or a portion of the 123
suspension and impose any conditions upon the person that the 124
court considers proper or impose upon the person a community 125
control sanction pursuant to section 2929.15 or 2929.25 of the 126
Revised Code. If the court determines from the evidence 127
submitted that a person who filed a petition under division (B) 128
of this section has shown cause why the person's driver's or 129
commercial driver's license or permit or nonresident operating 130
privileges should not be suspended, the costs of the appeal 131
proceeding shall be paid out of the county treasury of the 132
county in which the proceedings were held. 133

(H) Any person whose driver's or commercial driver's 134
license or permit or nonresident operating privileges are 135
suspended under this section is not entitled to apply for or 136
receive a new driver's or commercial driver's license or permit 137
or to request or be granted nonresident operating privileges 138
during the effective period of the suspension. 139

(I) Upon the termination of any suspension or other
penalty imposed under this section involving the surrender of
license or permit and upon the request of the person whose
license or permit was suspended or surrendered, the registrar
shall return the license or permit to the person upon
determining that the person has complied with all provisions of
section 4510.038 of the Revised Code or, if the registrar
destroyed the license or permit pursuant to section 4510.52 of
the Revised Code, shall reissue the person's license or permit. 140
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(J) Any person whose driver's or commercial driver's
license or permit or nonresident operating privileges are
suspended as a repeat traffic offender under this section and
who, during the suspension, operates any motor vehicle upon any
public roads and highways is guilty of driving under a twelve-
point suspension, a misdemeanor of the first degree. The court
shall sentence the offender to a minimum term of three days in
jail. No court shall suspend the first three days of jail time
imposed pursuant to this division. 149
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(K) The registrar, in accordance with specific statutory
authority, may suspend the privilege of driving a motor vehicle
on the public roads and highways of this state that is granted
to nonresidents by section 4507.04 of the Revised Code. 158
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(L) (1) ~~Except as provided in division (L) (2) of this~~
~~section, any~~ Any course of remedial driving instruction the
director of public safety approves under this section shall
require its students to attend at least fifty per cent of the
course in person and the director shall not approve any course
of remedial driving instruction that permits its students to
take more than fifty per cent of the course in any other manner,
including via video teleconferencing or the internet instruction 162
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<u>in one of the following ways:</u>	170
(a) <u>Entirely in person;</u>	171
(b) <u>Any combination of in-person and video</u>	172
<u>teleconferencing or internet instruction;</u>	173
(c) <u>Entirely remote instruction via video teleconferencing</u>	174
<u>or the internet.</u>	175
(2) The director may shall approve a course of remedial	176
instruction that permits students to take the entire course via	177
video teleconferencing or the internet <u>in any of the ways</u>	178
<u>specified in division (L) (1) of this section, provided the</u>	179
<u>provider of the course is capable of meeting the instructional</u>	180
<u>standards established by the director.</u> In accordance with	181
division (C) of this section, upon receiving an application with	182
a certificate or other proof of completion of a course approved	183
under this division, the registrar shall approve the two-point	184
reduction."	185
In line 7921, after "4507.53" insert ", 4510.037"	186

The motion was _____ agreed to.

<u>SYNOPSIS</u>	187
Remedial driver instruction courses	188
R.C. 4510.037	189
Specifies that any remedial driver training course	190
approved by the Director of Public Safety must require	191
instruction in one of the following ways (rather than at least	192

50% in person and not more than 50% in any other manner, as in current law):	193
-- Entirely in-person instruction;	194
-- Any combination of in-person and video teleconferencing or internet instruction; or	195
-- Entirely remote instruction via video teleconferencing or internet instruction.	196
Requires the Director to approve a course in any instruction method described above if it is capable of meeting the instructional standards established by the Director.	197
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_____ moved to amend as follows:

In line 8176, after "Transportation" insert "and upon approval by the Controlling Board"	1 2
In line 8367, after "any" insert "other"	3
In line 8369, after "Safety" insert "and approval of the Controlling Board"	4 5
In line 8458, delete "All" and insert "Upon request of the Director of the Public Works Commission and subject to approval by the Controlling Board, all"	6 7 8
In line 8460, delete "are" and insert "may be"	9
In line 8464, after "Code" insert ", upon request of the Director of the Public Works Commission and subject to approval by the Controlling Board"	10 11 12
In line 8472, delete the second "the"	13
In line 8473, delete "Director of the Public Works Commission may request that" and insert "upon the request of the Director of the Public Works Commission and subject to approval by the Controlling Board,"	14 15 16



In line 8474, after "Management" insert "may"

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The motion was _____ agreed to.

	<u>SYNOPSIS</u>	18
Department of Transportation, Department of Public Safety, and Public Works Commission		19
and Public Works Commission		20
Sections 203.60, 205.20, and 209.20		21
Specifies that the following actions provided in temporary law also require Controlling Board approval:		22
(1) Department of Transportation transfers of cash from the Highway Operating Fund (Fund 7002) to the Highway Capital Improvement Fund (Fund 7042);		24
(2) Department of Public safety transfers of cash from the State Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) to the Security, Investigations, and Policing Fund (Fund 8400);		27
(3) Public Works Commission capital appropriations and reappropriations from the Local Transportation Improvement Fund (Fund 7052); and		31
(4) Temporary cash transfers from the Local Transportation Improvement Fund (Fund 7052) to the State Capital Improvements Fund (Fund 7038) and the Clean Ohio Conservation Fund (Fund 7056).		34
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		36
		37

Amendment No. AM_134_0397-1

Sub. H. B. No. 74

I_134_0002-2

_____ moved to amend as follows:

In line 7629, delete "rulesin" and insert "rules in"	1
In line 7926, after "4503.772" insert ", 4503.79"	2
In line 8060, delete "722422" and insert "772422"	3
In line 8103, delete "772472" and insert "777472"	4

The motion was _____ agreed to.

<u>SYNOPSIS</u>	5
Technical changes	6
R.C. 5525.26, Sections 105.01, 203.43, and 203.60	7
Makes technical changes.	8



_____ moved to amend as follows:

In line 2 of the title, after "3704.14" insert ", 3743.01, 3743.04, 1
3743.15, 3743.17, 3743.75" 2

In line 33, after "3704.14" insert ", 3743.01, 3743.04, 3743.15, 3
3743.17, 3743.75" 4

After line 499, insert: 5

"Sec. 3743.01. As used in this chapter: 6

(A) "Beer" and "intoxicating liquor" have the same 7
meanings as in section 4301.01 of the Revised Code. 8

(B) "Booby trap" means a small tube that has a string 9
protruding from both ends, that has a friction-sensitive 10
composition, and that is ignited by pulling the ends of the 11
string. 12

(C) "Cigarette load" means a small wooden peg that is 13
coated with a small quantity of explosive composition and that 14
is ignited in a cigarette. 15

(D) (1) "1.3G fireworks" means display fireworks consistent 16



with regulations of the United States department of	17
transportation as expressed using the designation "division 1.3"	18
in Title 49, Code of Federal Regulations.	19
(2) "1.4G fireworks" means consumer fireworks consistent	20
with regulations of the United States department of	21
transportation as expressed using the designation "division 1.4"	22
in Title 49, Code of Federal Regulations.	23
(E) "Controlled substance" has the same meaning as in	24
section 3719.01 of the Revised Code.	25
(F) "Fireworks" means any composition or device prepared	26
for the purpose of producing a visible or an audible effect by	27
combustion, deflagration, or detonation, except ordinary matches	28
and except as provided in section 3743.80 of the Revised Code.	29
(G) "Fireworks plant" means all buildings and other	30
structures in which the manufacturing of fireworks, or the	31
storage or sale of manufactured fireworks by a manufacturer,	32
takes place.	33
(H) "Highway" means any public street, road, alley, way,	34
lane, or other public thoroughfare.	35
(I) "Licensed exhibitor of fireworks" or "licensed	36
exhibitor" means a person licensed pursuant to sections 3743.50	37
to 3743.55 of the Revised Code.	38
(J) "Licensed manufacturer of fireworks" or "licensed	39
manufacturer" means a person licensed pursuant to sections	40
3743.02 to 3743.08 of the Revised Code.	41
(K) "Licensed wholesaler of fireworks" or "licensed	42
wholesaler" means a person licensed pursuant to sections 3743.15	43
to 3743.21 of the Revised Code.	44

(L) "List of licensed exhibitors" means the list required by division (C) of section 3743.51 of the Revised Code.	45 46
(M) "List of licensed manufacturers" means the list required by division (C) of section 3743.03 of the Revised Code.	47 48
(N) "List of licensed wholesalers" means the list required by division (C) of section 3743.16 of the Revised Code.	49 50
(O) "Manufacturing of fireworks" means the making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.	51 52 53
(P) "Navigable waters" means any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.	54 55 56 57 58 59
(Q) "Novelties and trick noisemakers" include the following items:	60 61
(1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers, and snappers;	62 63 64
(2) Snakes or glow worms;	65
(3) Smoke devices;	66
(4) Trick matches.	67
(R) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streamers	68 69 70 71

are expelled when the item is ignited.	72
(S) "Processing of fireworks" means the making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.	73 74 75 76
(T) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine, quarry, or plant.	77 78 79 80
(U) "Retail sale" or "sell at retail" means a sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.	81 82 83
(V) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.	84 85 86
(W) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.	87 88 89 90
(X) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.	91 92 93
(Y) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.	94 95 96
(Z) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no	97 98 99

more than one hundred grams of this mixture.	100
(AA) "Wholesale sale" or "sell at wholesale" means a sale of fireworks to a purchaser who intends to resell the fireworks so purchased.	101 102 103
(BB) "Licensed premises" means the real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.	104 105 106
(CC) "Licensed building" means a building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.	107 108 109 110
(DD) "Fireworks incident" means any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:	111 112 113 114
(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;	115 116 117
(2) The failure of any person to comply with any applicable requirement imposed by this chapter or any applicable rule adopted under this chapter.	118 119 120
(EE) "Discharge site" means an area immediately surrounding the mortars used to fire aerial shells.	121 122
(FF) "Fireworks incident site" means a discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a	123 124 125 126 127

fireworks incident is found. 128

(GG) "Storage location" means a single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of section 3743.04 of the Revised Code or division ~~(G)~~(F) of section 3743.17 of the Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with this chapter.

Sec. 3743.04. (A) The license of a manufacturer of fireworks is effective for one year beginning on the first day of December. The, and the state fire marshal shall issue or renew a license only on that date and at no other time. If a manufacturer of fireworks wishes to continue manufacturing fireworks at the designated fireworks plant after its then effective license expires, it shall apply no later than the first day of October for a new license pursuant to section 3743.02 of the Revised Code. The state fire marshal shall send a written notice of the expiration of its license to a licensed manufacturer at least three months before the expiration date.

(B) If, during the effective period of its licensure, a licensed manufacturer of fireworks wishes to construct, locate, or relocate any buildings or other structures on the premises of its fireworks plant, to make any structural change or renovation in any building or other structure on the premises of its fireworks plant, ~~or~~ to change the nature of its manufacturing of fireworks so as to include the processing of fireworks, or to relocate its fireworks plant to a new licensed premises, the manufacturer shall notify the state fire marshal in writing. The

state fire marshal may require a licensed manufacturer also to 158
submit documentation, including, but not limited to, plans 159
covering the proposed construction, location, relocation, 160
structural change or renovation, ~~or~~—change in manufacturing of 161
fireworks, or new licensed premises, if the state fire marshal 162
determines the documentation is necessary for evaluation 163
purposes in light of the proposed construction, location, 164
relocation, structural change or renovation, ~~or~~—change in 165
manufacturing of fireworks, or new licensed premises. 166

Upon receipt of the notification and additional 167
documentation required by the state fire marshal, the state fire 168
marshal shall inspect the existing premises of the fireworks 169
plant, or proposed new licensed premises, to determine if the 170
proposed construction, location, relocation, structural change 171
or renovation, ~~or~~—change in manufacturing of fireworks—~~conforms,~~ 172
or new licensed premises conform to sections 3743.02 to 3743.08 173
of the Revised Code and the rules adopted by the state fire 174
marshal pursuant to section 3743.05 of the Revised Code. The 175
state fire marshal shall issue a written authorization to the 176
manufacturer for the construction, location, relocation, 177
structural change or renovation, ~~or~~—change in manufacturing of 178
fireworks, or new licensed premises, if the state fire marshal 179
determines, upon the inspection and a review of submitted 180
documentation, that the construction, location, relocation, 181
structural change or renovation, ~~or~~—change in manufacturing of 182
fireworks—~~conforms,~~ or new licensed premises conform to those 183
sections and rules. Upon authorizing a change in manufacturing 184
of fireworks to include the processing of fireworks, the state 185
fire marshal shall make notations on the manufacturer's license 186
and in the list of licensed manufacturers in accordance with 187
section 3743.03 of the Revised Code. 188

On or before June 1, 1998, a licensed manufacturer shall 189
install, in every licensed building in which fireworks are 190
manufactured, stored, or displayed and to which the public has 191
access, interlinked fire detection, smoke exhaust, and smoke 192
evacuation systems that are approved by the superintendent of 193
industrial compliance, and shall comply with floor plans showing 194
occupancy load limits and internal circulation and egress 195
patterns that are approved by the state fire marshal and 196
superintendent, and that are submitted under seal as required by 197
section 3791.04 of the Revised Code. Notwithstanding section 198
3743.59 of the Revised Code, the construction and safety 199
requirements established in this division are not subject to any 200
variance, waiver, or exclusion. 201

(C) The license of a manufacturer of fireworks authorizes 202
the manufacturer to engage only in the following activities: 203

(1) The manufacturing of fireworks on the premises of the 204
fireworks plant as described in the application for licensure or 205
in the notification submitted under division (B) of this 206
section, except that a licensed manufacturer shall not engage in 207
the processing of fireworks unless authorized to do so by its 208
license. 209

(2) To possess for sale at wholesale and sell at wholesale 210
the fireworks manufactured by the manufacturer, to persons who 211
are licensed wholesalers of fireworks, to out-of-state residents 212
in accordance with section 3743.44 of the Revised Code, to 213
residents of this state in accordance with section 3743.45 of 214
the Revised Code, or to persons located in another state 215
provided the fireworks are shipped directly out of this state to 216
them by the manufacturer. A person who is licensed as a 217
manufacturer of fireworks on June 14, 1988, also may possess for 218

sale and sell pursuant to division (C) (2) of this section 219
fireworks other than those the person manufactures. The 220
possession for sale shall be on the premises of the fireworks 221
plant described in the application for licensure or in the 222
notification submitted under division (B) of this section, and 223
the sale shall be from the inside of a licensed building and 224
from no other structure or device outside a licensed building. 225
At no time shall a licensed manufacturer sell any class of 226
fireworks outside a licensed building. 227

(3) Possess for sale at retail and sell at retail the 228
fireworks manufactured by the manufacturer, other than 1.4G 229
fireworks as designated by the state fire marshal in rules 230
adopted pursuant to division (A) of section 3743.05 of the 231
Revised Code, to licensed exhibitors in accordance with sections 232
3743.50 to 3743.55 of the Revised Code, and possess for sale at 233
retail and sell at retail the fireworks manufactured by the 234
manufacturer, including 1.4G fireworks, to out-of-state 235
residents in accordance with section 3743.44 of the Revised 236
Code, to residents of this state in accordance with section 237
3743.45 of the Revised Code, or to persons located in another 238
state provided the fireworks are shipped directly out of this 239
state to them by the manufacturer. A person who is licensed as a 240
manufacturer of fireworks on June 14, 1988, may also possess for 241
sale and sell pursuant to division (C) (3) of this section 242
fireworks other than those the person manufactures. The 243
possession for sale shall be on the premises of the fireworks 244
plant described in the application for licensure or in the 245
notification submitted under division (B) of this section, and 246
the sale shall be from the inside of a licensed building and 247
from no other structure or device outside a licensed building. 248
At no time shall a licensed manufacturer sell any class of 249

fireworks outside a licensed building. 250

A licensed manufacturer of fireworks shall sell under 251
division (C) of this section only fireworks that meet the 252
standards set by the consumer product safety commission or by 253
the American fireworks standard laboratories or that have 254
received an EX number from the United States department of 255
transportation. 256

(D) The license of a manufacturer of fireworks shall be 257
protected under glass and posted in a conspicuous place on the 258
premises of the fireworks plant. Except as otherwise provided in 259
this division, the license is not transferable or assignable. ~~A~~ 260

(1) The ownership of a manufacturer of fireworks license 261
may be transferred to another person for the same fireworks 262
plant for which the license was issued, or approved pursuant to 263
division (B) of this section, if the assets of the plant are 264
transferred to that person by inheritance or by a sale approved 265
by the state fire marshal. ~~The~~ 266

(2) The license of a manufacturer of fireworks may be 267
geographically relocated in accordance with division (D) of 268
section 3743.75 of the Revised Code. 269

(3) The license is subject to revocation in accordance 270
with section 3743.08 of the Revised Code. 271

(E) The state fire marshal shall not place the license of 272
a manufacturer of fireworks in a temporarily inactive status 273
while the holder of the license is attempting to qualify to 274
retain the license. 275

(F) Each licensed manufacturer of fireworks that possesses 276
fireworks for sale and sells fireworks under division (C) of 277

section 3743.04 of the Revised Code, or a designee of the 278
manufacturer, whose identity is provided to the state fire 279
marshal by the manufacturer, annually shall attend a continuing 280
education program. The state fire marshal shall develop the 281
program and the state fire marshal or a person or public agency 282
approved by the state fire marshal shall conduct it. A licensed 283
manufacturer or the manufacturer's designee who attends a 284
program as required under this division, within one year after 285
attending the program, shall conduct in-service training as 286
approved by the state fire marshal for other employees of the 287
licensed manufacturer regarding the information obtained in the 288
program. A licensed manufacturer shall provide the state fire 289
marshal with notice of the date, time, and place of all in- 290
service training. For any program conducted under this division, 291
the state fire marshal shall, in accordance with rules adopted 292
by the state fire marshal under Chapter 119. of the Revised 293
Code, establish the subjects to be taught, the length of 294
classes, the standards for approval, and time periods for 295
notification by the licensee to the state fire marshal of any 296
in-service training. 297

(G) A licensed manufacturer shall maintain comprehensive 298
general liability insurance coverage in the amount and type 299
specified under division (B) (2) of section 3743.02 of the 300
Revised Code at all times. Each policy of insurance required 301
under this division shall contain a provision requiring the 302
insurer to give not less than fifteen days' prior written notice 303
to the state fire marshal before termination, lapse, or 304
cancellation of the policy, or any change in the policy that 305
reduces the coverage below the minimum required under this 306
division. Prior to canceling or reducing the amount of coverage 307
of any comprehensive general liability insurance coverage 308

required under this division, a licensed manufacturer shall 309
secure supplemental insurance in an amount and type that 310
satisfies the requirements of this division so that no lapse in 311
coverage occurs at any time. A licensed manufacturer who secures 312
supplemental insurance shall file evidence of the supplemental 313
insurance with the state fire marshal prior to canceling or 314
reducing the amount of coverage of any comprehensive general 315
liability insurance coverage required under this division. 316

(H) The state fire marshal shall adopt rules for the 317
expansion or contraction of a licensed premises and for approval 318
of such expansions or contractions. The boundaries of a licensed 319
premises, including any geographic expansion or contraction of 320
those boundaries, shall be approved by the state fire marshal in 321
accordance with rules the state fire marshal adopts. If the 322
licensed premises consists of more than one parcel of real 323
estate, those parcels shall be contiguous unless an exception is 324
allowed pursuant to division (I) of this section. 325

(I) (1) A licensed manufacturer may expand its licensed 326
premises within this state to include not more than two storage 327
locations that are located upon one or more real estate parcels 328
that are noncontiguous to the licensed premises as that licensed 329
premises exists on the date a licensee submits an application as 330
described below, if all of the following apply: 331

(a) The licensee submits an application to the state fire 332
marshal and an application fee of one hundred dollars per 333
storage location for which the licensee is requesting approval. 334

(b) The identity of the holder of the license remains the 335
same at the storage location. 336

(c) The storage location has received a valid certificate 337

of zoning compliance as applicable and a valid certificate of 338
occupancy for each building or structure at the storage location 339
issued by the authority having jurisdiction to issue the 340
certificate for the storage location, and those certificates 341
permit the distribution and storage of fireworks regulated under 342
this chapter at the storage location and in the buildings or 343
structures. The storage location shall be in compliance with all 344
other applicable federal, state, and local laws and regulations. 345

(d) Every building or structure located upon the storage 346
location is separated from occupied residential and 347
nonresidential buildings or structures, railroads, highways, or 348
any other buildings or structures on the licensed premises in 349
accordance with the distances specified in the rules adopted by 350
the state fire marshal pursuant to section 3743.05 of the 351
Revised Code. 352

(e) Neither the licensee nor any person holding, owning, 353
or controlling a five per cent or greater beneficial or equity 354
interest in the licensee has been convicted of or pleaded guilty 355
to a felony under the laws of this state, any other state, or 356
the United States, after September 29, 2005. 357

(f) The state fire marshal approves the application for 358
expansion. 359

(2) The state fire marshal shall approve an application 360
for expansion requested under division (I)(1) of this section if 361
the state fire marshal receives the application fee and proof 362
that the requirements of divisions (I)(1)(b) to (e) of this 363
section are satisfied. The storage location shall be considered 364
part of the original licensed premises and shall use the same 365
distinct number assigned to the original licensed premises with 366
any additional designations as the state fire marshal deems 367

necessary in accordance with section 3743.03 of the Revised 368
Code. 369

(J) (1) A licensee who obtains approval for the use of a 370
storage location in accordance with division (I) of this section 371
shall use the storage location exclusively for the following 372
activities, in accordance with division (C) of this section: 373

(a) The packaging, assembling, or storing of fireworks, 374
which shall only occur in buildings or structures approved for 375
such hazardous uses by the building code official having 376
jurisdiction for the storage location or, for 1.4G fireworks, in 377
containers or trailers approved for such hazardous uses by the 378
state fire marshal if such containers or trailers are not 379
subject to regulation by the building code adopted in accordance 380
with Chapter 3781. of the Revised Code. All such storage shall 381
be in accordance with the rules adopted by the state fire 382
marshal under division (G) of section 3743.05 of the Revised 383
Code for the packaging, assembling, and storage of fireworks. 384

(b) Distributing fireworks to other parcels of real estate 385
located on the manufacturer's licensed premises, to licensed 386
wholesalers or other licensed manufacturers in this state or to 387
similarly licensed persons located in another state or country; 388

(c) Distributing fireworks to a licensed exhibitor of 389
fireworks pursuant to a properly issued permit in accordance 390
with section 3743.54 of the Revised Code. 391

(2) A licensed manufacturer shall not engage in any sales 392
activity, including the retail sale of fireworks otherwise 393
permitted under division (C) (2) or (C) (3) of this section, or 394
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 395
the storage location approved under this section. 396

(3) A storage location may not be relocated for a minimum period of five years after the storage location is approved by the state fire marshal in accordance with division (I) of this section.	397 398 399 400
(K) The licensee shall prohibit public access to the storage location. The state fire marshal shall adopt rules to describe the acceptable measures a manufacturer shall use to prohibit access to the storage site.	401 402 403 404
Sec. 3743.15. (A) Except as provided in division (C) of this section, any person who wishes to be a wholesaler of fireworks in this state shall submit to the <u>state</u> fire marshal an application for licensure as a wholesaler of fireworks before the first day of October of each year. The application shall be submitted prior to commencement of business operations, shall be on a form prescribed by the <u>state</u> fire marshal, shall contain all information requested by the <u>state</u> fire marshal, and shall be accompanied by the license fee, fingerprints, and proof of insurance coverage described in division (B) of this section.	405 406 407 408 409 410 411 412 413 414
The <u>state</u> fire marshal shall prescribe a form for applications for licensure as a wholesaler of fireworks and make a copy of the form available, upon request, to persons who seek that licensure.	415 416 417 418
(B) An applicant for licensure as a wholesaler of fireworks shall submit with the application all of the following:	419 420 421
(1) A license fee of two thousand seven hundred fifty dollars, which the <u>state</u> fire marshal shall use to pay for fireworks safety education, training programs, and inspections. If the applicant has any storage locations approved in	422 423 424 425

accordance with division ~~(G)~~(F) of section 3743.17 of the 426
Revised Code, the applicant also shall submit a fee of one 427
hundred dollars per storage location for the inspection of each 428
storage location. 429

(2) Proof of comprehensive general liability insurance 430
coverage, specifically including fire and smoke casualty on 431
premises, in an amount not less than one million dollars for 432
each occurrence for bodily injury liability and wrongful death 433
liability at its business location. Proof of such insurance 434
coverage shall be submitted together with proof of coverage for 435
products liability on all inventory located at the business 436
location. All applicants shall submit evidence of comprehensive 437
general liability insurance coverage verified by the insurer and 438
certified as to its provision of the minimum coverage required 439
under this division. 440

(3) One set of the applicant's fingerprints or similar 441
identifying information and a set of fingerprints or similar 442
identifying information of any individual holding, owning, or 443
controlling a five per cent or greater beneficial or equity 444
interest in the applicant for the license. The state fire 445
marshal may adopt rules in accordance with Chapter 119. of the 446
Revised Code specifying the method to be used by the applicant 447
to provide the fingerprint or similar identifying information, 448
fees to be assessed by the state fire marshal to conduct such 449
background checks, and the procedures to be used by the state 450
fire marshal to verify compliance with this section. Such rules 451
may include provisions establishing the frequency that license 452
renewal applicants must update background check information 453
filed by the applicant with previous license applications and 454
provisions describing alternative forms of background check 455
information that may be accepted by the state fire marshal to 456

verify compliance with this section. 457

(C) A licensed manufacturer of fireworks is not required 458
to apply for and obtain a wholesaler of fireworks license in 459
order to engage in the wholesale sale of fireworks as authorized 460
by division (C)(2) of section 3743.04 of the Revised Code. A 461
business which is not a licensed manufacturer of fireworks may 462
engage in the wholesale and retail sale of fireworks in the same 463
manner as a licensed manufacturer of fireworks is authorized to 464
do under this chapter without the necessity of applying for and 465
obtaining a license pursuant to this section, but only if the 466
business sells the fireworks on the premises of a fireworks 467
plant covered by a license issued under section 3743.03 of the 468
Revised Code and the holder of that license owns at least a 469
majority interest in that business. However, if a licensed 470
manufacturer of fireworks wishes to engage in the wholesale sale 471
of fireworks in this state at a location other than the premises 472
of the fireworks plant described in its application for 473
licensure as a manufacturer or in a notification submitted under 474
division (B) of section 3743.04 of the Revised Code, the 475
manufacturer shall first apply for and obtain a wholesaler of 476
fireworks license before engaging in wholesale sales of 477
fireworks at the other location. 478

(D) A separate application for licensure as a wholesaler 479
of fireworks shall be submitted for each location at which a 480
person wishes to engage in wholesale sales of fireworks. 481

Sec. 3743.17. (A) The license of a wholesaler of fireworks 482
is effective for one year beginning on the first day of 483
December. The, and the state fire marshal shall issue or renew a 484
license only on that date and at no other time. If a wholesaler 485
of fireworks wishes to continue engaging in the wholesale sale 486

of fireworks at the particular location after its then effective 487
license expires, it shall apply not later than the first day of 488
October for a new license pursuant to section 3743.15 of the 489
Revised Code. The state fire marshal shall send a written notice 490
of the expiration of its license to a licensed wholesaler at 491
least three months before the expiration date. 492

(B) If, during the effective period of its licensure, a 493
licensed wholesaler of fireworks wishes to perform any 494
construction, or make any structural change or renovation, on 495
the premises on which the fireworks are sold, or to relocate its 496
sales operations to a new licensed premises, the wholesaler 497
shall notify the state fire marshal in writing. The state fire 498
marshal may require a licensed wholesaler also to submit 499
documentation, including, but not limited to, plans covering the 500
proposed construction or structural change or renovation, or 501
proposed new licensed premises, if the state fire marshal 502
determines the documentation is necessary for evaluation 503
purposes in light of the proposed constructionor, structural 504
change or renovation, or relocation. 505

Upon receipt of the notification and additional 506
documentation required by the state fire marshal, the state fire 507
marshal shall inspect the premises on which the fireworks are 508
sold, or the proposed new licensed premises, to determine if the 509
proposed constructionor, structural change or renovation, or 510
relocation conforms to sections 3743.15 to 3743.21 of the 511
Revised Code, divisions (C) (1) and (2) of section 3743.25 of the 512
Revised Code, and the rules adopted by the state fire marshal 513
pursuant to section 3743.18 of the Revised Code. The state fire 514
marshal shall issue a written authorization to the wholesaler 515
for the constructionor, structural change or renovation, or new 516
licensed premises if the state fire marshal determines, upon the 517

inspection and a review of submitted documentation, that the
constructionor, structural change or renovationconforms, or
new licensed premises conform to those sections and rules. 518
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(C) The license of a wholesaler of fireworks authorizes 521
the wholesaler to engage only in the following activities: 522

(1) Possess for sale at wholesale and sell at wholesale 523
fireworks to persons who are licensed wholesalers of fireworks, 524
to out-of-state residents in accordance with section 3743.44 of 525
the Revised Code, to residents of this state in accordance with 526
section 3743.45 of the Revised Code, or to persons located in 527
another state provided the fireworks are shipped directly out of 528
this state to them by the wholesaler. The possession for sale 529
shall be at the location described in the application for 530
licensure or in the notification submitted under division (B) of 531
this section, and the sale shall be from the inside of a 532
licensed building and from no structure or device outside a 533
licensed building. At no time shall a licensed wholesaler sell 534
any class of fireworks outside a licensed building. 535

(2) Possess for sale at retail and sell at retail 536
fireworks, other than 1.4G fireworks as designated by the state 537
fire marshal in rules adopted pursuant to division (A) of 538
section 3743.05 of the Revised Code, to licensed exhibitors in 539
accordance with sections 3743.50 to 3743.55 of the Revised Code, 540
and possess for sale at retail and sell at retail fireworks, 541
including 1.4G fireworks, to out-of-state residents in 542
accordance with section 3743.44 of the Revised Code, to 543
residents of this state in accordance with section 3743.45 of 544
the Revised Code, or to persons located in another state 545
provided the fireworks are shipped directly out of this state to 546
them by the wholesaler. The possession for sale shall be at the 547

location described in the application for licensure or in the 548
notification submitted under division (B) of this section, and 549
the sale shall be from the inside of the licensed building and 550
from no other structure or device outside this licensed 551
building. At no time shall a licensed wholesaler sell any class 552
of fireworks outside a licensed building. 553

A licensed wholesaler of fireworks shall sell under 554
division (C) of this section only fireworks that meet the 555
standards set by the consumer product safety commission or by 556
the American fireworks standard laboratories or that have 557
received an EX number from the United States department of 558
transportation. 559

(D) The license of a wholesaler of fireworks shall be 560
protected under glass and posted in a conspicuous place at the 561
location described in the application for licensure or in the 562
notification submitted under division (B) of this section. 563
Except as otherwise provided in this section, the license is not 564
transferable or assignable. ~~A~~ 565

(1) The ownership of a wholesaler of fireworks license may 566
be transferred to another person for the same location for which 567
the license was issued, or approved pursuant to division (B) of 568
this section, if the assets of the wholesaler are transferred to 569
that person by inheritance or by a sale approved by the state 570
fire marshal. The 571

(2) The license of a wholesaler of fireworks may be 572
geographically relocated in accordance with division (D) of 573
section 3743.75 of the Revised Code. 574

(3) The license is subject to revocation in accordance 575
with section 3743.21 of the Revised Code. 576

(E) The state fire marshal shall adopt rules for the 577
expansion or contraction of a licensed premises and for the 578
approval of an expansion or contraction. The boundaries of a 579
licensed premises, including any geographic expansion or 580
contraction of those boundaries, shall be approved by the state 581
fire marshal in accordance with rules the state fire marshal 582
adopts. If the licensed premises of a licensed wholesaler from 583
which the wholesaler operates consists of more than one parcel 584
of real estate, those parcels must be contiguous, unless an 585
exception is allowed pursuant to division ~~(G)~~(F) of this 586
section. 587

(F) (1) ~~Upon application by a licensed wholesaler of~~ 588
~~fireworks, a wholesaler license may be transferred from one~~ 589
~~geographic location to another within the same municipal~~ 590
~~corporation or within the unincorporated area of the same~~ 591
~~township, but only if all of the following apply:~~ 592

~~(a) The identity of the holder of the license remains the~~ 593
~~same in the new location.~~ 594

~~(b) The former location is closed prior to the opening of~~ 595
~~the new location and no fireworks business of any kind is~~ 596
~~conducted at the former location after the transfer of the~~ 597
~~license.~~ 598

~~(c) The new location has received a local certificate of~~ 599
~~zoning compliance and a local certificate of occupancy, and~~ 600
~~otherwise is in compliance with all local building regulations.~~ 601

~~(d) Every building or structure at the new location is~~ 602
~~separated from occupied residential and nonresidential buildings~~ 603
~~or structures, railroads, highways, or any other buildings or~~ 604
~~structures located on the licensed premises in accordance with~~ 605

the distances specified in the rules adopted by the fire marshal
pursuant to section 3743.18 of the Revised Code. If the licensee
fails to comply with the requirements of division (F)(1)(d) of
this section by the licensee's own act, the license at the new
location is forfeited.

(e) Neither the licensee nor any person holding, owning,
or controlling a five per cent or greater beneficial or equity
interest in the licensee has been convicted of or has pleaded
guilty to a felony under the laws of this state, any other
state, or the United States after June 30, 1997.

(f) The fire marshal approves the request for the
transfer.

(2) The new location shall comply with the requirements
specified in divisions (C)(1) and (2) of section 3743.25 of the
Revised Code whether or not the fireworks showroom at the new
location is constructed, expanded, or first begins operating on
and after June 30, 1997.

(G)(1) A licensed wholesaler may expand its licensed
premises within this state to include not more than two storage
locations that are located upon one or more real estate parcels
that are noncontiguous to the licensed premises as that licensed
premises exists on the date a licensee submits an application as
described below, if all of the following apply:

(a) The licensee submits an application to the state fire
marshal requesting the expansion and an application fee of one
hundred dollars per storage location for which the licensee is
requesting approval.

(b) The identity of the holder of the license remains the
same at the storage location.

(c) The storage location has received a valid certificate 635
of zoning compliance, as applicable, and a valid certificate of 636
occupancy for each building or structure at the storage location 637
issued by the authority having jurisdiction to issue the 638
certificate for the storage location, and those certificates 639
permit the distribution and storage of fireworks regulated under 640
this chapter at the storage location and in the buildings or 641
structures. The storage location shall be in compliance with all 642
other applicable federal, state, and local laws and regulations. 643

(d) Every building or structure located upon the storage 644
location is separated from occupied residential and 645
nonresidential buildings or structures, railroads, highways, and 646
any other buildings or structures on the licensed premises in 647
accordance with the distances specified in the rules adopted by 648
the state fire marshal pursuant to section 3743.18 of the 649
Revised Code. 650

(e) Neither the licensee nor any person holding, owning, 651
or controlling a five per cent or greater beneficial or equity 652
interest in the licensee has been convicted of or pleaded guilty 653
to a felony under the laws of this state, any other state, or 654
the United States, after September 29, 2005. 655

(f) The state fire marshal approves the application for 656
expansion. 657

(2) The state fire marshal shall approve an application 658
for expansion requested under division (G)(1)–(F)(1) of this 659
section if the state fire marshal receives the application fee 660
and proof that the requirements of divisions (G)(1)(b) to (e) 661
(F)(1)(b) to (e) of this section are satisfied. The storage 662
location shall be considered part of the original licensed 663
premises and shall use the same distinct number assigned to the 664

original licensed premises with any additional designations as 665
the state fire marshal deems necessary in accordance with 666
section 3743.16 of the Revised Code. 667

~~(H)~~ (1) (G) (1) A licensee who obtains approval for use of a 668
storage location in accordance with division ~~(G)~~ (F) of this 669
section shall use the site exclusively for the following 670
activities, in accordance with division (C) (1) of this section: 671

(a) Packaging, assembling, or storing fireworks, which 672
shall occur only in buildings or structures approved for such 673
hazardous uses by the building code official having jurisdiction 674
for the storage location or, for 1.4G fireworks, in containers 675
or trailers approved for such hazardous uses by the state fire 676
marshal if such containers or trailers are not subject to 677
regulation by the building code adopted in accordance with 678
Chapter 3781. of the Revised Code. All such storage shall be in 679
accordance with the rules adopted by the state fire marshal 680
under division (B) (4) of section 3743.18 of the Revised Code for 681
the packaging, assembling, and storage of fireworks. 682

(b) Distributing fireworks to other parcels of real estate 683
located on the wholesaler's licensed premises, to licensed 684
manufacturers or other licensed wholesalers in this state or to 685
similarly licensed persons located in another state or country; 686

(c) Distributing fireworks to a licensed exhibitor of 687
fireworks pursuant to a properly issued permit in accordance 688
with section 3743.54 of the Revised Code. 689

(2) A licensed wholesaler shall not engage in any sales 690
activity, including the retail sale of fireworks otherwise 691
permitted under division (C) (2) of this section or pursuant to 692
section 3743.44 or 3743.45 of the Revised Code, at a storage 693

location approved under this section. 694

(3) A storage location may not be relocated for a minimum 695
period of five years after the storage location is approved by 696
the state fire marshal in accordance with division ~~(G)-(F)~~ of 697
this section. 698

~~(I)-(H)~~ A licensee shall prohibit public access to all 699
storage locations it uses. The state fire marshal shall adopt 700
rules establishing acceptable measures a wholesaler shall use to 701
prohibit access to storage sites. 702

~~(J)-(I)~~ The state fire marshal shall not place the license 703
of a wholesaler of fireworks in temporarily inactive status 704
while the holder of the license is attempting to qualify to 705
retain the license. 706

~~(K)-(J)~~ Each licensed wholesaler of fireworks or a 707
designee of the wholesaler, whose identity is provided to the 708
state fire marshal by the wholesaler, annually shall attend a 709
continuing education program. The state fire marshal shall 710
develop the program and the state fire marshal or a person or 711
public agency approved by the state fire marshal shall conduct 712
it. A licensed wholesaler or the wholesaler's designee who 713
attends a program as required under this division, within one 714
year after attending the program, shall conduct in-service 715
training as approved by the state fire marshal for other 716
employees of the licensed wholesaler regarding the information 717
obtained in the program. A licensed wholesaler shall provide the 718
state fire marshal with notice of the date, time, and place of 719
all in-service training. For any program conducted under this 720
division, the state fire marshal shall, in accordance with rules 721
adopted by the state fire marshal under Chapter 119. of the 722
Revised Code, establish the subjects to be taught, the length of 723

classes, the standards for approval, and time periods for
notification by the licensee to the state fire marshal of any
in-service training. 724
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(L)-(K) A licensed wholesaler shall maintain comprehensive
general liability insurance coverage in the amount and type
specified under division (B) (2) of section 3743.15 of the
Revised Code at all times. Each policy of insurance required
under this division shall contain a provision requiring the
insurer to give not less than fifteen days' prior written notice
to the state fire marshal before termination, lapse, or
cancellation of the policy, or any change in the policy that
reduces the coverage below the minimum required under this
division. Prior to canceling or reducing the amount of coverage
of any comprehensive general liability insurance coverage
required under this division, a licensed wholesaler shall secure
supplemental insurance in an amount and type that satisfies the
requirements of this division so that no lapse in coverage
occurs at any time. A licensed wholesaler who secures
supplemental insurance shall file evidence of the supplemental
insurance with the state fire marshal prior to canceling or
reducing the amount of coverage of any comprehensive general
liability insurance coverage required under this division. 727
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Sec. 3743.75. (A) During Except as provided in division
(B) of this section, during the period beginning on June 29,
2001, and ending on December 31, 2021, the state fire marshal
shall not do any of the following: 746
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(1) Issue a license as a manufacturer of fireworks under
sections 3743.02 and 3743.03 of the Revised Code to a person for
a particular fireworks plant unless that person possessed such a
license for that fireworks plant immediately prior to June 29, 750
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2001; 754

 (2) Issue a license as a wholesaler of fireworks under 755
sections 3743.15 and 3743.16 of the Revised Code to a person for 756
a particular location unless that person possessed such a 757
license for that location immediately prior to June 29, 2001; 758

 (3) ~~Except as provided in division (B) of this section,~~ 759
~~approve~~ Approve the geographic transfer of a license as a 760
manufacturer or wholesaler of fireworks issued under this 761
chapter to any location other than a location for which a 762
license was issued under this chapter immediately prior to June 763
29, 2001. 764

 (B) Division ~~(A)(3)~~ (A) of this section does not apply to 765
~~a~~ either of the following: 766

 (1) An ownership transfer that the state fire marshal 767
approves under division (D) of section 3743.04 or division (D) 768
of section 3743.17 of the Revised Code that is consistent with 769
division (E) of this section; 770

 (2) A geographic transfer that the state fire marshal 771
approves under division ~~(F)~~ (D) ~~of this section~~ ~~3743.17 of the~~ 772
Revised Code. 773

 (C) Notwithstanding section 3743.59 of the Revised Code, 774
the prohibited activities established in divisions (A) (1) and 775
(2) of this section, geographic transfers approved pursuant to 776
division ~~(F)~~ (D) ~~of this section~~ ~~3743.17 of the Revised Code~~, 777
and nonconstruction-related matters at storage locations allowed 778
pursuant to division (I) of section 3743.04 of the Revised Code 779
or division ~~(G)~~ (F) ~~of section 3743.17 of the Revised Code~~ are 780
not subject to any variance, waiver, or exclusion. 781

(D) (1) A licensed manufacturer of fireworks or a
licensed wholesaler of fireworks may apply, on or after the
effective date of this amendment, to geographically relocate the
license to any location in the state if the license is in good
standing, as defined in division (D) (6) of this section. 782
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(2) Notwithstanding any other provisions of this chapter,
the state fire marshal shall approve the transfer if all of the
following conditions are met: 787
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(a) The identity of the holder of the license remains the
same in the new location. 790
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(b) The former licensed premises associated with the
transferred license is closed prior to the opening of the new
location and no fireworks business of any kind is conducted at
the former licensed premises associated with the transferred
license after the transfer of the license unless a separate
fireworks manufacturer or wholesaler license is or has been
issued for such location. 792
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(c) The new location has received a local certificate of
zoning compliance and all structures on the new licensed
location receive a valid certificate of occupancy, and are
otherwise in compliance with all applicable laws, rules, and
regulations, including the building code and fire code and this
chapter. 799
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(d) Every building or structure at the new location is
separated from occupied residential and nonresidential buildings
or structures, railroads, highways, or any other buildings or
structures located on the licensed premises in accordance with
the distances specified in the rules adopted by the state fire
marshal pursuant to sections 3743.05 and 3743.18 of the Revised
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<u>Code. If the licensee fails to comply with the requirements of</u>	811
<u>division (D) (2) (d) of this section by the licensee's own act,</u>	812
<u>the license at the new location is forfeited.</u>	813
<u>(e) Neither the licensee nor any person holding, owning,</u>	814
<u>or controlling a five per cent or greater beneficial or equity</u>	815
<u>interest in the licensee has been convicted of or has pleaded</u>	816
<u>guilty to a felony under the laws of this state, any other</u>	817
<u>state, or the United States after June 30, 1997.</u>	818
<u>(f) The subject license is in active status and does not</u>	819
<u>have any pending proceedings or final orders of revocation or</u>	820
<u>denial under section 3743.08 or 3743.21 of the Revised Code.</u>	821
<u>(g) The state fire marshal approves the request for the</u>	822
<u>transfer.</u>	823
<u>(h) All sales structures at the new location comply with</u>	824
<u>the requirements specified in division (C) of section 3743.25 of</u>	825
<u>the Revised Code. Each licensed premises may only contain one</u>	826
<u>sales structure. A sales structure on any licensed premises may</u>	827
<u>be converted from a representative sample showroom to a retail</u>	828
<u>sales showroom or from a retail sales showroom to a</u>	829
<u>representative sample showroom at any time in accordance with</u>	830
<u>rules established by the state fire marshal under this chapter.</u>	831
<u>(i) A completed geographic transfer application, including</u>	832
<u>the designation of the new location, is received by the state</u>	833
<u>fire marshal on or after the effective date of this amendment</u>	834
<u>but not later than December 31, 2021.</u>	835
<u>(3) All construction at the new location shall be</u>	836
<u>authorized by the state fire marshal in writing before</u>	837
<u>initiation and shall be completed not later than December 31,</u>	838
<u>2022. The state fire marshal shall issue preliminary</u>	839

construction approvals and may set conditions thereon. The state 840
fire marshal may authorize extensions of dates specified in this 841
section upon a finding of good cause based upon evidence 842
submitted by the applicant. Any final approvals of a geographic 843
transfer shall occur only after full compliance with this 844
section. 845

(4) The filing of an application to geographically 846
relocate a license and any conditional approvals issued under 847
this section do not vest in the applicant any rights to the 848
transfer. 849

(5) A licensed premises subject to this section may be 850
granted only one geographic transfer pursuant to this section 851
prior to December 31, 2021. After that date, any existing 852
license subject to this section may be geographically 853
transferred to any location within this state upon application 854
to the state fire marshal and compliance with divisions (D) (2) 855
(a) to (h) of this section. 856

(6) Notwithstanding any other section of the Revised Code, 857
the license of a licensed manufacturer of fireworks or a 858
licensed wholesaler of fireworks shall be deemed in good 859
standing for purposes of a geographic transfer if any of the 860
following applies to the license: 861

(a) The license existed immediately prior to June 29, 862
2001, and the owner of the license, including a license approved 863
for transfers of ownership subsequent to June 29, 2001, was an 864
active corporation in good standing as recognized by the 865
secretary of state of the state where the company is 866
incorporated as of December 1, 2019, or was a person, as defined 867
by section 1.59 of the Revised Code, as of December 1, 2019. 868

(b) The license existed on December 1, 1995, and the owner 869
of the license, including a license approved for changes or 870
transfers of ownership subsequent to December 1, 1995, was an 871
active corporation in good standing as recognized by the 872
secretary of state of the state where the company is 873
incorporated as of December 1, 2019, or was a person, as defined 874
by section 1.59 of the Revised Code, as of December 1, 2019. 875

(c) For transfers requested after December 31, 2021, the 876
owner of the license, including a license approved for transfers 877
of ownership subsequent to June 29, 2001, is an active 878
corporation in good standing as recognized by the secretary of 879
state of the state where the company is incorporated as of the 880
date of the application, or is a person, as defined by section 881
1.59 of the Revised Code, as of the date of application. 882

If, between December 1, 1995, and the effective date of 883
this amendment, a licensee, holding a license that has been 884
deemed to be in good standing under division (D) (6) of this 885
section, either converted the license type from a manufacturer 886
to a wholesaler or has otherwise ceased operations at its 887
licensed premises for any reason, the state fire marshal may 888
geographically transfer under this section and reissue the 889
license at the new location after full compliance with division 890
(D) (2) of this section without first issuing a license at the 891
premises where the license last existed. 892

(E) As used in division (A) of this section: 893

(1) "Person" includes any person or entity, in whatever 894
form or name, that acquires possession of a manufacturer or 895
wholesaler of fireworks license issued pursuant to this chapter 896
by transfer of possession of a license, whether that transfer 897
occurs by purchase, assignment, inheritance, bequest, stock 898

transfer, or any other type of transfer, on the condition that 899
the transfer is in accordance with division (D) of section 900
3743.04 of the Revised Code or division (D) of section 3743.17 901
of the Revised Code and is approved by the state fire marshal. 902

(2) "Particular location" includes a licensed premises 903
and, regardless of when approved, any storage location approved 904
in accordance with section 3743.04 or 3743.17 of the Revised 905
Code. 906

(3) "Such a license" includes a wholesaler of fireworks 907
license that was issued in place of a manufacturer of fireworks 908
license that existed prior to June 29, 2001, and was requested 909
to be canceled by the license holder pursuant to division (D) of 910
section 3743.03 of the Revised Code. " 911

In line 7911, after "3704.14" insert ", 3743.01, 3743.04, 3743.15, 912
3743.17, 3743.75" 913

The motion was _____ agreed to.

SYNOPSIS 914

Fireworks manufacturer and wholesaler licenses 915

**R.C. 3743.04, 3743.17, and 3743.75, with conforming 916
changes in R.C. 3743.01 and 3743.15** 917

Allows current and future fireworks manufacturer and 918
wholesaler licensees to transfer their licenses from one 919
geographic location to another upon application to, and approval 920
from, the State Fire Marshal. 921

Specifies that certain ownership transfers of fireworks 922
manufacturer and wholesaler licenses are not subject to the 923
current moratorium on new licenses if the transfer is through 924
inheritance or a sale approved by the State Fire Marshal. 925

Amendment No. AM_134_0411

Sub. H. B. No. 74

I_134_0002-2

_____ moved to amend as follows:

In line 23 of the title, delete "5525.26,"	1
In line 49, delete "5525.26,"	2
Delete lines 7628 through 7649	3

The motion was _____ agreed to.

<u>SYNOPSIS</u>	
Removes pavement preference provision	5
R.C. 5525.26	6
Removes a provision of the bill that would require the	7
Director of Transportation to adopt rules effective by January	8
1, 2022, that prevent any particular type of highway pavement	9
from receiving priority in the highway construction bidding	10
process.	11



Amendment No. AM_134_0413

Sub. H. B. No. 74

I_134_0002-2

_____ moved to amend as follows:

After line 7729, insert:

"(C) Notwithstanding section 4513.34 of the Revised Code,
for any fire engine that requires a permit, the director of
transportation or local authority shall do both of the
following:

(1) Issue the permit at no cost to the municipal,
township, or volunteer fire department;

(2) Issue a permit that expires five years after the date
of issuance."

The motion was _____ agreed to.

SYNOPSIS

Fire engine permits

R.C. 5577.045

Requires the Director of Transportation or any local	13
authority that issues a vehicle weight permit for a fire engine	14
that is not exempt from permitting under the bill to do both of	15
the following:	16
1. Issue the permit at no cost to the municipal, township,	17
or volunteer fire department;	18
2. Allow the permit to expire five years from the date of	19
issuance, rather than one year as under current law.	20

Amendment No. AM_134_0416-1

Sub. H. B. No. 74

I_134_0002-2

_____ moved to amend as follows:

In line 8060, delete "722422" and insert "772422" 1

In line 8063, after "program." insert "However, if additional 2
federal funding designated for public transportation is allocated to 3
public transit agencies in Ohio, to provide the most possible flexibility, 4
the Director of Transportation may submit a request to the Controlling 5
Board to reduce the amount designated for public transportation in this 6
section under appropriation item 772422, Highway Construction - Federal, 7
by up to \$13,000,000 in each fiscal year." 8

The motion was _____ agreed to.

SYNOPSIS

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Department of Transportation

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Section 203.43

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Modifies the provision in the bill requiring that \$33

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Legislative Service Commission

- 1 -



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million in each year in FHWA flexible funding under HOF 13
appropriation item 772422, Highway Construction - Federal, be 14
designated for public transportation statewide as follows: 15
States that if additional federal funding designated for public 16
transportation is allocated to public transit agencies in Ohio, 17
and to provide for the most possible flexibility, then the 18
Director of Transportation, may submit a request to the 19
Controlling Board to reduce the amount designated for public 20
transportation under appropriation item 772422, Highway 21
Construction - Federal, by up to \$13,000,000 in each fiscal 22
year. 23

Amendment No. AM_134_0439

Sub. H. B. No. 74

I_134_0002-2

_____ moved to amend as follows:

In line 7926, after "4503.772" insert ", 4503.79"	1
In the table on line 8332, in row C, column 4, delete "\$35,000,000" and insert "\$50,000,000"; column 5, delete "\$35,000,000" and insert "\$50,000,000"	2
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In the table on line 8332, in row D, column 4, delete "\$35,000,000" and insert "\$50,000,000"; column 5, delete "\$35,000,000" and insert "\$50,000,000"	5
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In the table on line 8332, in row AU, column 4, delete "\$680,797,879" and insert "\$695,797,879"; column 5, delete "\$679,938,405" and insert "\$694,938,405"	8
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The motion was _____ agreed to.

SYNOPSIS

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Department of Public Safety

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Legislative Service Commission

- 1 -



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Section 205.10

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Increases GRF appropriation item 761408, Highway Patrol
Operating Expenses, by \$15 million in each fiscal year, from \$35
million to \$50 million in each fiscal year.

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